North Dakota
Department of Public Instruction

Office of Special Education
Annual Report for I.D.E.A.

Dispute Resolution
July 1, 2014 – June 30, 2015

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https://www.nd.gov/dpi

If you have any questions concerning the information in this report, feel free to contact NDDPI at (701) 328-2277.
### Dispute Resolution Management History

**July 1, 2014 – June 30, 2015**

<table>
<thead>
<tr>
<th>SCHOOL YEAR</th>
<th>FIEP REQUESTS (COMPLETED)</th>
<th>MEDIATION REQUESTS (COMPLETED)</th>
<th>COMPLAINT INVESTIGATION REQUESTS (INVESTIGATED)</th>
<th>DUE PROCESS HEARING REQUESTS (DISMISSED)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/1/14 – 6/30/15</td>
<td>11 (10)</td>
<td>6 (5)</td>
<td>5 (1)</td>
<td>2 (2)</td>
</tr>
<tr>
<td>7/1/13 – 6/30/14</td>
<td>5 (2)</td>
<td>2 (0)</td>
<td>3 (1)</td>
<td>4 (4)</td>
</tr>
<tr>
<td>7/1/12 – 6/30/13</td>
<td>2</td>
<td>3</td>
<td>6 (3)</td>
<td>0</td>
</tr>
<tr>
<td>7/1/11 – 6/30/12</td>
<td>10 (5)</td>
<td>4 (3)</td>
<td>2 (0)</td>
<td>0</td>
</tr>
<tr>
<td>7/1/10 – 6/30/11</td>
<td>8 (5)</td>
<td>2 (1)</td>
<td>4 (3)</td>
<td>1 (1)</td>
</tr>
<tr>
<td>7/1/09 – 6/30/10</td>
<td>10 (8)</td>
<td>2 (0)</td>
<td>3 (2)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>7/1/08 – 6/30/09</td>
<td>7 (6)</td>
<td>1 (1)</td>
<td>1 (1)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>7/1/07 – 6/30/08</td>
<td>8 (7)</td>
<td>1 (0)</td>
<td>3 (3)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>7/01/06– 6/30/07</td>
<td>3 (3)</td>
<td>3 (3)</td>
<td>3 (3)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>7/1/05 – 6/30/06</td>
<td>4 (4)</td>
<td>3 (5)</td>
<td>8 (8)</td>
<td>2 (2)</td>
</tr>
<tr>
<td>7/1/04 – 6/30/05</td>
<td>N/A</td>
<td>4 (4)</td>
<td>3 (3)</td>
<td>1 (1)</td>
</tr>
<tr>
<td>7/1/03 – 6/30/04</td>
<td>N/A</td>
<td>1 (1)</td>
<td>11 (11)</td>
<td>0 (0)</td>
</tr>
</tbody>
</table>

#### 7/1/2014 – 6/30/2015 School Year – Dispute Resolution Summary

Eleven requests for IEP Facilitation were received:
- Ten of the eleven requests resulted in facilitated meetings and successful IEP completion.
- One request was cancelled when parties agreed to mediation instead.

Six requests for Mediation were received:
- Five mediation requests went to session and successfully resulted in agreements.
- One request was denied because student was not on an IEP.

Five requests for State Complaint Investigation were received:
- Four requests did not meet criteria for investigation.
- One request met criteria and an investigation was completed.

Two requests for Due Process Complaint were received:
- One request directed to Teacher & School Effectiveness, the child had a 504 Plan.
- One request was withdrawn by the parent.

#### 2013-14 reporting period:
- One due process requested 5/9/14, resulted in a Settlement Agreement and was dismissed 5/7/15.
- One due process requested 6/19/14, parties came to a resolution and was dismissed 8/7/14.
# REQUESTS FOR IEP FACILITATION: JULY 1, 2014 - JUNE 30, 2015
## PARENT (P) & SCHOOL (S)

<table>
<thead>
<tr>
<th>FIEP DATE REQUEST RECEIVED/FILED BY</th>
<th>ISSUES</th>
<th>MEETING DATE(S)</th>
<th>OUTCOME</th>
</tr>
</thead>
</table>
| 3/12/15 District Administrator      | 1. Present levels of educational performance (P/S)  
2. Goals (P/S)  
3. Adaptations/accommodations (P/S) | 5/13/15 | Facilitation resulted in successful completion of IEP. |
| 2/9/15 Parent (Student 1 & 2)  
& District Administrator | (Student 1 – 2/9/15 FIEP Request):  
1. Other – IWAR results (P/S)  
2. Placement (P/S)  
3. Other – Results (P/S)  
(Student 2 – 2/9/15 FIEP Request):  
1. Other – Results (P/S)  
2. Adaptations/accommodations (P/S)  
Follow-up FIEP resulted in successful completion of IEP.  
(Mediation request for student #1.) |
| 1/06/15 Parent (Student 1 & 2) | 1. Placement (P)  
2. Identification & evaluation (P)  
3. Present levels of education performance (P)  
4. Goals (P)  
5. Other – Transition, ESY to new school (P)  
6. Related services (P)  
7. Progress reporting (P)  
8. Discipline/behavior (P)  
9. Implementation of IEP (P) | N/A | Parties chose to mediate instead. |
| 12/12/14 Parent & Special Education Director | 1. Placement (P/S)  
2. Present levels of educational performance (P/S)  
3. Services (P/S)  
4. Goals (P/S)  
5. Adaptations/accommodations (P/S)  
Assistive technology (P/S)  
6. Discipline/behavior (P/S)  
7. Implementation of IEP (P/S) | 1/22/15 & 5/5/15 | Facilitation resulted in successful completion of IEP. |
### REQUESTS FOR IEP FACILITATION: JULY 1, 2014 - JUNE 30, 2015

#### PARENT (P) & SCHOOL (S)

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<thead>
<tr>
<th>FIEP DATE REQUEST RECEIVED/FILED BY</th>
<th>ISSUES</th>
<th>MEETING DATE(S)</th>
<th>OUTCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>11/06/14</strong>&lt;br&gt;Parents &amp; Special Education Director</td>
<td>1. Placement (P/S)&lt;br&gt;2. Services (P/S)&lt;br&gt;3. Adapt./accommodations (P/S)</td>
<td>12/17/14 &amp; 1/28/15 &amp; 2/4/15</td>
<td>Facilitation resulted in successful completion of IEP.</td>
</tr>
<tr>
<td><strong>9/22/14</strong>&lt;br&gt;Parent &amp; Secondary Principal</td>
<td>1. Placement (P/S)</td>
<td>10/14/14</td>
<td>Facilitation resulted in successful completion of IEP.</td>
</tr>
<tr>
<td><strong>8/11/14</strong>&lt;br&gt;Parent &amp; Secondary Principal</td>
<td>1. Placement (P/S)</td>
<td>9/5/14</td>
<td>Facilitation resulted in successful completion of IEP.</td>
</tr>
<tr>
<td><strong>7/24/14</strong>&lt;br&gt;Parent (Student 1 &amp; 2) &amp; District Superintendent</td>
<td>(Student 1 – 7/24/14 FIEP Request):&lt;br&gt;1. ESY (P/S)&lt;br&gt;2. Adaptations/accommodations (P/S)&lt;br&gt;(Student 2 – 7/24/14 FIEP Request):&lt;br&gt;1. Implementation of IEP (P/S)&lt;br&gt;2. Adaptations/accommodations (P/S)</td>
<td>9/2/14</td>
<td>Student 1 – Facilitation resulted in successful completion of IEP.&lt;br&gt;Student 2 – Facilitation resulted in successful completion of IEP.</td>
</tr>
</tbody>
</table>
## REQUESTS FOR MEDIATION: JULY 1, 2014 – JUNE 30, 2015
### PARENT (P) & SCHOOL (S)

<table>
<thead>
<tr>
<th>MEDIATION FILED BY</th>
<th>DATE FILED</th>
<th>ISSUES</th>
<th>OUTCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent</td>
<td>3/2/15</td>
<td>1. Academic concerns and support at school. (P)</td>
<td>District confirmed student was not on an IEP and did not have a disability. NDDPI did not provide mediation.</td>
</tr>
</tbody>
</table>
| Parents & Special Education Director | 2/4/15     | 1. Related services and providers (P/S)  
2. LRE (P/S)  
3. Methodology (P/S) | Mediation resulted in agreement. |
| Parent (Student 1 & 2) & Special Education Director | 1/29/15     | (Student 1 – 1/29/15 Mediation request):  
1. Communication, and trust (P)  
2. Goals, and progress (S)  
3. Placement (P)  
(Student 2 - 1/29/15 Mediation request):  
1. Communication (P)  
2. LRE (S)  
3. Services (P) | Mediation resulted in agreement. (Initially a FIEP requested, parties agreed to go to Mediation.) |
| Parent (Student 1 & 2) & Special Education Director | 12/18/14     | 1. Breakdown of communication, trust, integrity, and communication. (S/P) | Mediation resulted in agreement to allow parties to move forward. |
| Special Education Director | 12/4/14     | 1. LRE. (S)  
2. BIP (S)  
3. Related services (S)  
4. Communication between parties (S) | Mediation resulted in agreement to allow parties to move forward. |
| Parents              | 9/12/14    | 1. Parents and school disagree on eligibility for IEP vs 504. (S/P)  
2. Parents concerned with staff meeting child’s needs. (P)  
3. Disagreement on assessment and monitoring student progress. (S/P) | Mediation resulted in agreement to support student through a 504 Plan. (Initially submitted as complaint in 2013-14.) |
### COMPLAINT INVESTIGATION: JULY 1, 2014 – JUNE 30, 2015
#### PARENT (P) & SCHOOL (S)

<table>
<thead>
<tr>
<th>COMPLAINT FILED BY</th>
<th>DATE FILED</th>
<th>ALLEGATIONS</th>
<th>INVESTIGATED Y/N</th>
<th>VIOLATION Y/N</th>
<th>REPORT DATE</th>
</tr>
</thead>
</table>
| Parents            | 6/4/15     | 1. Fail to adhere to communication between school officials and affiants regarding IEP. (P)  
2. Fail to consider affiants’ concerns at the IEP meetings? (P) | NO | (Complaint did not fulfill all criteria for an investigation.) | |
| Parent             | 5/29/15    | 1. Fail to comply with the requirements to excuse a mandatory IEP team member from attending an IEP team meeting in whole or in part. (P) | YES | NO | 7/24/2015 |
| Aunt & Case Manager of Parent | 5/28/15 | 1. Protect student from abuse. (A)  
2. Fail to provide written documentation regarding suspension. (A)  
3. Fail to follow IEP Plan. (A)  
4. Fail to provide 1 on 1 aide. (A)  
5. Fail to provide transportation. (A) | NO | (Student not enrolled in public school. Complaint was forwarded to BIE.) | |
| Parents            | 4/27/15    | 1. Fail to locate, identify & evaluate (P)  
2. Fail to provide proper IEP goals (P)  
3. Fail to provide adaptations & accommodations (P) | NO | (Complainants withdrew complaint request, parties agreed to a FIEP Meeting on 5/13/15.) | |
| Legal Guardian     | 12/1/14    | 1. Fail to provide 1 to 1 aide.  
Fail to provide support on bus. (P) | NO | (Parties withdrew Complaint request & agreed to mediate on 2/4/2015.) | |
<table>
<thead>
<tr>
<th>COMPLAINT FILED BY</th>
<th>DATE FILED</th>
<th>ALLEGATIONS</th>
<th>RESOLUTION OUTCOME (DATE)</th>
<th>HEARING Y/N (DATE)</th>
<th>OUTCOME (REPORT DATE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent</td>
<td>5/29/15</td>
<td>The LEA failed to comply with IDEA re: excusal of IEP Team member attending IEP meeting in whole or part without parent consent. (P)</td>
<td></td>
<td></td>
<td>Parent withdrew Due Process request and complaint was dismissed on 6/10/15.</td>
</tr>
<tr>
<td>Parent</td>
<td>10/3/14</td>
<td>The LEA failed to comply with ADA re: parent consent. (P)</td>
<td></td>
<td></td>
<td>Student was on a 504 Plan. LEA worked with parent to address the complaint.</td>
</tr>
</tbody>
</table>