

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



NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

Kirsten Baesler, State Superintendent
600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
<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**

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

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- One request was withdrawn by the parent.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)**

FIEP DATE REQUEST RECEIVED/FILED BY	ISSUES	MEETING DATE(S)	OUTCOME
3/12/15 District Administrator	<ol style="list-style-type: none"> 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	<p>(Student 1 – 2/9/15 FIEP Request):</p> <ol style="list-style-type: none"> 1. Other – IWAR results (P/S) 2. Placement (P/S) 3. Other – Results (P/S) <p>(Student 2 – 2/9/15 FIEP Request):</p> <ol style="list-style-type: none"> 1. Other – Results (P/S) 2. Adaptations/accommodations (P/S) 3. Other – Results IWAR (PS) 	3/25/15 & 4/14/15 & 5/5/15 (All meetings were for both students.)	Initial facilitation progress made, IEP not completed. Follow-up FIEP resulted in successful completion of IEP. (Mediation request for student #1.)
1/06/15 Parent (Student 1 & 2)	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 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)**

FIEP DATE REQUEST RECEIVED/FILED BY	ISSUES	MEETING DATE(S)	OUTCOME
<p align="center">11/06/14</p> <p align="center">Parent & Special Education Director</p>	<ol style="list-style-type: none"> 1. Placement (P/S) 2. Present levels of education performance (P/S) 3. Services (P/S) 4. Goals (P/S) 5. Other (P/S) IWAR – FBA 6. Adapt/accommodations (P/S) 7. Discipline/behavior (P/S) 8. Implementation of IEP (P/S) 	<p align="center">2/2/15 & 2/9/15 & 2/17/15</p>	<p align="center">Facilitation resulted in successful completion of IEP.</p>
<p align="center">11/06/14</p> <p align="center">Parents & Special Education Director</p>	<ol style="list-style-type: none"> 1. Placement (P/S) 2. Services (P/S) 3. Adapt./accommodations (P/S) 	<p align="center">12/17/14 & 1/28/15 & 2/4/15</p>	<p align="center">Facilitation resulted in successful completion of IEP.</p>
<p align="center">9/22/14</p> <p align="center">Parent & Secondary Principal</p>	<ol style="list-style-type: none"> 1. Placement (P/S) 	<p align="center">10/14/14</p>	<p align="center">Facilitation resulted in successful completion of IEP.</p>
<p align="center">8/11/14</p> <p align="center">Parent & Secondary Principal</p>	<ol style="list-style-type: none"> 1. Placement (P/S) 	<p align="center">9/5/14</p>	<p align="center">Facilitation resulted in successful completion of IEP.</p>
<p align="center">7/24/14</p> <p align="center">Parent (Student 1 & 2) & District Superintendent</p>	<p>(Student 1 – 7/24/14 FIEP Request):</p> <ol style="list-style-type: none"> 1. ESY (P/S) 2. Adaptations/accommodations (P/S) <p>(Student 2 – 7/24/14 FIEP Request):</p> <ol style="list-style-type: none"> 1. Implementation of IEP (P/S) 2. Adaptations/accommodations (P/S) 	<p align="center">9/2/14</p>	<p>Student 1 – Facilitation resulted in successful completion of IEP.</p> <p>Student 2 – Facilitation resulted in successful completion of IEP.</p>

**REQUESTS FOR MEDIATION: JULY 1, 2014 – JUNE 30, 2015
PARENT (P) & SCHOOL (S)**

MEDIATION FILED BY	DATE FILED	ISSUES	OUTCOME
Parent	3/2/15	1. Academic concerns and support at school. (P)	District confirmed student was not on an IEP and did not have a disability. NDDPI did not provide mediation.
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)**

COMPLAINT FILED BY	DATE FILED	ALLEGATIONS	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parents	6/4/15	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 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.)		

**DUE PROCESS HEARING: JULY 1, 2014 – JUNE 30, 2015
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATIONS	RESOLUTION OUTCOME (DATE)	HEARING Y/N (DATE)	OUTCOME (REPORT DATE)
Parent	5/29/15	The LEA failed to comply with IDEA re: excusal of IEP Team member attending IEP meeting in whole or part without parent consent. (P)			Parent withdrew Due Process request and complaint was dismissed on 6/10/15.
Parent	10/3/14	The LEA failed to comply with ADA re: parent consent. (P)			Student was on a 504 Plan. LEA worked with parent to address the complaint.