

***North Dakota
Department of Public Instruction
Office of Special Education***

***Annual Report for I.D.E.A.
Dispute Resolution
July 1, 2016 – June 30, 2017***



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

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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, 2016 – June 30, 2017**

SCHOOL YEAR	FIEP REQUESTS (COMPLETED)	MEDIATION REQUESTS (COMPLETED)	COMPLAINT INVESTIGATION REQUESTS (INVESTIGATED)	DUE PROCESS HEARING REQUESTS (DISMISSED)
7/1/16 – 6/30/17	8 (6)	2 (1)	10 (4)	2 (1)
7/1/15 – 6/30/16	15 (6)	3 (0)	4 (3)	1(0)
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)

7/1/2016 – 6/30/2017 School Year – Dispute Resolution Summary

Eight requests for IEP Facilitation were received:

- **Six** of the eight facilitation requests resulted in facilitated meetings & successful IEP completion.
- **One** facilitation did not occur when the district declined the FIEP request.
- **One** facilitation did not occur when the parent filed a request without a signature.

Two requests for Mediation were received:

- **One** mediation request went to session & successfully resulted in an agreement.
- **One** mediation request resulted in parent withdrawing request to mediate.

Ten requests for State Complaint Investigation were received:

- **Four** requests met criteria and an investigation was completed.
- **One** request the parties agreed to mediate prior to submitting a complaint.
- **One** request did not meet criteria for a complaint investigation.
- **One** request exceeded the 1-year statute of limitations for filing a complaint.
- **Three** requests forwarded to BIE (student not enrolled in the public school).

Two requests for Due Process Complaint were received:

- **One** request the parties submitted a stipulation for dismissal with prejudice & complaint dismissed.
- **One** request resulted with decision by ALJ.

***One** request for OCR Complaint Investigation request was received.

- **One** request resulted in no violations found. The OCR complaint was not included in the number of Complaint Investigation requests received in FY 2016-2017.

**FIEP REQUESTS: JULY 1, 2016 - JUNE 30, 2017
PARENT (P) & SCHOOL (S)**

FIEP DATE REQUEST RECEIVED/FILED BY	ISSUE(S)	MEETING DATE(S)	OUTCOME
2/17/2017 Parent & Special Ed Director	1. Present Levels of Ed Performance (P/S) 2. Services (P/S) 3. Goals (P/S) 4. Other (Behavior Plan) (P/S) 5. Adaptations/Accommodations (P/S) 6. Related Services (P/S) 7. Discipline/Behavior (P/S)	3/7/2017 & 4/20/2017	Facilitation resulted in successful completion of IEP.
1/31/2017 Parent & District	1. Placement (LRE) (P/S) 2. Goals (P/S) 3. Services (P/S) 4. Other (after school program supports) (P/S)	2/10/2017	Facilitation resulted in successful completion of IEP.
12/5/2016 Parent & Special Education Director	1. Services (P/S)	1/20/2017 & 1/27/2017	Facilitation resulted in successful completion of IEP.
11/8/2016 Parent & District	1. Present Levels of Ed Performance (P/S) 2. Services (P/S) 3. Goals (P/S) 4. Other (communication breakdown) (P/S) 5. Adaptations/Accommodations (P/S) 6. Discipline/Behavior (P/S) 7. Implementation of IEP (P/S)	12/16/2016 & 2/10/2017	Facilitation resulted in successful completion of IEP. (Parent submitted a complaint request on 11/23/2016.)
10/26/2016 Parent	1. Services (S) 2. Other (communication) (S) 3. Adaptations/Accommodations (P) 4. Related Services (P) 5. Assistive Technology (P/S) 6. Implementation of IEP (P)	N/A	District declined the FIEP request.
9/9//2016 Parent & District	1. Other (2016-2017 follow-up from last IEP) (P/S)	9/30/2016	Facilitation resulted in successful completion of IEP.
9/7/2016 Parent & District	1. Services (S) 2. Other (communication) (S) 3. Adaptations/Accommodations (P) 4. Related Services (P) 5. Assistive Technology (P/S) 6. Implementation of IEP (P/S)	9/2016 & 10/2016	Facilitation resulted in successful completion of IEP.
9/7/2016 Parent	1. Placement (P) 2. Identification/Evaluation (P) 3. Present Levels of Ed Performance (P) 4. Services (P) 5. Goals (P) 6. Adaptations/Accommodations (P) 7. Related Services (P) 8. Assistive Technology (P) 9. Progress Reporting (P) 10. Discipline/Behavior (P) 11. Implementation of IEP (P)	N/A	Parent filed a request for FIEP without a signature. DPI sent request back asking for parent's signature. No response from parent. DPI did not facilitate.

**MEDIATION REQUESTS: JULY 1, 2016 – JUNE 30, 2017
PARENT (P) & SCHOOL (S)**

MEDIATION FILED BY	DATE FILED	ISSUE(S)	OUTCOME
Parent & Special Education Director	4/13/2017	1. Parties disagreed about the transition program options. (P/S)	Mediation resulted in agreement with one of the transition programs.
Parent & Special Education Director	2/27/2017	1. Whether the school failed to provide the special education & related services set forth in the student's IEP & thereby deny FAPE in violation of the IDEA. (P) 2. Whether the school failed to provide an IEP that included the occupational therapy, speech therapy, & behavioral plan needed for the student to receive FAPE in violation of the IDEA. (P) 3. Whether the school failed to provide proper written notice of denial of requested accommodations & related services & thereby deny FAPE in violation of the IDEA. (P) 4. Whether the school maintained a hostile relationship with the parent in violation of the IDEA. (P)	Parent withdrew mediation request on 3/20/2017. (Parent filed a complaint request on 2/8/2017 but was put on hold when parties agreed to mediate until date mediation was withdrawn.)

**COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2016 – JUNE 30, 2017
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent	2/22/2017	1. Whether the school failed to provide the special education & related services set forth in the student's IEP & thereby deny FAPE in violation of the IDEA. (P) 2. Whether the school failed to provide an IEP that included the occupational therapy, speech therapy, & behavioral plan needed for the student to receive FAPE in violation of the IDEA. (P) 3. Whether the school failed to provide proper written notice of denial of requested accommodations & related services & thereby deny FAPE in violation of the IDEA. (P) 4. Whether the school maintained a hostile relationship with the parent in violation of the IDEA. (P)	1. Yes 2. Yes 3. Yes 4. Yes	1. No 2. No 3. No 4. No	5/22/2017

**COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2016 – JUNE 30, 2017
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent	2/8/2017	<p>1. Whether the school failed to provide the special education & related services set forth in the student's IEP & thereby deny FAPE in violation of the IDEA. (P)</p> <p>2. Whether the school failed to provide an IEP that included the occupational therapy, speech therapy, & behavioral plan needed for the student to receive FAPE in violation of the IDEA. (P)</p> <p>3. Whether the school failed to provide proper written notice of denial of requested accommodations & related services & thereby deny FAPE in violation of the IDEA. (P)</p> <p>4. Whether the school maintained a hostile relationship with the parent in violation of the IDEA.(P)</p>	No	No	Parties agreed to mediate on 2/27/2017 prior to submitting a complaint.
Parent	12/12/2016	<p>1. Whether the district had properly refused to conduct an initial evaluation of the student to determine eligibility for services in violation of the IDEA. (P)</p> <p>2. Whether the district failed to provide proper written notice of refusal to evaluate the student in violation of the IDEA. (P)</p>	<p>1. Yes</p> <p>2. Yes</p>	<p>1. No</p> <p>2. No</p>	<p>2/9/2017</p> <p>(Parent attempted to identify complaint as systemic. There was no evidence to support. Complaint investigation involved one student.)</p>
Parent/ Advocate	11/23/2016	<p>1. Whether the school failed to consider the request for paraprofessional support to enable the student to participate in the MOST Program at the school in violation of the IDEA. (P)</p> <p>2. Whether the school failed to provide prior written notice of its decision not to provide paraprofessional support to enable the student to participate in the MOST Program at school in violation of the IDEA. (P)</p>	<p>1. Yes</p> <p>2. Yes</p>	<p>1. Yes</p> <p>2. Yes</p>	<p>1/23/2017</p>
Parent	11/23/2016	<p>1. Whether the school failed to consider supports to prevent student from being targeted by school staff. (P)</p>	<p>No</p> <p>(Student was not enrolled in public school. The complaint was forwarded to BIE.)</p>	No	N/A

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent	10/3/2016	1. Whether the school failed to provide AT, PT & OT services for student. (P)	No (Student was not enrolled in public school. The complaint was forwarded to BIE.)	No	N/A
Parent	10/3/2016	1. Whether elements specified in complaint were omitted: statement that a public agency has violated a requirement of Part B, a description of the problem, & facts relating to the problem.(P) 2. Whether the school failed to provide an appropriate transition plan based on the invitation of the VR Program but affidavit filed in support of the complaint does not state facts regarding what specifically the school failed to do. (P) 3. Failed to include a proposed resolution of the problem to the extent known & available to the party as required. (P)	No (Letter sent to parties on 10/12/2016 regarding the insufficiency of the complaint request. Parties told to resubmit missing information.)	No	N/A
Parent	9/30/2016	1. Whether the school failed to identify the student as eligible for special education services under the IDEA. (P) 2. Whether the school failed to decide whether to approve the parent's request for an independent education evaluation (IEE) without unnecessary delay, & if so, did the failure constitute a denial of a FAPE.(P)	1. Yes 2. Yes	1. No 2. No	11/28/2016
Parent	9/26/2016	1. Did the school fail to provide additional AT assistance? (P) 2. Whether the student's behavior had a basis on student not being able to hear, & if so did the student become defiant & then appropriate supports provided? (P) 3. Did the student go to class & get "stuck" on not being able to complete work, then sent to the Resource Room; still not being able to do work, then sent to the principal's office for being "defiant"? (P)	No (Letter sent to parent on 10/3/2016 noting exceeding the 1-year statute of limitations for filing a complaint).	No	N/A
Parent	8/15/2016	1. Whether the student's disability involving a peanut allergy qualifies for special education services. (P)	No (Student was not enrolled in public school. The complaint was forwarded to BIE.)	No	N/A

**OCR COMPLAINT INVESTIGATION REQUEST: JULY 1, 2016 – JUNE 30, 2017
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent (Submitted to OCR on 9/27/2016)	9/6/2016	1. Whether NDDPI refused to provide facilitation as an act of retaliation against the complainant from filing a Systemic Complaint in FY 2015-2016. (P)	1. Yes	1. No	12/5/2016

**DUE PROCESS HEARING REQUESTS: JULY 1, 2016 – JUNE 30, 2017
PARENT (P) & SCHOOL (S)**

DUE PROCESS COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	RESOLUTION OUTCOME (DATE)	HEARING Y/N (DATE)	OUTCOME (REPORT DATE)
Parents	9/27/2016	1. District is predetermining the LRE environment with collaboration of the entire IEP team. (P) 2. District proposed IEP that did not meet student's current behavioral, social or crisis need. (P) 3. Failed to take into consideration the recommendations for placement by psychiatrist. (P) 4. Behaviors unpredictable & violent & resulted in destruction of property. (P) 5. Thoughts of self-destruction. (P)	N/A	N/A	Parties submitted a stipulation for dismissal with prejudice & the complaint dismissed on 11/22/2016.
District	7/5/2016	1. Whether the IEE evaluation for AT was appropriate. (D) 2. Whether speech language services & Zones were appropriate. (D)	10/6/2016	9/15/2016	<u>The following was decided by the ALJ:</u> 1. The IEE evaluation for AT was appropriate, no further IEE evaluation at public expense required. 2. In-school speech language services & Zones are required for a FAPE from the district.