

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

**Annual Report for I.D.E.A.
Dispute Resolution
July 1, 2013 – June 30, 2014**



**ND Department of Public Instruction
Kirsten Baesler, State Superintendent
600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
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, 2013 – June 30, 2014**

SCHOOL YEAR	IEP FACILITATION REQUESTS (COMPLETED)	MEDIATION REQUESTS (COMPLETED)	COMPLAINT INVESTIGATION REQUESTS	COMPLAINT INVESTIGATION REQUESTS THAT MET IDEA REGULATIONS (INVESTIGATION COMPLETED)	DUE PROCESS HEARING REQUESTS (COMPLETED)
7/1/13 – 6/30/14	5 (2)	2 (0)	3	3 (1)	4 (0)
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)

7/1/2013 – 6/30/2014 School Year – Dispute Resolution Summary

Five requests for FIEP were received –

- *Two of the five facilitations resulted in successful completion of the IEP.*
- *The other three requests did not result in facilitations due to the other party not wishing to proceed with facilitation.*

Two requests for Mediation were received –

- *One mediation request was received but the other party chose not to mediate.*
- *The other mediation meeting resulted in no agreement.*

Three requests for Complaint Investigations were received –

- *Of the three separate requests for complaint investigations, one was fully investigated.*

Four requests for Due Process were received –

- *Request #1 – The request was submitted to OAH at the end of this Fiscal year; the*

outcome will be reported in the 2014-2015 Federal reporting period.

- *Request #2 – The Resolution Meeting resulted in parties requesting a deadline extension for 90 days that extended into the next reporting period; the outcome will be reported in the 2014-2015 Federal reporting period.*
- *Request #3 – The District withdrew its request for a Due Process Complaint.*
- *Request #4 – No agreement was reached by parties in one Resolution meeting. Parties agreed to cancel the Due Process Pre-hearing on 11//22, and Hearing on 11/25/2013. Facilitated IEP Meetings were held on 12/17/13 and 5/22/2014.*

**Requests for IEP Facilitation: July 1, 2013 - June 30, 2014
District (D), Parent (P), & School (S)**

FIEP DATE REQUEST RECEIVED/FILED BY	ISSUES	MEETING DATE(S)	OUTCOME
5/06/2014 Administrator & Parents	1. Identification/eval. (P/S) 2. Present levels of ed. perf. (P/S) 3. Services (P/S) 4. Goals (P/S) 5. Adapt./accommodations (P/S) 6. Related services (P/S) 7. Assistive technology (P/S) 8. Progress Reporting (P/S) 9. Discipline/behavior (P) 10. Implementation of IEP (P/S)	5/19/2014	Facilitation resulted in successful completion of the IEP.
12/06/2013 Special Education Unit Director & Parents	1.Services (D) 2.Other (D)	N/A	Facilitation request received by District; parent did not submit a request. Parent agreed to meet with the IEP team. 12/16/2013 – A request to mediate was submitted by the District.
10/28/2013 Parents	1.Transportation (P) 2.Related services (P)	N/A	Facilitation request received from the parents; the District did not submit a request.

10/16/2013 Parent & Superintendent	1. Placement (P/S) 2. Services (P/S) 3. Related Services (P/S) 4. Implementation of IEP (P/S)	11/5/2013, 12/10/2013, & 1/15/2014	Facilitation resulted in successful completion of the IEP.
8/29/2013 Legal Custodian	1. Other (programming/setting) (P/S)	N/A	Legal Custodian submitted a FIEP request; the District did not submit request.

**Requests for Mediation: July 1, 2013 – June 30, 2014
District (D), Parent (P), & School (S)**

MEDIATION FILED BY	DATE FILED	ISSUES	OUTCOME
Special Education Unit Director	12/16/2013	1. Services (S), 2. Other (S)	Request for mediation request received from District; parents did not request mediation. 11/25/2013 – A FIEP request was submitted by the District.
Special Education Unit Director Parents	1/14/2014	1. Effective communication (S/P), 2. Trust (S/P), 3. IEP content (S), 4. Implementation (P)	4/10/2014 – Mediation Meeting. The team did not reach an agreement.

**Complaint Investigation: July 1, 2013 – June 30, 2014
District (D), Parent (P), & School (S)**

COMPLAINT FILED BY	DATE OF COMPLAINT	ISSUES	VIOLATION Y/N	REPORT TO COMPLAINANT
Parent & Advocate	4/11/2014	1. Fail to locate, identify & evaluate (P), 2. Fail to conduct a proper initial evaluation (P), 3. Fail to include the parent in the determination of whether the child is a child with a disability (P), 4. Fail to properly document the eligibility determination (P), 5. Fail to provide FAPE (P).	Did not fulfill all investigation criteria, was not investigated.	N/A

COMPLAINT FILED BY	DATE OF COMPLAINT	ISSUES	VIOLATION Y/N	REPORT TO COMPLAINANT
Parent	2/24/2014	1. Fail to provide transition services (P), 2. Fail to provide written notice of the termination of special education services (P).	1. No 2. Yes	4/25/2014
Parent	2/18/2014	1. Demonstrate inappropriate conduct which made it difficult for the parent to deal with the child's disability (P), 2. State that it could not serve child because it did not have the resources (P), 3. Fail to complete testing begun in a different school district and implemented an IEP that was developed in previous district (P).	Did not fulfill all investigation criteria, was not investigated.	N/A

***Due Process Hearing: July 1, 2013 – June 30, 2014
District (D), Parent (P), & School (S)***

REQUEST RECEIVED	DISPUTE ISSUES	FILED BY	OUTCOME
6/19/2014	1. IEP team exiting student from SE and not continuing student's IEP (P), 2. Parent wants LEA to revise student's former IEP to include documentation of Emotional Behavior Disorder with Depression, Autism-Asperger's Syndrome, OHI (Hypothyroidism), and Self-Advocacy (P).	Parent	6/24/2014 – Due Process Complaint request was submitted to the Office of Administrative Hearing (OAH) and was being processed at the end of this reporting period.
5/9/2014	1. Failure to implement IEP goals (P), 2. Changes to IEP without an IEP Team Meeting (P), 3. Train staff (P), 4. Financial reimbursement (P).	Parents & P & A Attorney	5/27/2014 – Resolution Meeting (good progress made). P&A Attorney reported school agreed to have student receive a multi-disciplinary independent evaluation. Evaluation will take time to schedule & complete. Both parties requested deadline extended for 90 days. P&A Attorney will provide a letter report &

REQUEST RECEIVED	DISPUTE ISSUES	FILED BY	OUTCOME
			status update to the Adm. Law Judge (ALJ) every 30 days.
4/23/2014	The District initiated the Due Process Complaint request against these parents because of concerns with the continuous negative behavior from the parents, which resulted in continuous demands and threats and removal of their child from school on a weekly basis (D).	District	4/28/2014 – The District withdrew its request for a Due Process Complaint.
9/26/2013 & 9/24/2013 (amendment received)	1. Placement (P), 2. LRE (P)	Parents	10/4/2013- Resolution Session Meeting (parties did not reach an agreement). 10/17/2013-Mediation request was received from district (parents chose not to mediate on 10/22/2013). 11/20/2013 – Parents stated they may reconsider mediation as an option to resolve issues. 11/21/2013-Parties agreed to cancel the due process pre-hearing on 11/22 & the hearing set for 11/25/2013. FIEP Mtg. scheduled 12/17/2013 & 5/22/2014.