

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

***Annual Report for I.D.E.A.
Dispute Resolution
July 1, 2017 – June 30, 2018***



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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, 2017 – JUNE 30, 2018**

SCHOOL YEAR	FIEP REQUESTS (COMPLETED)	MEDIATION REQUESTS (COMPLETED)	COMPLAINT INVESTIGATION REQUESTS (INVESTIGATED)	DUE PROCESS HEARING REQUESTS (DISMISSED)
7/1/17 – 6/30/18	4 (3)	3 (1)	12 (4)	0 (0)
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 (0)
7/1/11 – 6/30/12	10 (5)	4 (3)	2 (0)	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)

7/1/2017 – 6/30/2018 School Year – Dispute Resolution Summary

Four requests for IEP Facilitation were received:

- Three of the four facilitation requests resulted in facilitated meetings & successful IEP completion.
- One facilitation request resulted in parent withdrawing FIEP request and submitting a mediation request.

Three requests for Mediation were received:

- One mediation request resulted in a successful formal agreement.
- One mediation request did not occur when parent withdrew the mediation request & parties agreed to resolve issues on own as a team.
- One mediation request resulted in parent withdrawing request & submitting a complaint request.

Twelve requests for State Complaint Investigation were received:

- Four requests met criteria and an investigation was completed.
- Four requests withdrew the complaint request.
- Three requests did not meet criteria for a complaint investigation.
- One request exceeded the 1-year statute of limitations for filing a complaint & chose to mediate.

No Due Process Complaint requests were received during the 7/1/2017-6/30/2018 Federal reporting period.

**FIEP REQUESTS: JULY 1, 2017 - JUNE 30, 2018
PARENT (P) & SCHOOL (S)**

FIEP DATE REQUEST RECEIVED/FILED BY	ISSUE(S)	MEETING DATE(S)	OUTCOME
3/28/2018 Parent & Special Ed Director	1. Other – ESY service minutes. Anticipate guidance may be needed to reach agreement regarding DHH consult time. (P/S) 2. Implementation of IEP, DHH service minutes. (P/S)	N/A	Parent withdrew the FIEP request. (On 4/23/2018, parent submitted a request to mediate.)
2/5/2018 Parent & Special Ed Director	1. Placement (P/S) 2. Identification/Evaluation (P/S) 3. Present Levels of Ed Performance (P/S) 4. Services (P/S) 5. Goals (objective) P/S) 6. Other – Behavioral programming that meets needs, implementation of behavioral plans that protects student safety as well as school safety. (P/S) 7. Adaptations/Accommodations (P/S) 8. Related Services (P/S) 9. Progress Reporting (P/S) 10. Discipline/Behavior (P/S) 11. Implementation of IEP (P/S)	3/15, 21, & 26, & 4/16/2018	Facilitation resulted in successful completion of IEP.
12/21/2017 Parent & District Superintendent	1. Services (P/S) 2. Goals (P/S) 3. Adaptations/Accommodations (P/S) 4. Related Services (P/S) 5. Assistive Technology (P/S) 6. Implementation of IEP (P/S)	2/12, 4/11, & 5/17/2018	Facilitation resulted in successful completion of IEP.
10/16/2017 Parent & Special Ed Director	1. Present Levels of Ed Performance (P/S) 2. Other (P/S) 3. Adaptations/Accommodations (P/S) 4. Implementation of IEP (Para support & amount of time) (P/S)	11/27/2017	Facilitation resulted in successful completion of IEP.

**MEDIATION REQUESTS: JULY 1, 2017 – JUNE 30, 2018
PARENT (P) & SCHOOL (S)**

MEDIATION FILED BY	DATE FILED	ISSUE(S)	OUTCOME
Parent & District Superintendent	5/18/2018	1. Whether the school failed to provide the student with accommodations for math, reading, spelling & language? (P/S)	District will facilitate the creation of a 504 Plan with team members to be held in the Fall. Adjustments will be made based on ongoing observations by parents & 504 team. Unit will provide outside referrals to assist in monitoring the 504 Plan. (Parent filed a complaint request on 5/2/2018 but did not meet standard as allegations occurred prior to 1-yr.)

MEDIATION REQUESTS CONT'D: JULY 1, 2017 – JUNE 30, 2018
PARENT (P) & SCHOOL (S)

MEDIATION FILED BY	DATE FILED	ISSUE(S)	OUTCOME
Parent & Special Ed Director	4/23/2018	1. ESY services. (P/S) 2. DHH consultation. (P/S) 3. DHH direct service minutes. (P/S)	Parties chose not to mediate & decided to resolve issues on own as a team.
Parent & District Superintendent	11/13/2017	1. Loss of education due to suspensions. (P/S) 2. Amount of home bound services. (P/S) 3. No progress report on IEP goals. (P/S) 4. Administration bullying & lack of communication in regards to child's IEP. (P/S) 5. Lack of documentation of suspensions & lack of solutions for child's needs. (P/S)	Mediation resulted in a successful formal agreement.

COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2017 – JUNE 30, 2018
PARENT (P) & SCHOOL (S)

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent	6/28/2018	1. Whether the school failed to provide the student with an appropriate behavior plan? (P)	No (On 7/13/2018, parent requested the complaint be put on hold. Parent submitted a mediation request on 7/20/2018, the outcome will be reported on the 2018-2019 Annual Report.) (On 8/28/2018, parent withdrew the complaint request.)	No	No
Parent	6/14/2018	Letter sent to parent on 6/2/2018 regarding the insufficiency of the complaint request. Parent told they can resubmit missing information.	No	No	No
Parent	5/11/2018	1. Whether the school failed to implement the student's behavior intervention plan that the school had adopted, in violation of IDEA minimum requirements? (P)	Yes	Yes	7/10/2018

**COMPLAINT INVESTIGATION REQUESTS CONT'D: JULY 1, 2017 – JUNE 30, 2018
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent	5/2/2018	Letter sent to parent on 6/1/2018, regarding allegations occurred more than one year prior to the date the complaint was submitted. (On 5/14/2018, parent submitted a request to mediate.)	No	No	No
Parent	4/25/2018	1. Whether the school failed to provide notice of manifestation determination review, informing the parents of the alleged behavior of the student leading to a manifestation review, & holding a hearing on possible expulsion of the student comply with minimum requirements of IDEA Part B for those actions. (P) 2. Whether the school violated IDEA Part B by failing to allow the student's parents to participate in decisions with respect to the student's education placement to the full extent provided by law? (P) 3. Whether the school denied the student FAPE in violation of IDEA Part B by removing the student from the general education classroom without following the minimum requirements for such a removal? (P)	1. Yes 2. Yes 3. Yes	1. Yes 2. No 3. Yes	6/1/2018
Parent	3/19/2018	1. Whether the school failed to implement direct parent-teacher contact regarding missing assignments as required by the student's IEP? (P)	No (On 4/12/2018, parent withdrew the complaint request.)	No	No

**COMPLAINT INVESTIGATION REQUESTS CONT'D: JULY 1, 2017 – JUNE 30, 2018
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent	3/16/2018	1. Whether the school changed student placement & denied participation in the general curriculum by removing student from regular classroom & if so, whether the school denied FAPE in violation of IDEA? (P)	Yes	Yes	5/16/2018
Parent	3/1/2018	Letter sent to parent on 3/1//2018 regarding the insufficiency of the complaint request. Parent told they can resubmit missing information.	No	No	No
Parent	10/23/2017	1. Whether the school failed to address behavior issues? (P) 2. Whether the school shortened the student's day & thereby denied FAPE? (P)	No (On 11/21/2017, parent withdrew the complaint request.)	No	No
Parent	10/3/2017	1. Whether the school failed to properly assist the student in the restroom per parent's request? (P) 2. Whether the school failed to implement the BIP? (P) 3. Whether the school failed to implement the IEP? (P)	No (On 11/21/2017, parent withdrew the complaint request.)	No	No
Parent	9/25/2017	Letter sent to parent on 3/1//2018 regarding the insufficiency of the complaint request. Parent told they can resubmit missing information. (P)	No	No	No
Parent	8/18/2017	1. Whether the school failed to implement the accommodations required by the student's IEP & if so, whether the school denied FAPE? (P)	Yes	Yes	10/12/2017

**DUE PROCESS HEARING REQUESTS: JULY 1, 2017 – JUNE 30, 2018
PARENT (P) & SCHOOL (S)**

NO DUE PROCESS HEARING REQUESTS RECEIVED DURING 2017-2018 REPORTING PERIOD