

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

***Annual Report for I.D.E.A.
Dispute Resolution
July 1, 2018 – June 30, 2019***



**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, 2018 – JUNE 30, 2019**

SCHOOL YEAR	FIEP REQUESTS (COMPLETED)	MEDIATION REQUESTS (COMPLETED)	COMPLAINT INVESTIGATION REQUESTS (INVESTIGATED)	DUE PROCESS HEARING REQUESTS (DISMISSED)
7/1/18 – 6/30/19	7 (6)	5 (3)	11 (4)	2 (2)
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)

7/1/2018 – 6/30/2019 SCHOOL YEAR – DISPUTE RESOLUTION SUMMARY

Seven requests for IEP Facilitation were received:

- Six of the Facilitation Requests resulted in Facilitated meetings & successful IEP completion.
- One IEP Facilitation Request resulted in the team reaching consensus & party withdrawing request.

Five requests for Mediation were received:

- Three Mediation Requests resulted in a successful formal agreement.
- One Mediation Request did not occur when parties withdrew their participation for Mediation & chose to submit an IEP Facilitation & a Complaint Investigation Request.
- One Mediation Request resulted in parent withdrawing Request & submitting a Complaint Request after district chose not to participate in Mediation.

Eleven requests for State Complaint Investigation were received:

- Four requests met criteria and an investigation was completed.
- Three requests withdrew the Complaint Request.
- Four requests did not meet criteria for a Complaint investigation.

Two requests for Due Process Hearing were received:

- Both Due Process Hearing Requests resulted in parties reaching an agreement & parents withdrawing the requests.

**IEP FACILITATION REQUESTS: JULY 1, 2018 - JUNE 30, 2019
DISTRICT (D), PARENT (P) & SCHOOL (S)**

FIEP DATE REQUEST RECEIVED/FILED BY	ISSUE(S)	MEETING DATE(S)	OUTCOME
4/2/2019 Parent & District Principal	<ol style="list-style-type: none"> 1. Adaptations/Accommodations (P/S) 2. Implementation of IEP (P/S) 	5/7/2019	<p>Facilitation resulted in successful completion of IEP.</p> <p><i>(Parent filed a Complaint Investigation Request on 4/2/2019 but did not meet the requirements for filing a Complaint).</i></p>
12/10/2018 Parent & Special Education Director	<ol style="list-style-type: none"> 1. Services (P/D) 	12/19/2018 & 1/2/2019	<p>Facilitation resulted in successful completion of IEP.</p> <p><i>(Parent filed a Complaint Investigation Request on 10/23/2018. District filed a Mediation Request on 11/1/2018 & parent signed on 11/6/2018. On 12/10/2018, parties withdrew their Request to Mediate & opted to file an IEP Facilitation Request.)</i></p>
10/25/2018 Parent & Special Education Director	<ol style="list-style-type: none"> 1. Placement (P/D) 2. Discipline/Behavior (P/D) 	N/A	<p>On 11/8/2018, the team jointly reached a consensus & therefore withdrew the Request for a Facilitated IEP Meeting.</p>
9/24/2018 Parent & District Principal	<ol style="list-style-type: none"> 1. Placement (P/S) 2. Identification/Evaluation (P/S) 3. Present Levels of Academic Performance (P/S) 4. Goals (P/S) 5. Services (P/S) 6. Adaptations/Accommodations (P/S) 7. Related Services (P/S) 8. Assistive Technology (P/S) 9. Discipline/Behavior (P/S) 	10/26/2018 & 11/19/2018	<p>Facilitation resulted in successful completion of IEP.</p>
9/19/2018 Parent & District Principal	<ol style="list-style-type: none"> 1. Present Levels of Academic Performance (P/S) 2. Services (P/S) 3. Goals (P/S) 4. Adaptations/Accommodations (P/S) 5. Related Services (P/S) 6. Progress Monitoring (P/S) 7. Discipline/Behavior (P/S) 8. Implementation of IEP (P/S) 	10/4/2018	<p>Facilitation resulted in successful completion of IEP.</p>

**IEP FACILITATION REQUESTS CONT'D: JULY 1, 2018 - JUNE 30, 2019
DISTRICT (D), PARENT (P) & SCHOOL (S)**

FIEP DATE REQUEST RECEIVED/FILED BY	ISSUE(S)	MEETING DATE(S)	OUTCOME
9/7/2018 Parent & District Superintendent	<u>Student: #1:</u> 1. Other (reduce school day) (P/S) <u>Student: #2:</u> 1. Other (use of seclusion/restraint) (P/S)	9/14/2018	Facilitation resulted in successful completion of IEP.
8/22//2018 Parent & Special Education Director	1. Placement (P/D) 2. Services (P/D) 3. Other (P/D) 4. Discipline/Behavior (P/D)	10/24/2018 & 1/17/2019	Facilitation resulted in successful completion of IEP.

**MEDIATION REQUESTS: JULY 1, 2018 – JUNE 30, 2019
DISTRICT (D), PARENT (P) & SCHOOL (S)**

MEDIATION FILED BY	DATE FILED	ISSUE(S)	OUTCOME
Parent & District Principal	4/18/2019	FAPE/LRE: <ul style="list-style-type: none"> • Behavior/Education (P/S) • Progress/SDI (P/S) 	Mediation resulted in a successful formal agreement.
Parent	12/21/2018	Evaluation: <ul style="list-style-type: none"> • Placement (P/S) 	N/A <i>(On 1/7/2019, District chose not to participate in Mediation. On 12/20/2018, parent filed a Complaint Investigation Request.)</i>
Parent & Special Education Director	12/07/2018	FAPE: <ul style="list-style-type: none"> • Service Provision (P/D) LRE: <ul style="list-style-type: none"> • Placement (P/D) 	Mediation resulted in a successful formal agreement.

**MEDIATION REQUESTS CONT'D: JULY 1, 2018 – JUNE 30, 2019
DISTRICT (D), PARENT (P) & SCHOOL (S)**

MEDIATION FILED BY	DATE FILED	ISSUE(S)	OUTCOME
Parent & Special Education Director	11/6/2018	FAPE: <ul style="list-style-type: none"> • Related Services (P/D) • Assistive Technology (P/D) • Length of School Day (P/D) • Training of Staff (P/D) 	Parties withdrew their participation for mediation and filed an IEP Facilitation request. <i>(On 10/23/2018, parent filed a Complaint Investigation Request. Mediation Request filed by district on 11/1/2018 & parent on 11/6/2018. On 12/10/2018, parties withdrew their Request to Mediate & opted to file an IEP Facilitation Request.)</i>
Parent & District Superintendent	7/20/2018	FAPE/LRE: <ul style="list-style-type: none"> • Release Plan (P/S) • Interagency Communication (P/S) Evaluation: <ul style="list-style-type: none"> • IEE (P/S) 	Mediation resulted in a successful formal agreement. <i>(On 6/28/2018, parent filed a Complaint Investigation Request [reported last FY]. Parent agreed to put Complaint on hold & on 7/20/2018 filed a Mediation Request.)</i>

**COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2018 – JUNE 30, 2019
DISTRICT (D), PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent	6/28/2019	After reviewing the Complaint Request, the Department determined that the information provided did not meet the requirements for filing a Complaint under IDEA.	N/A	N/A	N/A
Parent	5/20/2019	Failure to provide Prior Written Notice. (P) Failure to disclose Procedural Safeguards. (P)	N/A <i>(Parent with withdrew the Complaint Investigation Request on 6/13/2019.)</i>	N/A	N/A

**COMPLAINT INVESTIGATION REQUESTS CONT'D: JULY 1, 2018 – JUNE 30, 2019
DISTRICT (D), PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent	4/2/2019	After reviewing the Complaint Request, the Department determined that the information provided did not meet the requirements for filing a Complaint under IDEA. <i>(Parent also filed an IEP Facilitation Request on 4/2/2019.)</i>	N/A	N/A	N/A
Parent	3/27/2019	After reviewing the Complaint Request, the Department determined that the information provided did not meet the requirements for filing a Complaint under IDEA but rather the allegations were more applicable under Section 504.	N/A	N/A	N/A
Parent	2/20/2019	Did the school deny the student's FAPE in violation of IDEA Part B by not implementing the student's IEP? <i>(Received letter from district stating resolution to Complaint had been reached. Parent verified. On 4/8/2019, parent withdrew the Complaint Request. Complaint Resolution documents received from district & Complaint closure letter sent on 8/16/2019.)</i>	N/A	N/A	N/A
P&A Advocate	2/20/2019	Did the school deny the student FAPE in violation of IDEA Part B due to denial of enrollment in public school? <i>(Received letter from law office on behalf of district stating a resolution to Complaint had been reached. Parent verified. On 4/4/2019, parent withdrew the Complaint. Complaint Resolution documents received from district & Complaint closure letter sent on 4/30/2019.)</i>	N/A	N/A	N/A
Parent	12/20/2018	Whether the school refused to conduct an initial evaluation for eligibility for Special Education in violation of IDEA? Whether the school failed to conduct an initial evaluation within the timelines of IDEA? Whether the school failed to conduct a full initial evaluation? Whether the school failed to provide adequate PWN of the school's conclusion that the student was not eligible for Sp Ed in violation of IDEA?	Yes Yes Yes Yes	Yes Yes No No	2/19/2019

**COMPLAINT INVESTIGATION REQUESTS CONT'D: JULY 1, 2018 – JUNE 30, 2019
DISTRICT (D), PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent	11/21/2018	<p>Did the school's evaluation of the student for eligibility for Special Education & related services in early 2018 fail to meet minimum requirements of IDEA?</p> <p>Did the school's actions in conducting a manifestation determination & change of the student's placement by expulsion in Sept. & Oct. 2018 fail to meet minimum requirements of IDEA?</p> <p>In the development of the student's IEP in 2018, did the school fail to properly consider the impact of the student's behavior on learning?</p> <p>Did the school fail to meet minimum requirements of IDEA by failing to reconvene the student's IEP team to address lack of expected progress toward the IEP annual goals & in the general education curriculum that occurred in Spring 2018 & to address whether the student's behavior impedes learning?</p> <p>For any issue in which it is determined that there was a violation of IDEA, did the violation constitute a denial of FAPE to the student?</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	1/22/2019
Parent	11/14/2018	<p>Was the student's placement changed in Jan. 2018 without following procedures required by IDEA?</p> <p>Did the school deny the student the right to be educated & participate with other children with disabilities & nondisabled children in the LRE when the student's placement was changed in Jan. 2018?</p> <p>Did the school improperly use restraint as a means of intervention in the student's behavior?</p> <p>Did the school fail to implement the student's IEP's dated 5/3/2017 & 3/12/2018 that called for speech language & adaptive music services while the student received services in the separate school setting?</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	1/14/2019

**COMPLAINT INVESTIGATION REQUESTS CONT'D: JULY 1, 2018 – JUNE 30, 2019
DISTRICT (D), PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent	10/23/2018	Whether the school failed to provide an appropriate IEP based on child's needs & inclusive of the Special Education & related services needed for the student to receive FAPE.	Yes	No	12/21/18
		Whether the school failed to implement the IEP by dismissing the student early & failing to use the student's communication device in accordance with the student's IEP & therefore deny FAPE. <i>(On 11/6/2018, parent filed a Mediation Request. Parent withdrew Mediation Request on 12/10/2018. On 12/10/18, both parties submitted a Request to IEP Facilitation.)</i>	Yes	No	
Parent	7/19/2018	After reviewing the Complaint Investigation Request, the Department determined that the information provided did not meet the requirements for filing a Complaint under IDEA.	N/A	N/A	N/A

**DUE PROCESS HEARING REQUESTS: JULY 1, 2018 – JUNE 30, 2019
DISTRICT (D), PARENT (P) & SCHOOL (S)**

REQUEST RECEIVED	DISPUTE ISSUES	FILED BY	OUTCOME
4/18/2019	Regarding failure to provide FAPE, failure to carry out IEP, and failure to provide trained staff.	Parents	The Due Process Hearing scheduled for June 27 & 28, 2019 was cancelled. On 6/3/2019, parent noted an acceptable solution was reached between the school district & SEU. Parents dismissed all charges associated with the district & SEU.
1/25/2019	Compensatory education services. Insufficient IEP & Behavior Intervention Plan, and seclusions & restraints.	Parent	The Pre-Hearing meeting was held with district on 2/19/2019. There was a compromised settlement between parties. Parents withdrew the Due Process Complaint on 2/21/2019.