

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

***Annual Report for I.D.E.A.
Dispute Resolution
July 1, 2020 – June 30, 2021***



**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, 2020 – JUNE 30, 2021**

SCHOOL YEAR	FIEP REQUEST(S) (COMPLETED)	MEDIATION REQUEST(S) (COMPLETED)	COMPLAINT INVESTIGATION REQUEST(S) (INVESTIGATED)	DUE PROCESS HEARING REQUEST(S) (DISMISSED)
7/1/20 – 6/30/21	4 (3*)	3 (2)	8 (6)	2 (0)
7/1/19 – 6/30/20	6 (1*)	4 (1)	10 (3)	1 (1)
7/1/18 – 6/30/19	7 (8)	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)

7/1/2020 – 6/30/2021 School Year – Dispute Resolution Summary

Four requests for **IEP Facilitation** were received:

- Two requests resulted in successful completion of the IEP.
- One* FIEP request held in August 2020 (after the 2019-2020 federal reporting period) resulted in successful completion of the IEP. The FIEP outcome was counted in this 2020-2021 Dispute Resolution Report.
- One* FIEP request held in August 2021 (after the 2020-2021 federal report period) resulted in successful completion of the IEP. The FIEP outcome will be report in the 2021-2022 federal reporting period
- One request resulted in parties withdrawing the request to facilitate.

Three requests for **Mediation** were received:

- Two requests resulted in successful formal agreements.
- One request result did not result in a formal agreement.

Eight requests for **Complaint Investigation** were received:

- Six requests met criteria and an investigation was completed.
- One request did not meet threshold for an IDEA investigation.
- One request did not meet threshold for an IDEA investigation and was forward to OCR liaison.

Two requests for **Due Process Complaint** were received:

- One request resulted in the hearing scheduled after the 2020-2021 reporting period.
- One request resulted in a decision for the district.

**FIEP REQUESTS: JULY 1, 2020 – JUNE 30, 2021
PARENT (P) & SCHOOL (S)**

FIEP DATE REQUEST RECEIVED/FILED BY	ISSUE(S)	MEETING DATE(S)	OUTCOME
5/27/2021 Parent (P) & Special Education Director (S)	Per prior agreement, states annual IEP to be completed with facilitator before 8/11/2021. (P/S)	8/11/2021	Facilitation resulted in successful completion of the IEP. (Outcome will be reported in the 2021-2022 reporting period.)
5/21/2021 Parent (P) & Special Education Director (S)	1. Placement (P/S) 2. Identification/Evaluation (P/S) 3. Present Levels of Education Performance (P/S) 4. Services (P/S) 5. Goals (P/S) 6. Adaptations/Accommodations (P/S) 7. Implementation of IEP (P/S)	N/A	Parties came to a consensus to withdraw the Request for FIEP. IEP team completed the IEP without a facilitator.
2/25/2021 Parent (P) & Special Education Director (S)	1. Services (P/S) 2. Adaptations/Accommodations (P/S) 3. Discipline/Behavior (P/S)	3/30/2021 & 4/12/2021	Facilitation resulted in successful completion of the IEP.
2/24/2021 Parent (P) & District Superintendent (S)	1. Present Levels of Education Performance (P/S) 2. Services (P/S) 3. Goals (P/S) 4. Related services (P/S) 5. Assistive Technology (P/S) 6. Progress Reporting (P/S) 7. Implementation of IEP (P/S)	3/31/2021 & 4/13/2021	Facilitation resulted in successful completion of the IEP.

**MEDIATION REQUESTS: JULY 1, 2020 – JUNE 30, 2021
PARENT (P) & SCHOOL (S)**

MEDIATION FILED BY	DATE FILED	ISSUE(S)	OUTCOME
Attorney for Parents (P) & Special Education Director (S)	6/9/2021	Health, medical, failure to implement, & retaliation. (P/S) <i>(In response to a Due Process received on 6/7/2021.)</i>	Mediation did not result in a formal agreement

**MEDIATION REQUESTS: JULY 1, 2020 – JUNE 30, 2021
PARENT (P) & SCHOOL (S)**

MEDIATION FILED BY	DATE FILED	ISSUE(S)	OUTCOME
Parents (P) & Special Education Director (S)	4/22/2021	<p>1. Implementation of IEP & BIP (interventions, supports, paraprofessional, data, fidelity checks, contingency contract, and reward system). (P/S)</p> <p>2. Full participation, open & timely communication that facilitated trust by & between all IEP team members—inside & outside of meetings—to arrive at consensus-based decision making for student. (P/S)</p> <p>3. Increased understanding of student’s disabilities & impact of student educationally. (P/S)</p>	Mediation resulted in a formal agreement.
Parents (P) & Special Education Director (S)	1/14/2021	<p>1. Augmentative Communication/Speech Services</p> <p>2. Academic/Skill Progress</p> <p>3. Behavior Programming</p> <p>4. Team Communication/Parental Input/Program Implementation</p>	Mediation resulted in a formal agreement.

**COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2020 – JUNE 30, 2021
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATE Y/N CONCLUSION(S)	VIOLATION Y/N RECOMMENDATION(S)	REPORT DATE
Systemic Complaint P & A	3/19/2021	<p>1. Did the District unilaterally develop & implement contingency learning plans to address COVID-19 public health emergency in violation of the IDEA & thereby deny FAPE? (P&A)</p> <p>2. Did the District fail to provide special education & related services based on the student’s individual needs while implementing contingency learning plans when it unilaterally reduced the quantity of time for special education & related services in the student’s IEP in violation of IDEA & thereby deny FAPE? (P&A)</p> <p>3. Did the District fail to monitor student progress toward meeting annual goals & fail to address any lack of expected progress while implementing contingency learning plans in violation of IDEA & thereby deny FAPE? (P&A)</p>	Yes Investigated	<p>1. No Violation</p> <p>2. No Violation <u>Recommendation:</u> The school district must verify that Covid Compensatory Services have been reviewed for each student on an IEP who was enrolled in the school district between March 16, 2020 & October 31, 2020.</p> <p>3. No Violation</p>	5/18/2021

**COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2020 – JUNE 30, 2021
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATE Y/N CONCLUSION	VIOLATION Y/N RECOMMENDATION(S)	REPORT DATE
P&A for Parent (P)	12/23/2020	Did the school comply with IDEA requirements to inform the parent of procedural safeguards available to parent when the evaluation team found student not eligible to receive special education & related services in Jan. 2020? (P&A)	Yes Investigated	<p>No Violation</p> <p><u>Recommendations:</u></p> <ol style="list-style-type: none"> 1. Communicating with the parent about the right for a parent to request an independent educational evaluation at district expense when there is a disagreement over the results of an evaluation. 2. Acknowledging the dissenting opinion in the special education procedural documents. 3. Timely acknowledgement of parental requests for evaluation that includes indicating the district's response to the evaluation through a Prior Written Notice. 4. Training for district & special education unit staff around the procedural safeguards as a tool to build communication, trust, & relationships among all team members to appropriately support students with disabilities. 	2/11/2021
Systemic Complaint P&A	11/24/2020	Insufficient detail to establish an IDEA investigation.	Not Investigated	N/A	N/A

**COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2020 – JUNE 30, 2021
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATE Y/N CONCLUSION	VIOLATION Y/N RECOMMENDATION(S)	REPORT DATE
Parent	11/05/2020	Did not meet the threshold for an IDEA investigation. The Complaint Investigation Request was forwarded to OCR liaison.	Not Investigated	N/A	N/A
Parent	10/9/2020	1. Did the school meet the requirements of IDEA for implementing student's IEP in fall, 2020; specifically, by providing the special & related services called for in the IEP? (P)	Yes Investigated	Yes Violation 1. SEA accepted district proposed resolution of plan to continue professional development & mentoring with new staff; further action required the offer of compensatory education for affected student and the review of the IEPs of students receiving special education services between the beginning of the school year, 2020 & Nov. 30, 2020. For students found not to be receiving the agreed upon minutes, an explanation must be provided on how the situation will be corrected.	12/3/2020
Parent	10/5/2020	1. Did the school fail to provide the student with 40 minutes of speech language therapy per week & if so, did this failure deprive the student of FAPE? (P)	Yes Investigated	Yes Violation 1. Complete professional development with staff serving the district as selected by the Special Education Unit leadership. 2. Offer compensatory education services to affected student and complete the necessary reviews.	12/3/2020

**COMPLAINT INVESTIGATION REQUESTS: JULY 1, 2020 – JUNE 30, 2021
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	INVESTIGATE Y/N CONCLUSION	VIOLATION Y/N RECOMMENDATION(S)	REPORT DATE
Parent	9/18/2020	1. Were the service minutes identified in the IEP implemented as agreed upon by the IEP team? If not, was there a denial of FAPE? (P)	Yes Investigated	Yes Violation (IEP team self-corrected the reduction in minutes prior to completion of the investigation). 1. Violation may be corrected by reviewing the IEPs of students receiving the agreed upon minutes, an explanation must be provided on how the situation will be corrected.	11/17/2020
Parent	9/11/2020	1. Did the school fail to implement the accommodations required by student's IEP and if so, did the school deny FAPE? (P)	Yes Investigated	No Violation	11/9/2020

**DUE PROCESS COMPLAINT NOTICES: JULY 1, 2020 – JUNE 30, 2021
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATION(S)	RESOLUTION OUTCOME (DATE)	HEARING Y/N (DATE)	OUTCOME (REPORT DATE)
Attorney for Parent	6/7/2021	Health, medical, failure to implement, & retaliation. (P) <i>(Mediation Request filed on 6/9/2021 related to this Due Process Complaint.)</i>	N/A	Hearing held on Aug. 16-18, 2021.	On 8/20/2021, dismiss claims of disability discrimination & hostile education environment. Remaining IDEA issues decision deadline, Oct. 18, 2021. <i>(Outcome will be reported in the 2021-2022 reporting period.)</i>
Attorney for District	11/20/2020	The school district-initiated a due process complaint notice related to the educational placement of the student.	N/A	Hearing held on Mar. 5, 2021.	On 3/5/2021, current IEP provides FAPE.