

Special Education Dispute Resolution Options

A Comparison of Services Available to Parents and the School District

	IEP Facilitation	Mediation	Written State Complaint	Due Process
Issue Addressed	Effective communication with a facilitator to develop an IEP that benefits the student.	Special education or related service issue(s) with an impartial mediator.	Allege violation(s) of state or federal requirements under the IDEA.	Any issue related to identification, evaluation, placement, or the provision of a free appropriate public education (FAPE).
How to Request	Send a written <i>Request for Facilitation</i> to NDDPI or complete the <i>Request for a Facilitated IEP</i> form available on the NDDPI website noted below.	Send a written <i>Request for Mediation</i> to NDDPI or complete the <i>Request for Mediation</i> form available on the NDDPI website noted below.	Send a written, signed complaint letter or email specifying alleged violations and facts on which allegations are based to NDDPI or complete the <i>Request for Complaint Investigation</i> form if the request concerns an individual student. Complete the <i>Request for Systemic Complaint Investigation</i> if the request involves a group of students with disabilities that appears to result from inappropriate district policies. Both complaint forms are available on the NDDPI website noted below.	Send a written notice of request for a due process hearing to the other party and to NDDPI that includes a description of the problem, the facts related to the problem, and a proposed resolution to the issue, or complete the <i>Due Process</i> form available on the NDDPI website noted below.
Financial Cost	NDDPI provides a neutral IEP facilitator at no cost to the parent or school district.	NDDPI provides an impartial mediator at no cost to the parent or school district.	NDDPI provides a complaint investigator at no cost to the parent or school district.	NDDPI provides an impartial hearing officer at no cost to the parent.
Confidentiality	Discussions during the facilitated IEP meeting are confidential and are not subject to release.	Mediation discussions are confidential, and disclosing the information is prohibited.	Written findings are subject to release with identifiable information removed.	Hearing is confidential unless the parent chooses to open it to the public.
Process	After the parties agree to participate, a neutral facilitator assigned by NDDPI meets with the IEP team in a neutral setting to write an appropriate IEP.	After all parties agree to participate in mediation, an impartial mediator assigned by NDDPI meets with the parties in an informal setting and assists them in resolving the issue(s) in dispute.	The complaint investigator reviews, interviews, and documents the allegation(s) and issues a report of finding(s) and conclusion(s).	An impartial hearing officer hears evidence in a courtroom-like setting and issues a written decision.
Time Frame	No specific timeline. Meetings may be scheduled within a few days or weeks of a request being received.	Available at any time, even if a due process complaint/hearing request or written state complaint has already been filed. Must be scheduled in a timely manner.	A written state complaint must be filed within one (1) year of the date when the individual was aware of the alleged violation(s). Within sixty (60) calendar days of receiving the complaint, subject to allowable extensions.	A due process complaint must be filed within two (2) years of the date when the individual was aware of the alleged violation(s). Forty-five (45) calendar days after the initial thirty (30) day resolution period unless the hearing officer on the motion of a party extends the timeline.
Result	Build and improve relationships among team members who know the student best to create an IEP that benefits the student.	If a successful mediation agreement is reached, the result is a signed, legally binding agreement between the parent(s) and the school district.	If a violation(s) is found, the complaint report will specify the corrective action(s) and the school's timeline to comply with the law. NDDPI monitors the corrective action(s). NDDPI does not offer an appeal process for the written complaint decision.	In the decision, the impartial hearing officer determines whether violation(s) occurred and, if so, orders remedial action. NDDPI does offer an appeal process thirty (30) calendar days after the written decision.

For Additional Information & Assistance: North Dakota Department of Public Instruction
Office of Specially Designed Services
600 East Blvd. Ave. Dept. 201
Bismarck, ND 58505
Email: dpispecial@nd.gov
Phone: (701) 328-2277 Fax: (701) 328-4149

Dispute Resolution Forms & Resources: [Special Education \(nd.gov\)](#) under the Special Education Dispute Resolution tab.