NORTH DAKOTA
DEPARTMENT OF
PUBLIC INSTRUCTION

SPECIAL EDUCATION STATE COMPLAINT PROCEDURE MANUAL

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Introduction

The Individuals with Disabilities Education Act (IDEA) requires that State Education Agencies (SEAs) adopt written procedures for investigating and resolving any State Complaint alleging that an education agency has violated a provision of IDEA. This manual specifies the process used by the North Dakota Department of Public Instruction (NDDPI), Office of Specially Designed Services, to investigate and resolve State Complaints alleging that a public agency, including a school district, has violated a requirement of state or federal special education law.

The NDDPI encourages parties to work together to resolve their differences. A dispute resolution process for special education State Complaints under the IDEA is available. The State Complaint process allows participants to learn about special education, increase communication/collaboration skills, and access resources for enhanced student outcomes. **Throughout the Procedural Manual, the processes are similar for both the State Complaint and the State Systemic Complaint**.

What is a Special Education State Complaint?

A State Complaint is a form or letter written to the NDDPI to report that a public agency (such as a school district) has not followed the requirements of IDEA for an individual student. In the State Complaint, the party alleges that a school district or public agency has violated IDEA, and the party requests an investigation. A state systemic complaint may include issues that affect a group of students system-wide.

Who Can File a State Complaint?

Any person, including adult students or organizations, can file a State Complaint. The individual filing the State Complaint will be identified as the **"*complainant*."** If the complainant is not the parent, guardian, surrogate parent, or adult student, the NDDPI will send a *Release of Information* form to obtain permission from the parent, guardian, surrogate parent, or adult student before educational documents can be released.

What Can Be Done Before Filing a State Complaint?

The NDDPI encourages individuals to contact the school district first to let them know of their concerns. If the school is made aware of any concerns, they can try to address the issues. This may help resolve any problems quickly while at the same time strengthening the working relationship between the parties.

Below is a suggested checklist to go through **before** filing a State Complaint:

- ✓ Contact the special education teacher or case manager to discuss the concern(s).
- ✓ Notify the school principal to request assistance.
- ✓ Contact the Special Education Unit Director or Coordinator.
- ✓ Contact the local advocacy or parent organization for support.
- ✓ Contact the NDDPI, Office of Specially Designed Services.
- ✓ Ask the NDDPI about IEP Facilitation (an optional process that ND provides to parents/guardians or school districts to help communicate during an IEP meeting by

providing a trained facilitator).

- ✓ Ask the NDDPI about Mediation (a voluntary process that brings people together to resolve their disagreements or issues with the help of a trained mediator). Mediation is often a quicker and more direct way of resolving issues related to a student.

Can a State Complaint Be Filed for Any School Problem?

The special education State Complaint must allege a violation of the IDEA. Only issues governed by the IDEA can be resolved through State Complaint procedures.

Examples of special education issues governed by the IDEA:

- Disagreement with a decision regarding the student's eligibility for special education and related services
- Not providing appropriate services included in the student's IEP
- Provisions of IEP not being followed
- Failure to provide a Free Appropriate Public Education (FAPE)

Examples of school district decisions not governed by the IDEA:

- Promotion or retention
- Grade assignment
- School assignment
- Teacher assignment

For questions about whether the IDEA governs an issue, a person may request a copy of district policies, call the special education unit director, or contact the NDDPI.

What are the Timelines for Filing a State Complaint?

The complaint must allege a violation that occurred not more than one (1) year prior to the date that the complaint is received.

After a State Complaint Has Been Filed, Can the District Work with the Parent to Resolve the Problem?

A school district can contact the complainant anytime during the complaint process to resolve the issue(s). If both parties decide to pursue mediation, the parent and district can file for an extension of the 60-day time limit to resolve the complaint; however, mediation cannot delay the State Complaint timeline without consent from the complainant. The complainant can withdraw the State Complaint if an agreement is reached, or the issue is resolved.

Can the Complainant Withdraw the State Complaint at Any Time?

Yes. A complainant may withdraw a special education State Complaint at any time by sending a written request to withdraw the State Complaint to the NDDPI or by completing the *Request to Withdraw the State Complaint Investigation* form (Page 14).

Does the State Education Agency Investigate All State Complaints?

The NDDPI does not handle Civil Rights complaints or violations related to discrimination. The Office for Civil Rights (OCR) of the United States Department of Education enforces several Federal Civil Rights Laws prohibiting discrimination in programs or activities that receive federal financial assistance. Conflicts related to Civil Rights complaints or discrimination should be sent to the OCR.

OCR complaints include discrimination in the areas of:

- Individuals with Disabilities
  - Inaccessible facilities
  - Unequal access to academic programs, extracurricular athletics, and accessible technology
  - Discriminatory discipline
- Race, color, and national origin
- Sexual orientation
- Age

To contact OCR for information or assistance:

Denver Office
Office of Civil Rights
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: 303-844-5695
Fax: 303-844-4303; TDD: 800-877-8339
Email: OCR.Denver@ed.gov

What Happens When NDDPI Receives a State Complaint?

When a State Complaint is received, the NDDPI will:

- Conduct an independent investigation if the State determines the alleged issue(s) concerns the district failing to follow the IDEA requirements.
- Allow the complainant to submit additional information about the State Complaint.
- Provide the school district with the opportunity to respond to the State Complaint.
- Review all relevant information and determine whether the school district is violating a requirement of Part B of IDEA.
- Issue a written decision to the complainant that addresses each issue in the State Complaint and contains findings of fact and conclusions and the reasons for the final decision.
- Ensure the district takes action to correct a violation if found.
- Ensure confidentiality of personally identifiable information.

What If the Investigation Finds the District Has Violated the IDEA?

If the issues(s) are found to violate the IDEA, the Complaint Investigation Report will include corrective action(s) for the district with a timeline for completion. The school district must

implement and complete the corrective action(s) and provide proof of compliance to the NDDPI.

The State Complaint is resolved and closed when all required corrective action(s) are taken in accordance with NDDPI's directives. The NDDPI will notify all parties in writing when the State Complaint is closed.

If there is no finding that the district has violated the IDEA, and no corrective action(s) are required, the State Complaint is closed upon issuance of the NDDPI's written decision.

Even where there is no violation of IDEA, the State Complaint process can be a learning experience where everyone gets a better understanding of IDEA.

What Is Required in a Special Education State Complaint?

The following information is **required** in accordance with 34 CFR §300.153:

- A statement that a public agency has violated a requirement of Part B of the Act or of this part.
- The facts on which the statement is based;
- The signature and contact information for the complainant; and
- If alleging violations with respect to a specific child –
  - The name and address of the residence of the child;
  - The name of the school the child is attending;
  - In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)), available contact information for the child, and the name of the school the child is attending;
  - A description of the nature of the problem of the child, including facts relating to the problem; and
  - A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
  - The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.
- The party filing the complaint **must forward** a copy to the public agency serving the student when the party files the complaint with NDDPI.

The following information is **optional**:
(This information assists the NDDPI with processing the request.)

- Student's age and grade
- Name of school contact
- Name of school district
- Complainant's relationship with the student
- School Representative or contact

How Does the Complainant File a Special Education State Complaint?

1) Call (701) 328-2277 or go to the NDDPI website at: www.nd.gov/dpi/
2) Click on Education Programs → Special Education → Special Education Dispute Resolution→*Request for State Complaint Investigation* OR *Request for State Systemic*

Complaint Investigation (when more than one individual is involved). (See page 13 for the *State Systemic Complaint* form.)

3) Send a written, signed complaint letter, email, or fill out the *Request for State Complaint* form (See page 12 for the *State Complaint Investigation* form) specifying the alleged violation(s), supporting fact(s), and proposed resolution(s).

4) Mail, email, or fax the completed Request for State Complaint to:
   ND Department of Public Instruction (NDDPI)
   Office of Specially Designed Services
   Attn: Director of Specially Designed Services
   600 East Boulevard Avenue, Dept. 201
   Bismarck, ND 58505-0440
   Email: dpispecialed@nd.gov
   Fax: (701) 328-4149

5) Send a copy of the *State Complaint* to the public agency or school district serving the student.

Note: If the complainant's native language is not English or the complainant is unable to read or write, contact the Dispute Resolution Coordinator at the NDDPI, Office of Specially Designed Services at (701) 328-2277 or email dpispecialed@nd.gov for additional information or assistance.

What are the Steps in a State Complaint Investigation?

1. The NDDPI reviews the State Complaint to confirm that all required information is included.
2. The complainant, school district, and special education unit will receive a letter from the NDDPI confirming receipt of the complaint.
   A. If the complainant's alleged violation(s) do not meet the **one-year statute** of limitations, a letter will be sent stating that the statute of limitations on the State Complaint has run out and the complaint is no longer valid.
3. The NDDPI will contact the State Complaint Investigator.
4. The NDDPI will send a second letter to the parties that:
   A. Introduces the appointed State Complaint Investigator.
   B. Identifies the issue(s) to be investigated.
   C. Directs the complainant to respond to the NDDPI within five (5) calendar days if they disagree with the issue(s).
      - *If the complainant disagrees with the issue(s) identified for investigation, the complainant will have the opportunity to submit additional information about the issue(s). The NDDPI and the Complaint Investigator will determine any revisions, and the complaint may be amended.*
   D. Requests the public agency or school district to respond within 20 calendar days to the complaint, including a proposal to resolve the State Complaint.
      - *If the district does respond to the complaint, the NDDPI may deem the district to have admitted or conceded the truth of the issue(s) in the State Complaint.*
   E. Offers the parties mediation services at no cost.
      - *If the parties agree to engage in mediation, the State Complaint will be put on hold (with the complainant's written consent) until mediation is complete.*

5. The Complaint Investigator conducts fact-finding through phone or personal interviews with the complainant, school district staff, and other people with relevant information. The NDDPI and the Complaint Investigator may review student files and other relevant documents. The complainant and school district staff may be contacted more than once during the investigation. The NDDPI and Complaint Investigator determine if an on-site investigation is necessary.
    - *The complainant will be allowed to provide additional information related to the State Complaint, either verbally or in writing. The Complaint Investigator may contact the parties involved to gather information to resolve the problem(s) identified in the State Complaint.*
6. The NDDPI and the Complaint Investigator review all relevant information to make an independent determination as to whether the public agency or the school district is violating a requirement of the IDEA.
7. The NDDPI issues a written decision to the complainant that addresses each allegation in the complaint. The NDDPI makes its determination through an internal team. The written decision is mailed to the complainant, the district superintendent, and the special education unit director for that district. The written decision includes the State Complaint issue(s), governing rule(s), or regulation(s), findings of fact and conclusion(s), and the reason(s) for the final decision.
    - *The final decision is considered a public record. The final decision will not include personally identifiable information (e.g., the student's name or birth date, parent's name, address, etc.).*

Can a State Complaint Decision be Appealed?

No. The NDDPI does not offer an appeal process. However, if a party disagrees with NDDPI's final decision, the parent or public agency may file a Due Process Complaint.

What Happens If the State Complaint Submitted Does Not Include All the Content Required?

When NDDPI receives a State Complaint that is not signed or does not include the required information described in 34 CFR §300.153, NDDPI will contact the complainant to obtain the necessary information to complete the form/letter. A State Complaint will not be dismissed for not including a proposed resolution to the problem. (34 CFR §300.153(b), *Questions and Answers on IDEA Part B, Dispute Resolution Procedures*, Question/Answer B-15, page 24.)

How Does a State Complaint Differ from a State Systemic Complaint?

A State Complaint alleges that the public agency or school district has not followed the IDEA requirements for an **individual** student with a disability. In a State Systemic Complaint, the alleged violation(s) involves a **group** of students with disabilities and appears to result from inappropriate district policies, procedures, or practices.

What is the Difference Between a State Complaint Investigation and a Due Process Complaint?

	State Complaint	Due Process
How the Processes Differ	A written document used to communicate that a public agency (e.g., school district) has not followed the IDEA, and to request an investigation.	A process used to resolve a formal complaint made by a parent or public agency (e.g., school district), who together are referred to as "the parties."
Issue Addressed	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, signed complaint letter or email specifying alleged violations and the facts on which issue(s) are based to NDDPI or complete the Request for Complaint Investigation form.	Send a written notice of request for a due process hearing to the other party and NDDPI, including a description of the problem, the facts related to the problem, and a proposed resolution to the issue, or complete the Due Process form.
Process	The complaint investigator reviews, interviews, and documents the issue(s) and collaborates with NDDPI to make a determination and provide a final report.	An Administrative Law Judge (ALJ) hears evidence in a courtroom-like setting and provides a written decision.
Time Frame	A state complaint must be filed within one (1) year of the date when the individual was aware of the alleged violation(s). The final report will be provided 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). The written decision will be provided forty-five (45) calendar days after the initial thirty (30) day resolution period.
Result	If a violation(s) is found, the final report will specify the corrective action(s) and the school's timeline to comply with the law. NDDPI does not offer an appeal process for the written complaint decision	In the decision, the ALJ determines whether violation(s) occurred and, if so, orders remedial action. Appeals must be filed within thirty (30) calendar days after the written decision.

Can a State Complaint Also Be Part of a Due Process Hearing?

A party can file a State Complaint and not request a due process hearing. Pursuant to 34 CFR §300.152, if a State Complaint is received that is also the subject of a due process hearing or contains multiple issues of which one or more are part of that hearing, the State must set aside any part of the complaint that is being addressed in the due process hearing until the

conclusion of the hearing. Any issue in the complaint that is not a part of the due process action will be investigated and resolved in accordance with the time limit and procedures for State Complaint procedures. If an issue raised in a complaint has previously been decided in a due process hearing involving the same parties, the due process hearing decision is binding on that issue. NDDPI will inform the complainant to that effect.

IDEA STATE COMPLAINT PROCEDURES

§300.151 Adoption of State Complaint procedures

(a) *General.* Each SEA must adopt written procedures for—

(1) Resolving any complaint, including a complaint filed by an organization or individual from another State, that meets the requirements of §300.153 by—

(i) Providing for the filing of a complaint with the SEA; and

(ii) At the SEA's discretion, providing for the filing of a complaint with a public agency and the right to have the SEA review the public agency's decision on the complaint; and

(2) Widely disseminating to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities, the State procedures under §§300.151 through 300.153.

(b) *Remedies for denial of appropriate services.* In resolving a complaint in which the SEA has found a failure to provide appropriate services, an SEA, pursuant to its general supervisory authority under Part B of the Act, must address—

(1) The failure to provide appropriate services, including corrective action appropriate to address the needs of the child (such as compensatory services or monetary reimbursement); and

(2) Appropriate future provision of services for all children with disabilities.

§300.152 Minimum State Complaint procedures

(a) *Time limit; minimum procedures.* Each SEA must include in its complaint procedures a time limit of 60 days after a complaint is filed under §300.153 to—

(1) Carry out an independent on-site investigation, if the SEA determines that an investigation is necessary;

(2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;

(3) Provide the public agency with the opportunity to respond to the complaint, including, at a minimum—

(i) At the discretion of the public agency, a proposal to resolve the complaint; and

(ii) An opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation consistent with §300.506;

(4) Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of the Act or of this part; and

(5) Issue a written decision to the complainant that addresses each allegation in the complaint and contains—

(i) Findings of fact and conclusions; and

(ii) The reasons for the SEA's final decision.

(b) *Time extension; final decision; implementation.* The SEA's procedures described in paragraph (a) of this section also must—

(1) Permit an extension of the time limit under paragraph (a) of this section only if—

(i) Exceptional circumstances exist with respect to a particular complaint; or

(ii) The parent (or individual or organization, if mediation or other alternative means of dispute resolution is available to the individual or organization under State procedures) and the public agency involved agree to extend the time to engage in mediation pursuant to paragraph (a)(3)(ii) of this section, or to engage in other alternative means of dispute resolution, if available in the State; and

(2) Include procedures for effective implementation of the SEA's final decision, if needed, including—

(i) Technical assistance activities.

(ii) Negotiations; and

(iii) Corrective actions to achieve compliance.

(c) *Complaints filed under this section and due process hearings under §300.507 and §§300.530 through 300.532.*

(1) If a written complaint is received that is also the subject of a due process hearing under §300.507 or §§300.530 through 300.532 or contains multiple issues of which one or more are part of that hearing, the State must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in paragraphs (a) and (b) of this section.

(2) If an issue raised in a complaint filed under this section has previously been decided in a due process hearing involving the same parties—

(i) The due process hearing decision is binding on that issue; and

(ii) The SEA must inform the complainant to that effect.

(3) A complaint alleging a public agency's failure to implement a due process hearing decision must be resolved by the SEA.

§300.153 Filing a complaint

(a) An organization or individual may file a signed written complaint under the procedures described in §§300.151 through 300.152.

(b) The complaint must include—

(1) A statement that a public agency has violated a requirement of Part B of the Act or of this part;

(2) The facts on which the statement is based;

(3) The signature and contact information for the complainant; and

(4) If alleging violations with respect to a specific child—

(i) The name and address of the residence of the child;

(ii) The name of the school the child is attending;

(iii) In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)), available contact information for the child, and the name of the school the child is attending;

(iv) A description of the nature of the problem of the child, including facts relating to the problem; and

(v) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

(c) **The complaint must allege a violation that occurred not more than one (1) year prior to the date that the complaint is received in accordance with §300.151.**

(d) The party filing the complaint must forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files the complaint with the SEA.

REQUEST FOR STATE COMPLAINT INVESTIGATION

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION
OFFICE OF SPECIALLY DESIGNED SERVICES
SFN 58618

An individual or organization may file a State Complaint with the ND Department of Public Instruction (NDDPI), Office of Specially Designed Services if they believe a public agency has violated a state or federal special education law requirement. All State Complaints must be in writing, must be signed, and should identify the alleged violation(s). **A complainant can file a State Complaint with the NDDPI within one (1) year of an alleged violation.**

The NDDPI will ensure confidentiality, investigate the State Complaint, and issue a decision within sixty (60) calendar days of receiving the State Complaint unless exceptional circumstances extend this timeline. If the NDDPI finds that the public agency has violated requirements relating to special education, the local educational agency will be directed to complete corrective action(s) to correct the violation(s).

Complainant Contact Information

Date of Request	Name of Complainant	Home Telephone Number
Work Telephone Number	Complainant Address (include city/state/zip)	
Cell Phone Number	Fax Number	Email Address

Child Contact Information

Child's Name	Date of Birth (optional)	Child's Address (if different than that above)
School Child Attending	School Representative or Contact (optional)	District Child Attending (optional)
Complainant's Relationship to the Child (optional)		
Contact information if the child is homeless.		

Would you consider mediation to resolve these issues? ☐ Yes ☐ No

Please forward this State Complaint to the school district/public agency at the same time it is filed with NDDPI.

Date (mm/dd/yyyy), I forwarded a copy of the State Complaint to the school district/public agency.
Name of person/title to whom you sent the State Complaint (e.g., Superintendent, Special Education Director).

State Complaint and Supporting Fact(s)

Directions: List each issue separately. Describe the violation and the specific facts related to that violation. If possible, include dates, names, and locations. Attach additional pages if more space is needed.

Proposed Solution(s)

Directions: Describe what remedies have been or could be attempted to correct the problem. Attach additional pages if more space is needed.

Signature (NDDPI will accept an electronic signature)	Date

Return to:
Dept. of Public Instruction
Office of Specially Designed Services
600 E Blvd Ave, Dept. 201
Bismarck, ND 58505-0440

REQUEST FOR STATE SYSTEMIC COMPLAINT INVESTIGATION

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION
OFFICE OF SPECIALLY DESIGNED SERVICES
SFN 61397

An individual or organization may file a state systemic complaint with the ND Department of Public Instruction (NDDPI), Office of Specially Designed Services if they believe a public agency has violated a state or federal special education law requirement. This form is for state systemic complaints involving more than an individual child and appearing to result from inappropriate district policies, procedures, or practices. All complaints must be in writing, must be signed, and should identify the alleged violation(s). **A complainant can file a state systemic complaint with the NDDPI within one (1) year of an alleged violation.**

The ND Department of Public Instruction (NDDPI) will ensure confidentiality, investigate the complaint, and issue a decision within sixty (60) calendar days of receiving the state systemic complaint unless exceptional circumstances extend this timeline. If the NDDPI finds that the public agency has violated requirements relating to special education, the local educational agency will be directed to complete corrective action(s) to correct the violation(s).

Complainant Contact Information

Name of Parent, Individual or Organization	Telephone Number	Date of Request	
Address	City	State	ZIP Code

Check one.
- ☐ Parent or Person in a Parental Relationship
- ☐ Surrogate Parent
- ☐ Parents' Attorney
- ☐ School District/State Agency Representative
- ☐ School District/State Agency Attorney
- ☐ Other

Date (mm/dd/yyyy), I forwarded a copy of the state systemic complaint to the school district/public agency.

Signature	Date

Would you consider mediation to resolve these issues? ☐ **Yes** ☐ **No**

School Information

Name of School District (or Public Agency) responsible for providing services.		
School Representative or Contact (if known)	Address	
City	State	ZIP Code

Complainant Information-Alleged Violation is Systemic (e.g., inappropriate school procedures and/or practices)

A statement that the school district or public agency has violated Part B of IDEA.
Describe the fact(s) on which the above statement is based.

Proposed Solution(s)

Describe what remedies have been or could be attempted to correct the problem.

Return to:
Dept. of Public Instruction
Office of Specially Designed Services
600 E Blvd Ave, Dept. 201
Bismarck ND 58505-0440

REQUEST TO WITHDRAW SPECIAL EDUCATION
STATE COMPLAINT INVESTIGATION

I, _____, choose not to have the North Dakota Department of Public Instruction (NDDPI), Office of Specially Designed Services proceed with the State Complaint investigation concerning the special education services for my child at this time.

Please withdraw my *Request for State Complaint Investigation*.

_____
Signature of Parent/Guardian/Eligible Student

_____
Date

Please return by mail, email, or fax to:
Attn: Dispute Resolution Coordinator
ND Department of Public Instruction (NDDPI)
Office of Specially Designed Services
600 E. Blvd. Ave., Dept. 201
Bismarck, ND 58505
Email: dpispecialed@nd.gov
Office: (701) 328-2277
Fax: (701) 328-4149

GLOSSARY

Adult Student – A student with a disability who is at least 18 years old to whom rights have transferred under the Individuals with Disabilities Education Act (IDEA) and who is not under legal guardianship.

Allegation – A claim that a school district has violated a specific requirement of the IDEA.

Complainant – A person who makes a complaint.

Family Educational Rights & Privacy Act (FERPA) – The federal law that protects the confidentiality of a student's records in all public schools and local education agencies.

Free Appropriate Public Education (FAPE) – Includes the special education and related services in a student's IEP that the team determines are necessary to provide the student with appropriate education at public expense.

Individualized Education Program (IEP) – A written statement of the educational program designed to meet the individual needs of a student with a disability. The IEP team is a group of individuals who develop an IEP.

Individuals with Disabilities Education Act (IDEA) – The federal law designed to ensure that all students with disabilities have the opportunity to receive a FAPE, which includes the special education and related services necessary to meet their unique needs.

Issue(s) – This term is used in the special education complaint process to refer to the concern to be investigated.

Local Education Agency (LEA) – Also known as the school district.

Mediation – A voluntary dispute resolution option for which the NDDPI will provide mediators for two parties.

Parent – A biological or adoptive parent, a foster parent, a legal guardian, a properly appointed surrogate parent, or another person, as defined by the IDEA, who has the legal authority to make educational decisions for a student with a disability or who is suspected of having a disability.

Party – The key participants in special education complaints. A party includes the parent(s), as defined by the IDEA, an adult student, or the school district.

Procedural Violation – Refers to a school district's failure to follow the specific procedures outlined in the IDEA or state special education law and rules. For example, if a school does not follow the timeline for conducting evaluations, this would be a procedural violation.

Resolution – Refers to the outcome when two parties work through a conflict.

State Education Agency (SEA) – Another term for the NDDPI.

Substantive Violation – Refers to a school district's failure to provide a student with a disability with a FAPE. For example, if a student's IEP does not give the student a meaningful educational benefit, this would be a substantive violation.

State Complaint – An alleged violation(s) of state or federal requirements under the IDEA.

State Systemic Complaint – An alleged violation(s) involving a group of students with disabilities and appears to result from inappropriate district policies, procedures, or practices.