

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

***Annual Report for I.D.E.A.
Dispute Resolution
July 1, 2015 – June 30, 2016***



**NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION**

**Kirsten Baesler, State Superintendent
600 E Boulevard Avenue, Dept. 201
Bismarck, ND 58505-0440
www.nd.gov/dpi**

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, 2015 – June 30, 2016**

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

7/1/2015 – 6/30/2016 School Year – Dispute Resolution Summary

Fifteen requests for *IEP Facilitation* were received:

- Six of the fifteen requests resulted in facilitated meetings and successful IEP completion.
- Five requests were cancelled when parties did not wish to facilitate or a facilitator was no longer needed.
- Two requests resulted in facilitated meeting scheduled for Fall, 2016.
- One request was cancelled when parties agreed to mediate.
- One request continues to be at impasse, current IEP will continue.

Three requests for *Mediation* were received:

- Two mediation requests resulted in a verbal agreement although not formal with signatures.
- One request was cancelled when parties agreed to proceed with their complaint.

Four requests for *State Complaint Investigation* were received:

- Three requests met criteria and an investigation was completed.
- One request resulted in parties requesting to dismiss complaint.

One request for *Due Process Complaint* was received:

- One request was withdrawn by the Attorney for the District.

One request for a *Systemic Complaint* was received:

- One request resulted in no violation of SEAs, yes violation of LEAs.

**REQUESTS FOR IEP FACILITATION: JULY 1, 2015 - JUNE 30, 2016
PARENT (P) & SCHOOL (S)**

FIEP DATE REQUEST RECEIVED/FILED BY	ISSUE(S)	MEETING DATE(S)	OUTCOME
3/28/2016 Attorney for the District	1. Placement (ESY) (S) 2. Present levels of education performance (S) 3. Other (P) (S) 4. Adaptations/Accommodations (S) 5. Assistive Technology (P) (S) 6. Implementation of IEP (S)	4/11/2016	Parent and school continue to be at impasse regarding ESY. Current IEP will continue.
3/24/2016 Special Education Director	1. Identification/Evaluation (P) 2. Present levels of education performance (P) 3. Services (P) 4. Goals (P) 5. Other (P) 6. Adaptations/Accommodations (P) 7. Related Services (P) 8. Assistive Technology (P) 9. Progress Reporting (P) 10. Implementation of IEP (P) (S)	N/A	Parent refused the facilitator DPI selected. While waiting for DPI to obtain another facilitator, parent contacted DPI stating they no longer wanted a facilitator.
3/17/2016 Attorney for the District	1. Present levels of education performance (S) 2. Other (S) 3. Adaptations/Accommodations (S) 4. Implementation of IEP (S)	N/A	Attorney for the parents stated they did not wish to utilize a facilitator. The district attorney contacted DPI to say they no longer wanted to consider facilitation.
3/14/2016 Special Education Director	1. Placement - Safety from bullying (P) (S) 2. Other (P) (S) 3. Services (S)	5/19/2016	Facilitation resulted in successful completion of IEP. (Initially submitted a request to mediate on 12/1/2015).
2/16/2016 Parent (Student 1 & 2)	<u>Student 1:</u> 1. Communication (P) (S) <u>Student 2:</u> 1. Communication (P) (S)	N/A N/A	Parent agreed to have IEP without facilitator but with reluctance. After parent consulted with facilitator, parent refused to work with facilitator. DPI stated request for facilitator was no longer honored. An IEP meeting for ESY was held. Parent sent brief email to director with meeting agenda.
2/16/2016 Special Education Director & Parent	1. Placement (P) (S)	4/5/2016	Facilitation resulted in successful completion of IEP.
2/12/2016 Parent & Special Education Director	1. Placement (P) (S) 2. Identification/Evaluation (P) (S) 3. Goals (P) (S) 4. Adaptations/Accommodations (P) (S) 5. Progress Reporting (P) (S) 6. Discipline/Behavior (P) (S)	3/15, 3/16, & 4/28/2016	Student's BIP was modified as well as educational program, resulting in successful completion of IEP.

**REQUESTS FOR IEP FACILITATION: JULY 1, 2015 - JUNE 30, 2016
PARENT (P) & SCHOOL (S)**

FIEP DATE REQUEST RECEIVED/FILED BY	ISSUE(S)	MEETING DATE(S)	OUTCOME
<p>1/20 & 29/2016 Parent & District</p> <p>(Student 1, 2, & 3)</p>	<p><u>Student 1 – 1/29/2016 FIEP Request:</u> 1. Identification /Evaluation (P) (S) 2. Placement (P) (S) 3. Present levels of ed. performance (P) (S) 4. Services (P) (S) 5. Goals (P) (S) 6. Adaptations/Accommodations (P) (S) 7. Discipline/Behavior (P) (S) 8. Implementation of IEP (P) (S)</p> <p><u>Student 2 – 1/29/2016 FIEP Request:</u> 1. Identification /Evaluation (P) (S) 2. Placement (P) (S) 3. Present levels of ed. performance (P) (S) 4. Services (P) (S) 5. Goals (P) (S) 6. Adaptations/Accommodations (P) (S) 7. Discipline/Behavior (P) (S) 8. Implementation of IEP (P) (S)</p> <p><u>Student 3 – 1/20/2016 FIEP Request:</u> 1. Identification /Evaluation (P) (S) 2. Present levels of ed. performance (P) (S) 3. Transition (P) (S) 4. Adaptations/Accommodations (P) (S) 5. Other (inaccurate information was written in the IEP parent received). (P) (S)</p>	<p>4/15, 4/17 & 4/18/ 2016</p> <p>N/A</p> <p>2/4, 3/22, 3/31, & 4/11/2016</p>	<p>An IEP was not completed as the team determined a comprehensive assessment was first necessary. Agreed to continue in the Fall, 2016.</p> <p>Team did not successfully complete an IEP. Agreed to continue in the Fall, 2016.</p> <p>Facilitation resulted in successful completion of IEP.</p>
<p>12/09/2015 Special Education Director</p>	<p>1. Other – Annual IEP (FIEP was recommended by the mediator). (S)</p>	<p>N/A</p>	<p>Parent declined facilitation.</p>
<p>12/1/2015 Parent & Special Education Director</p>	<p>1. Present level of educational performance (P) (S) 2. Services (P) (S) 3. Goals (P) (S) 4. Adaptations/Accommodations (P) (S) 5. Assistive Technology (P) (S) 6. Implementation of Initial IEP (P) (S)</p>	<p>N/A</p>	<p>Team met a couple of times. Parties decided to mediate before having FIEP.</p>
<p>9/22/2015 Parent & Special Education Director</p>	<p>1. Goals (P) (S) 2. Services (P) (S)</p>	<p>11/3/2015</p>	<p>Facilitation resulted in successful completion of IEP.</p>
<p>9/9/2015 Parent</p>	<p>1. Adaptations/Accommodations (P) (S)</p>	<p>10/12/2015</p>	<p>Facilitation resulted in successful completion of the IEP.</p>

**REQUESTS FOR MEDIATION: JULY 1, 2015 – JUNE 30, 2016
PARENT (P) & SCHOOL (S)**

MEDIATION FILED BY	DATE FILED	ISSUE(S)	OUTCOME
Special Education Director	1/21/2016	The team is at an impasse regarding completion of the IEP due to the amount of changes. The parent requests inclusion of all outside recommendations (from psychologists, therapists). The goals and services for the child are also in questions due to the parent's specific requests. We have not been able to finalize the IEP. (P) (S)	Parties were able to verbally agree. No formal agreement, no signatures. Although parent attempted to again delay IEP. The school finalized the IEP and informed parent of their right to file a due process, if necessary. (Initially submitted as a FIEP on 12/1/2015. Parties decided to mediate before having FIEP).
Attorney for the District & Attorney for the Parents	9/9/2015	<p><u>Attorney for the School District:</u> Improve communication with family and concerns regarding the 2014-2015 school year (tied to a complaint submitted on 7/20/2015). (S)</p> <p><u>Attorney for the Parents:</u> Why did the district fail to implement the student's IEP in the 2014-2015 school year? Why did the district fail to utilize parental resources & recommendations? Why did the district fail to provide open communication with all involved people providing services to student? What is the principal's interest in attending student's IEP meetings? Why did the district continue to dictate who we as parents invite to student's IEP meetings? (P)</p>	Attorney for the parents advised DPI they would like to proceed with their complaint vs. mediation that was submitted on 7/20/2015. (Initially submitted as complaint on 7/20/2015).
Special Education Director	8/4/2015	Parent states they are in disagreement with student's current IEP. District believes it has appropriate IEP in place. District desires to discuss points of disagreement. (P) (S)	Parties not able to verbally agree. No formal agreement, no signatures.

**COMPLAINT INVESTIGATION: JULY 1, 2015 – JUNE 30, 2016
PARENT (P) & SCHOOL (S)**

COMPLAINT FILED BY	DATE FILED	ALLEGATIONS	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent		<u>Student 1:</u> 1. Fail to provide a Prior Written Notice outlining their refusal to add a highly qualified staff member to IEP team. (P) 2. Did the district fail to provide additional AT help. (P) 3. Did the district fail to reflect data from the measurable part of the IEP goal? (P)	Parent withdrew complaint request and complaint was dismissed on 1/31/2016.	N/A	N/A
(Student 1 & 2)	12/24/2015	<u>Student 2:</u> 1. Fail to provide Prior Written Notice of refusal to add professional highly qualified in AT to the IEP team and if so, did that failure to provide Prior Written Notice give rise to the denial of a FAPE? (P) 2. Fail to provide AT in accordance with the student's IEP and if so, did that denial deprive the student of FAPE? (P) 3. Fail to provide an adequate report about the student's progress toward IEP goals on Oct. 21, 2015, and if so, did that failure give rise to the denial of FAPE? (P)	YES	1. No Violation 2. No Violation 3. Yes - Procedural Violation	2/24/2016
Parent	10/8/2015	1. Fail to provide a 1:1 paraprofessional to the student and by not doing so resulted in a denial of FAPE. (P)	YES	1. No Violation	12/8/2015
Attorney for the Parents	7/20/2015	1. The district fail to implement the IEP, resulting in a denial of FAPE. (P) 2. The district fail to ensure meaningful parental participation in the IEP process, resulting in a denial of a FAPE. (P)	YES (On 8/31/2015, the complainants filed an agreement for mediation and suspended the complaint.) (On 9/17/2015, the complainants indicated they did not want to proceed with mediation but to proceed with the complaint filed on 7/20/15.)	1. No Violation 2. No Violation	10/8/2015

**SYSTEMIC COMPLAINT INVESTIGATION: JULY 1, 2015 – JUNE 30, 2016
PARENT (P) & SCHOOL (S)**

SYSTEMIC COMPLAINT FILED BY	DATE FILED	ALLEGATIONS	INVESTIGATED Y/N	VIOLATION Y/N	REPORT DATE
Parent (Systemic Complaint)	2/22/2016	<p>1. Whether the NDDPI has policies, procedures or practices that violate IDEA Part B with respect to:</p> <p>a. Evaluation and Reevaluation; including consent, timelines, independent education evaluation, prior notice, parental requests, and assistive technology.</p> <p>b. IEP development, review, revision, and implementation; including parent participation in meetings, use of draft IEP's, required team members, progress reports, provision of services, and extended school year.</p> <p>c. Least Restricted Environment with respect to preschool age children.</p> <p>d. Procedural Safeguards; including prior notice, examine records, and independent education.</p> <p>2. Whether the NDDPI implements general supervision requirements with respect to:</p> <p>a. State dispute resolution system; including monitoring decisions and required corrective actions.</p> <p>b. Monitoring LEA implementation of state special education rules and IDEA Part B regulations; including monitoring, technical assistance and enforcement.</p>	YES	<p>1. a-d No Violation of SEAs Yes Violation of LEAs</p> <p>2. a-d No Violation of SEAs Yes Violation of LEAs</p>	4/21/2016

**DUE PROCESS HEARING: JULY 1, 2015 – JUNE 30, 2016
PARENT (P) & SCHOOL (S)**

DUE PROCESS COMPLAINT FILED BY	DATE FILED	ALLEGATIONS	RESOLUTION OUTCOME (DATE)	HEARING Y/N (DATE)	OUTCOME (REPORT DATE)
Attorney for the District	6/13/2016	<p>Whether the AT evaluation done by the Petitioner was appropriate. (S)</p> <p>Whether the IEP done by the Petitioner is appropriate and should be implemented. (S)</p>			Attorney for the District withdrew the request for a hearing. File was closed on July 6, 2016