

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

*Annual Report for
Dispute Resolution
July 1, 2010 – June 30, 2011*



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

SCHOOL YEAR	IEP FACILITATION REQUESTS (COMPLETED)	MEDIATION REQUESTS (COMPLETED)	COMPLAINT INVESTIGATION REQUESTS	COMPLAINT INVESTIGATION REQUESTS THAT MET IDEA REGULATIONS (INVESTIGATION COMPLETED)	DUE PROCESS HEARING REQUESTS (COMPLETED)
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)
9/1/04-8/30/05	N/A	4 (4)	3 (3)		1 (1)
9/1/03-8/30/04	N/A	1 (1)	11 (11)		0 (0)

Complaint Investigation: July 1, 2010 – June 30, 2011

FILED BY	DATE OF RECEIPT OF COMPLAINT	ISSUES	VIOLATION Y/N	DATE OF REPORT TO COMPLAINANT
Parent	5/25/2011	1. Denial of FAPE (Failure to implement BIP) 2. Denial of FAPE (Inexperienced, unqualified staff)	1. No 2. No	7-22-2011
Parent	5/25/2011	1. Denial of FAPE (Failure to implement BIP) 2. Denial of FAPE (Failure to properly train staff)	1. No 2. No	7-22-2011
Parent	12/17/2010	1. Bullying	N/A	N/A

Complaint Investigation: July 1, 2010 – June 30, 2011

FILED BY	DATE OF RECEIPT OF COMPLAINT	ISSUES	VIOLATION Y/N	DATE OF REPORT TO COMPLAINANT
Parent	8/3/2010	Did the School: 1. Fail to provide AT 2. Fail to provide an aide 3. Failed to inform the IEP Team 4. Did the school fail to provide adaptations 5. Fail to review the IEP 6. Fail to provide adequate behavior analysis 7. Fail to use positive behavior interventions/supports 8. Fail to provide OT 9. Does the student need ESY 10. Fail to provide adapted PE	1. No 2. No 3. No 4. No 5. Yes 6. No 7. No 8. No 9. No 10. Yes	Due: 10/3/2010 Sent: 10/1/2010

Due Process Hearing: July 1, 2010 – June 30, 2011

DATE REQUEST RECEIVED	DISPUTE ISSUE(S)	FILED BY	OUTCOME
*Copy received of request to BIE. (*4/11/11)	1. Parent notice (procedural safeguards)	Parent	BIE asked that ND DPI handle a DPH request; <ul style="list-style-type: none"> • Parties notified that DPH requests must be submitted on ND DPI forms; • No DPH request was submitted to ND DPI.
12/27/2010	1. Placement 2. LRE	Parents	1/15/11-Scheduled date, 1/20/11-Actual date. Both parties agreed to request extension of the Resolution Session. This was approved by the Administrative Law Judge. Resolution Agreement signed and submitted to DPI on 5-9-2011.

Requests for Mediation: July 1, 2010 – June 30, 2011

DATE REQUEST RECEIVED	DISPUTE ISSUE(S)	FILED BY	OUTCOME
10/6/2010	1. Implementation of IEP	Parent	Parent requested Mediation than agreed to facilitate. The district met with parent and school on 11/5/2010 resulting in a successful outcome of appropriate services.
8/24/2010	<ol style="list-style-type: none"> 1. Failure to conduct an initial evaluation? 2. Failure to identify the student with a disability? 3. Conduct an adequate evaluation? 4. Review existing evaluation data? 5. Consider parent input in determination of eligibility? 	P&A Advocate & parent	<p>Mediation agreement reached on 9/3/2010.</p> <p>(Parents agreed to complete IEP through IEP Facilitation Meeting on 9/17/2010).</p>

Requests for IEP Facilitation: July 1, 2010 - June 30, 2011

DATE OF REQUEST	ISSUE(S)	MEETING DATE(S)	RESULTS
5/11/2011	1. Assist in developing IEP	5/20/2011	When this IEP is implemented fully, the last of the issues should be resolved.
12/7/2010	<ol style="list-style-type: none"> 1. Identification/evaluation 2. Services 3. Transition 4. Goals 5. Adaptation/accommodation 6. Related Services 7. Assistive Technology 8. Progress Reporting 9. Discipline/Behavior 10. Implementation of IEP 	N/A	District reported a planned meeting between parents & district was successful and parties mutually agreed a FIEP was not needed.

11/16/2010	<ol style="list-style-type: none"> 1. Placement 2. Identification/evaluation 3. Services 4. Goals 5. Adapt./Accommodation 6. Related Services 7. Assistive Technology 8. Implementation of IEP 	11/30/2010	Facilitation resulted in successful completion of IEP. Parent will complete paperwork so child can enroll in alternative school in LEA in 2nd semester.
11/15/2010	<ol style="list-style-type: none"> 1. Present levels of ed. perf. 2. Services 3. Goals 4. Services 5. Adapt./Accommodation 6. Related Services 7. Assistive Technology 8. Implementation of IEP 	N/A	The District stated they met on several occasions with the family to resolve issues; it was also recommended the family meet with a P&A Advocate. The District was not interested in a FIEP.
10/14/2010	<ol style="list-style-type: none"> 1. Services 	10/26/2010 (by IVN)	This FIEP was outcome of a complaint investigation. Parties reported that a successful FIEP Meeting was held on 10/26/2010.
10/12/2010	<ol style="list-style-type: none"> 1. Services 2. Placement 	N/A	District & Superintendent met with parent on Nov. 10 th . All agreed appropriate services were in place for student(s) & request for FIEP was no longer needed.
9/17/2010	<ol style="list-style-type: none"> 1. Determination of Disability 2. LRE 	9/17/2010	Facilitation resulted in successful completion of IEP (This situation had already gone to mediation, so decisions were previously arranged.)
8/10/2010	<ol style="list-style-type: none"> 1. Placement 2. LRE 	8/16 & 23, 2010 & conference call on 8/27/2010	Facilitation resulted in successful completion of IEP.

TABLE 7
 REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE
 INDIVIDUALS WITH DISABILITIES EDUCATION ACT
 2010-11

SECTION A: Written, Signed Complaints	
(1) Total number of written, signed complaints filed	4
(1.1) Complaints with reports issued	3
(a) Reports with findings of noncompliance	1
(b) Reports within timeline	3
(c) Reports within extended timelines	0
(1.2) Complaints pending	0
(a) Complaints pending a due process hearing	0
(1.3) Complaints withdrawn or dismissed	1
SECTION B: Mediation Requests	
(2) Total number of mediation requests received through all dispute resolution processes	2
(2.1) Mediations held	1
(a) Mediations held related to due process complaints	0
(i) Mediation agreements related to due process complaints	0
(b) Mediations held not related to due process complaints	1
(i) Mediation agreements not related to due process complaints	1
(2.2) Mediations pending	0
(2.3) Mediations withdrawn or not held	1
SECTION C: Due Process Complaints	
(3) Total number of due process complaints filed	1
(3.1) Resolution meetings	1
(a) Written Settlement agreements reached through resolution meetings	1
(3.2) Hearings fully adjudicated	0
(a) Decisions within timeline (include expedited)	0
(b) Decisions within extended timeline	0
(3.3) Due process complaints pending	0
(3.4) Due process complaints withdrawn or dismissed (including resolved without a hearing)	1

SECTION D: Expedited Due Process Complaints (Related to Disciplinary Decision)	
(4) Total number of expedited due process complaints filed	0
(4.1) Resolution meetings	0
(a) Written settlement agreements	0
(4.2) Expedited hearings fully adjudicated	0
(a) Change of placement ordered	0
(4.3) Expedited due process complaints pending	0
(4.4) Expedited due process complaints withdrawn or dismissed	0