

North Dakota
Department of Public Instruction
Office of Special Education

Annual Report for I.D.E.A.
Dispute Resolution
July 1, 2012 – June 30, 2013



ND 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, 2012 – June 30, 2013

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)
7/1/12 – 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)

*Three mediation requests were received at the end of the 2011-12 school year; however the parties were unable to mediate until after July 1, 2012. The outcomes are reported in the 2012-2013 Federal reporting period. One mediation request closed without a formal agreement (8/28/12 - mediation meeting). In the second mediation request, an agreement was drafted and negotiated. Due to the student no longer residing in the school district, it was decided to discontinue further work on the draft agreement and mediation was halted (8/20/12 - mediation meeting). In the third mediation request, mediation was pursued by the district for placement of a student that was not resolved in an earlier FIEP meeting. The mediation parties agreed on a 3-Part Plan for the student (8/7/12 mediation meeting).

**Six requests for complaint investigations were received. In one of these situations, the complaint party submitted two complaint requests in the same month that met IDEA complaint investigation requirements. The findings were combined into one complaint investigation and report.

Complaint Investigation: July 1, 2012 – June 30, 2013
District (D), Parent (P), & School (S)

COMPLAINT FILED BY	RECEIPT DATE OF COMPLAINT	ISSUES	VIOLATION Y/N	DATE OF REPORT TO COMPLAINANT
Parents	5/17/2013	1. Failure to ensure the IEP Team includes a qualified public agency representative. (P)	1. No	7/11/13
Parents	4/25/2013	1. Failure to provide prior written notice of IEP Meetings (10/31/12, 11/14/12, 12/12/12, & 1/31/13). (P) 2. Failure to consider parental concerns at the 9/26/12 IEP Meeting. (P) 3. Failure to consider the use of PBI and supports. (P) 4. Failure to educate the student in the LRE. (P) 5. Failure to properly amend the 9/26/12 IEP. (P) 6. Failure to provide transition services. (P)	1. Yes 2. No 3. Yes 4. Yes 5. Yes 6. Yes	6/24/13
Parent	3/27/2013 (Complaint #1) 4/30/2013 (Complaint #2)	<u>Complaint #1:</u> 1. Failure to implement IEP. (P) 2. Failure to provide written notice of school's refusal to provide ESY services. (P) 3. Failure to provide ESY services. (P) <u>Complaint #2:</u> 4. Denial of access to educational records. (P) 5. Failure to provide adequate instructional aide services. (P) 6. Failure to conduct an annual IEP review. (P) 7. Failure to develop appropriate IEP goals. (P)	1. No 2. No 3. No 4. No 5. No 6. No 7. No	5/24/13
Parent	2/4/2013	1. Bullying (P) The investigation request did not include a proposed resolution of issues & sufficient fact to support allegations of violation. Parent was notified of the missing requirements & given an opportunity to resubmit or request a FIEP or mediation.	N/A	N/A

Complaint Investigation: July 1, 2012 – June 30, 2013
District (D), Parent (P), & School (S)

COMPLAINT FILED BY	RECEIPT DATE OF COMPLAINT	ISSUES	VIOLATION Y/N	DATE OF REPORT TO COMPLAINANT
Parents	12/12/2012	1. Failure to provide a regular school day & core curriculum. (P) 2. LRE – Failure to provide social opportunity in current setting. (P) 3. Failure to provide highly qualified teachers. (P) 4. Violated Due Process. (P) 5. Failure to conduct a manifestation determination. (P) 6. Failure to conduct a functional behavioral assessment. (P)	Parents sent letter to withdraw Complaint Investigation request. A FIEP Meeting was scheduled for 1/13/13.	N/A

Due Process Hearing: July 1, 2012 – June 30, 2013

There were no due process hearings, expedited due process hearing requests, or resolution meetings held during the 2012-2013 school year.

Requests for Mediation: July 1, 2012 – June 30, 2013
District (D), Parent (P), & School (S)

MEDIATION FILED BY	RECEIPT DATE OF MEDIATION	ISSUES	OUTCOME
Parents	6/29/2012 7/5/2012	1. Additional direct service (P) 2. Placement (P) 3. LRE services (P), (S)	Parents sent letter to withdraw Complaint Investigation request. A FIEP Meeting was later requested by parents.
Parents	4/20/2012 5/7/2012	1. Identify communication styles that are productive in nature. (S) 2. Effective communication. (P) 3. Clarify roles & resp. of foster parent & school personnel. (S) 4. Very specific & well defined IEP goals. Team members that will assist in ensuring current & effective supports are being provided to meet student needs. (P)	8/20/2012 – Mediation Meeting. An agreement was drafted & negotiated. Due to the student no longer residing in the school district involved in the mediation, it was decided to discontinue further work on the draft agreement & mediation was halted.

Requests for IEP Facilitation: July 1, 2012 - June 30, 2013
District (D), Parent (P), & School (S)

FACILITATED IEP REQUEST DATE/FILED BY	ISSUE(S)	MEETING DATE	RESULTS
<p align="center">12/14/2012</p> <p align="center">Parents & Special Education Director</p>	<p>1. Other – programming & setting (P) (S)</p>	<p align="center">1/10/13</p>	<p>Facilitation did not result in a completed IEP. Facilitator adjourned the meeting after 45 minutes due to an impasse between the parties; (parents subsequently withdrew a Request for Complaint Investigation and agreed to a new meeting with the school personnel).</p>
<p align="center">10/29/2012</p> <p align="center">Parents</p>	<p>1. Present level of education performance (P) (S)</p> <p>2. Services (P) (S)</p> <p>3. Implementation of IEP (P) (S)</p>	<p align="center">12/18/2012</p>	<p>Facilitation resulted in successful completion of IEP. It appears the parents were satisfied with the outcome of the meeting. Establishing clear communication between the school and family was essential.</p>

