

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

***Annual Report for I.D.E.A.  
Dispute Resolution  
July 1, 2014 – June 30, 2015***



**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  
July 1, 2014 – June 30, 2015**

SCHOOL YEAR	FIEP REQUESTS (COMPLETED)	MEDIATION REQUESTS (COMPLETED)	COMPLAINT INVESTIGATION REQUESTS (INVESTIGATED)	DUE PROCESS HEARING REQUESTS (DISMISSED)
<b>7/1/14 – 6/30/15</b>	<b>11 (10)</b>	<b>6 (5)</b>	<b>5 (1)</b>	<b>2 (2)</b>
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)

**7/1/2014 – 6/30/2015 School Year – Dispute Resolution Summary**

Eleven requests for IEP Facilitation were received:

- Ten of the eleven requests resulted in facilitated meetings and successful IEP completion.
- One request was cancelled when parties agreed to mediation instead.

Six requests for Mediation were received:

- Five mediation requests went to session and successfully resulted in agreements.
- One request was denied because student was not on an IEP.

Five requests for State Complaint Investigation were received:

- Four requests did not meet criteria for investigation.
- One request met criteria and an investigation was completed.

Two requests for Due Process Complaint were received:

- One request directed to Teacher & School Effectiveness, the child had a 504 Plan.
- One request was withdrawn by the parent.

2013-14 reporting period:

- One due process requested 5/9/14, resulted in a Settlement Agreement and was dismissed 5/7/15.
- One due process requested 6/19/14, parties came to a resolution and was dismissed 8/7/14.

**REQUESTS FOR IEP FACILITATION: JULY 1, 2014 - JUNE 30, 2015  
PARENT (P) & SCHOOL (S)**

<b>FIEP DATE REQUEST RECEIVED/FILED BY</b>	<b>ISSUES</b>	<b>MEETING DATE(S)</b>	<b>OUTCOME</b>
<p align="center">3/12/15</p> <p>District Administrator</p>	<ol style="list-style-type: none"> <li>1. Present levels of educational performance (P/S)</li> <li>2. Goals (P/S)</li> <li>3. Adaptations/accommodations (P/S)</li> </ol>	<p align="center">5/13/15</p>	<p>Facilitation resulted in successful completion of IEP.</p>
<p align="center">2/9/15</p> <p align="center">Parent (Student 1 &amp; 2) &amp; District Administrator</p>	<p>(Student 1 – 2/9/15 FIEP Request):</p> <ol style="list-style-type: none"> <li>1. Other – IWAR results (P/S)</li> <li>2. Placement (P/S)</li> <li>3. Other – Results (P/S)</li> </ol> <p>(Student 2 – 2/9/15 FIEP Request):</p> <ol style="list-style-type: none"> <li>1. Other – Results (P/S)</li> <li>2. Adaptations/accommodations (P/S)</li> <li>3. Other – Results IWAR (PS)</li> </ol>	<p align="center">3/25/15 &amp; 4/14/15 &amp; 5/5/15</p> <p>(All meetings were for both students.)</p>	<p>Initial facilitation progress made, IEP not completed.</p> <p>Follow-up FIEP resulted in successful completion of IEP.</p> <p>(Mediation request for student #1.)</p>
<p align="center">1/06/15</p> <p align="center">Parent (Student 1 &amp; 2)</p>	<ol style="list-style-type: none"> <li>1. Placement (P)</li> <li>2. Identification &amp; evaluation (P)</li> <li>3. Present levels of education performance (P)</li> <li>4. Goals (P)</li> <li>5. Other – Transition, ESY to new school (P)</li> <li>6. Related services (P)</li> <li>7. Progress reporting (P)</li> <li>8. Discipline/behavior (P)</li> <li>9. Implementation of IEP (P)</li> </ol>	<p align="center">N/A</p>	<p>Parties chose to mediate instead.</p>
<p align="center">12/12/14</p> <p align="center">Parent &amp; Special Education Director</p>	<ol style="list-style-type: none"> <li>1. Placement (P/S)</li> <li>2. Present levels of educational performance (P/S)</li> <li>3. Services (P/S)</li> <li>4. Goals (P/S)</li> <li>5. Adaptations/accommodations (P/S)</li> <li>6. Assistive technology (P/S)</li> <li>7. Discipline/behavior (P/S)</li> <li>8. Implementation of IEP (P/S)</li> </ol>	<p align="center">1/22/15 &amp; 5/5/15</p>	<p>Facilitation resulted in successful completion of IEP.</p>

**REQUESTS FOR IEP FACILITATION: JULY 1, 2014 - JUNE 30, 2015  
PARENT (P) & SCHOOL (S)**

<b>FIEP DATE REQUEST RECEIVED/FILED BY</b>	<b>ISSUES</b>	<b>MEETING DATE(S)</b>	<b>OUTCOME</b>
<p align="center">11/06/14</p> <p align="center">Parent &amp; Special Education Director</p>	<ol style="list-style-type: none"> <li>1. Placement (P/S)</li> <li>2. Present levels of education performance (P/S)</li> <li>3. Services (P/S)</li> <li>4. Goals (P/S)</li> <li>5. Other (P/S) IWAR – FBA</li> <li>6. Adapt/accommodations (P/S)</li> <li>7. Discipline/behavior (P/S)</li> <li>8. Implementation of IEP (P/S)</li> </ol>	<p align="center">2/2/15 &amp; 2/9/15 &amp; 2/17/15</p>	<p align="center">Facilitation resulted in successful completion of IEP.</p>
<p align="center">11/06/14</p> <p align="center">Parents &amp; Special Education Director</p>	<ol style="list-style-type: none"> <li>1. Placement (P/S)</li> <li>2. Services (P/S)</li> <li>3. Adapt./accommodations (P/S)</li> </ol>	<p align="center">12/17/14 &amp; 1/28/15 &amp; 2/4/15</p>	<p align="center">Facilitation resulted in successful completion of IEP.</p>
<p align="center">9/22/14</p> <p align="center">Parent &amp; Secondary Principal</p>	<ol style="list-style-type: none"> <li>1. Placement (P/S)</li> </ol>	<p align="center">10/14/14</p>	<p align="center">Facilitation resulted in successful completion of IEP.</p>
<p align="center">8/11/14</p> <p align="center">Parent &amp; Secondary Principal</p>	<ol style="list-style-type: none"> <li>1. Placement (P/S)</li> </ol>	<p align="center">9/5/14</p>	<p align="center">Facilitation resulted in successful completion of IEP.</p>
<p align="center">7/24/14</p> <p align="center">Parent (Student 1 &amp; 2) &amp; District Superintendent</p>	<p>(Student 1 – 7/24/14 FIEP Request):</p> <ol style="list-style-type: none"> <li>1. ESY (P/S)</li> <li>2. Adaptations/accommodations (P/S)</li> </ol> <p>(Student 2 – 7/24/14 FIEP Request):</p> <ol style="list-style-type: none"> <li>1. Implementation of IEP (P/S)</li> <li>2. Adaptations/accommodations (P/S)</li> </ol>	<p align="center">9/2/14</p>	<p>Student 1 – Facilitation resulted in successful completion of IEP.</p> <p>Student 2 – Facilitation resulted in successful completion of IEP.</p>

**REQUESTS FOR MEDIATION: JULY 1, 2014 – JUNE 30, 2015  
PARENT (P) & SCHOOL (S)**

<b>MEDIATION FILED BY</b>	<b>DATE FILED</b>	<b>ISSUES</b>	<b>OUTCOME</b>
Parent	3/2/15	1. Academic concerns and support at school. (P)	District confirmed student was not on an IEP and did not have a disability. NDDPI did not provide mediation.
Parents & Special Education Director	2/4/15	1. Related services and providers (P/S) 2. LRE (P/S) 3. Methodology (P/S)	Mediation resulted in agreement.
Parent (Student 1 & 2) & Special Education Director	1/29/15	(Student 1 – 1/29/15 Mediation request): 1. Communication, and trust (P) 2. Goals, and progress (S) 3. Placement (P)  (Student 2 - 1/29/15 Mediation request): 1. Communication (P) 2. LRE (S) 3. Services (P)	Mediation resulted in agreement.  (Initially a FIEP requested, parties agreed to go to Mediation.)
Parent (Student 1 & 2) & Special Education Director	12/18/14	1. Breakdown of communication, trust, integrity, and communication. (S/P)	Mediation resulted in agreement to allow parties to move forward.
Special Education Director	12/4/14	1. LRE. (S) 2. BIP (S) 3. Related services (S) 4. Communication between parties (S)	Mediation resulted in agreement to allow parties to move forward.
Parents	9/12/14	1. Parents and school disagree on eligibility for IEP vs 504. (S/P) 2. Parents concerned with staff meeting child's needs. (P) 3. Disagreement on assessment and monitoring student progress. (S/P)	Mediation resulted in agreement to support student through a 504 Plan.  (Initially submitted as complaint in 2013-14.)

**COMPLAINT INVESTIGATION: JULY 1, 2014 – JUNE 30, 2015  
PARENT (P) & SCHOOL (S)**

<b>COMPLAINT FILED BY</b>	<b>DATE FILED</b>	<b>ALLEGATIONS</b>	<b>INVESTIGATED Y/N</b>	<b>VIOLATION Y/N</b>	<b>REPORT DATE</b>
Parents	6/4/15	<ol style="list-style-type: none"> <li>1. Fail to adhere to communication between school officials and affiants regarding IEP. (P)</li> <li>2. Fail to consider affiants' concerns at the IEP meetings? (P)</li> </ol>	NO  (Complaint did not fulfill all criteria for an investigation.)		
Parent	5/29/15	<ol style="list-style-type: none"> <li>1. Fail to comply with the requirements to excuse a mandatory IEP team member from attending an IEP team meeting in whole or in part. (P)</li> </ol>	YES	NO	7/24/2015
Aunt & Case Manager of Parent	5/28/15	<ol style="list-style-type: none"> <li>1. Protect student from abuse. (A)</li> <li>2. Fail to provide written documentation regarding suspension. (A)</li> <li>3. Fail to follow IEP Plan. (A)</li> <li>4. Fail to provide 1 on 1 aide. (A)</li> <li>5. Fail to provide transportation. (A)</li> </ol>	NO  (Student not enrolled in public school. Complaint was forwarded to BIE.)		
Parents	4/27/15	<ol style="list-style-type: none"> <li>1. Fail to locate, identify &amp; evaluate (P)</li> <li>2. Fail to provide proper IEP goals (P)</li> <li>3. Fail to provide adaptations &amp; accommodations (P)</li> </ol>	NO  (Complainants withdrew complaint request, parties agreed to a FIEP Meeting on 5/13/15.)		
Legal Guardian	12/1/14	<ol style="list-style-type: none"> <li>1. Fail to provide 1 to 1 aide. Fail to provide support on bus. (P)</li> </ol>	NO  (Parties withdrew Complaint request & agreed to mediate on 2/4/2015.)		

**DUE PROCESS HEARING: JULY 1, 2014 – JUNE 30, 2015  
PARENT (P) & SCHOOL (S)**

<b>COMPLAINT FILED BY</b>	<b>DATE FILED</b>	<b>ALLEGATIONS</b>	<b>RESOLUTION OUTCOME (DATE)</b>	<b>HEARING Y/N (DATE)</b>	<b>OUTCOME (REPORT DATE)</b>
Parent	5/29/15	The LEA failed to comply with IDEA re: excusal of IEP Team member attending IEP meeting in whole or part without parent consent. (P)			Parent withdrew Due Process request and complaint was dismissed on 6/10/15.
Parent	10/3/14	The LEA failed to comply with ADA re: parent consent. (P)			Student was on a 504 Plan. LEA worked with parent to address the complaint.