

Other Options

Due Process is not the only way to resolve disputes. You can:

- Contact the ND Department of Public Instruction, Office of Special Education at 1.866.741.3519 or 701.328.2277.
- Ask the local special education unit for assistance.
- Seek help with early dispute resolution from Pathfinder Services of ND.
- Ask for a Facilitated IEP.
- Ask for Mediation.
- File a Complaint with NDDPI.



Early Dispute Resolution

If you...

- Have read one thing about parent rights but feel you have been told something different.
- Believe the IEP is not working but aren't sure how to find what you need.
- Tried to resolve the problem locally and can't get a solution.
- Have questions or are unclear about what steps to take next.

Then please contact...



 701.837.7500

 info@pathfinder-nd.org

 <http://pathfinder-nd.org>



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Dispute Resolution in
North Dakota



Using the ND Due Process Complaint/ Hearing to Resolve Disputes



Creating Pathways
For North Dakotans



What is a Due Process Complaint/Hearing Request?

Sometimes parents and schools don't agree on whether a district's efforts to provide a free and appropriate public education have been adequate. A due process hearing is conducted by a formal hearing officer in which both sides present their position with supporting evidence. Advocates or lawyers may assist to present each case.

A Due Process Hearing Helps When You...

- Disagree with the results of your child's evaluation regarding their eligibility for special education and related services.
- Think that your child's individualized education program (IEP) developed by the child's IEP team doesn't meet their special education and related services needs.
- Believe the school is not providing the services included in your child's IEP.
- Disagree with the school district's placement decision for your child.

★ IMPORTANT ★

Be aware that this brochure does not contain all the details regarding the due process complaint/hearing request process and the resolution meeting process. Complete descriptions of the NDDPI processes are located at: ►►

How Do I Arrange for a Hearing?

Follow These Steps

The parent or the school may request a due process hearing.

A due process complaint must be submitted in writing and include:

- The name and address of where the child lives.
- The name of the school the child is attending.
- A description of the alleged violation of IDEA; one that occurred **not more than two years before** the date the complaint is received.
- The person making the due process complaint must sign and should date the form located at:
<https://www.nd.gov/dpi/sites/www/files/documents/SFN%20Forms/SFN9461.pdf>

Send the form to:

ND Dept. of Public Instruction
Office of Special Education
600 E. Blvd. Ave., Dept. 201
Bismarck, ND 58505-0440

Due Process Complaint/Hearing Request
<http://psnd.co/pdf/res/809.pdf>

Expedited Due Process Hearing Requests
<http://psnd.co/pdf/res/809.pdf>

Resolution Meetings
<http://psnd.co/pdf/res/727.pdf>

What Happens Next?

Know What to Expect

- The parent or school has **10 days to respond** in writing to a due process complaint. The response must meet all ND requirements.
- The parents and the school district may participate in a Resolution Meeting. The school has **15 calendar days** to hold the meeting.
- The school has **30 calendar days** to resolve the complaint. The school/parent may agree jointly to waive the Resolution Meeting or use mediation.
- If those options are not used the hearing will take place. **The 45-day timeline associated with the due process hearing begins at the expiration of the 30-day resolution period.**
- Parents and schools may bring attorneys and experts to the hearing. They may present evidence and cross-examine witnesses. The decision by the law judge is binding and each party receives a copy of the results.
- An expedited hearing is allowed in certain situations when parents disagree with a school's discipline-related decision.