CHAPTER 67-23-05
SPECIAL EDUCATION DISPUTE RESOLUTION

Section
67-23-05-01 Dispute Resolution Options Under Part B of IDEA
67-23-05-02 Due Process Hearing Under Part B of IDEA
67-23-05-03 Facilitated IEP Meeting

67-23-05-01. Dispute resolution options under part B of IDEA.

Federal law sets out the procedures for the following special education dispute resolution options: mediation, state complaint investigation, and due process. Specific information on these options may be found in the Individuals With Disabilities Education Improvement Act of 2004, Public Law 108-446 [118 Stat. 2647], 20 U.S.C. 1400 to 1419; at federal regulations implementing IDEA at 34 CFR part 300; and at the department's web site at www.dpi.state.nd.us/speced/resource/conflict/index.shtm.

History: Effective January 1, 2008.
General Authority: NDCC 15.1-32-09
Law Implemented: NDCC 15.1-32-02, 15.1-32-08, 15.1-32-12; 20 USC 1415

67-23-05-02. Due process hearing under part B of IDEA.

1. A due process hearing request must be made to:

   Director of Special Education
   North Dakota Department of Public Instruction
   600 East Boulevard Avenue, Dept. 201
   Bismarck, ND 58505-0440

2. An administrative law judge from the office of administrative hearings shall conduct the due process hearing.

History: Effective January 1, 2008.
General Authority: NDCC 15.1-32-09
Law Implemented: NDCC 15.1-32-02; 20 USC 1415

67-23-05-03. Facilitated IEP meeting.

A school or a parent of a student with a disability may request a facilitated individualized education program meeting in the form and manner prescribed by the department. A facilitated IEP meeting may be requested after an individualized education program meeting has occurred in which a facilitator did not participate. If both the school and a parent of a student with a disability agree to participate in a facilitated individualized education program meeting, the department shall select and compensate a facilitator for the meeting. A person eligible to act as a facilitator must be knowledgeable and experienced in the IEP planning process, unaffiliated with any party, and neutral. The facilitator guides the IEP meeting to ensure that the meeting is focused on the student. The facilitator does not make decisions and does not provide legal advice.

History: Effective January 1, 2008.
General Authority: NDCC 15.1-32-09
Law Implemented: NDCC 15.1-32-02, 15.1-32-08, 15.1-32-12