



**Dispute Resolution Services**

**FISCAL YEAR 2016 Report**

*Our Vision: To provide responsive leadership to support schools and families and to protect the rights of all students.*

## Introduction

The Minnesota Department of Education (MDE) has general supervisory responsibility, which includes ensuring the implementation of the dispute resolution programs outlined in the Individuals with Disabilities Education Act (IDEA). MDE provides ongoing assistance and training to parents, districts, and other parties to resolve special education issues. For those special education issues that cannot be resolved informally between the parties, MDE's Division of Compliance and Assistance (Division) has special education dispute resolution programs that include special education complaints, due process hearings, mediations, and facilitated team meetings. These programs continue to ensure that school districts are meeting the needs of students who receive special education and related services within the State of Minnesota.

The purpose of this report is to inform stakeholders of the use of the special education dispute resolution programs and to share the efforts taken to ensure effectiveness in these programs. This report contains program summaries for fiscal year 2016 (FY16), July 1, 2015 through June 30, 2016, (unless otherwise indicated) longitudinal data, comparative data, a summary of Division goals and trainings, and conclusions.

## Program Summaries for FY16

### Special Education Complaints

<b>Fiscal Year</b>	<b>Number of Complaints Filed During FY16</b>	<b>Number of Complaint Decisions Issued During FY16</b>	<b>Number of Complaint Decisions Issued During FY16 + 60 days (July 1, 2015 through August 29, 2016)</b>
2016	139 <sup>1</sup>	84 <sup>2</sup>	94
2015	87	61	66
2014	74	54	Unavailable
2013	59	36	Unavailable
2012	51	22	Unavailable

During FY16, MDE received 139 special education complaints.<sup>3</sup> Between July 1, 2015 and August 29, 2016 (60 days following the end of FY16), MDE issued 94 complaint decisions. Seventy of the 94 complaint decisions issued included findings of noncompliance totaling 74

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<sup>1</sup> Twenty of the 139 complaints filed during FY16 were systemic in nature.

<sup>2</sup> Twelve of the 84 written complaint decisions issued during FY16 were from special education complaints received in FY15. Nine of the written complaint decisions were systemic in nature.

<sup>3</sup> Thirty-six special education complaints received during FY16 were pending at the end of FY16, 11 of those pending were systemic in nature. One special education complaint received during FY16 was being held in abeyance at the end of FY16.

percent.<sup>4</sup> Twelve of the 139 complaints filed were pending and 33 complaints were withdrawn or dismissed. No complaint decisions were appealed.

The top findings of noncompliance in the special education complaint decisions issued during FY16 included:

- Failure to provide services in conformity with a student’s individualized education program (IEP).
- Failure to provide proper prior written notice.
- Failure to timely review and revise a student’s IEP.
- Failure to provide appropriate progress reports.
- Failure to meet child find obligations.
- Failure to hold an appropriate conciliation conference.

For a summary of special education complaint decisions issued during FY16, see Appendix A.

**Due Process Hearings**

<b>Fiscal Year</b>	<b>Number of Due Process Complaints Filed</b>	<b>Number of Resolution Meetings</b>	<b>Written Settlement Agreements Reached Through Resolution Meetings</b>	<b>Hearings Fully Adjudicated</b>
2016	30	19	2	3
2015	18	10	4	35
2014	25	12	1	5
2013	30	13	2	1
2012	38	18	Unavailable	1

During FY16, MDE received 30 due process complaints and three were fully adjudicated. Eight of the 30 due process complaints filed were pending and 19 due process complaints were withdrawn or dismissed (including resolved without a hearing). Two due process complaints were appealed.

The top issues raised in due process complaints filed during FY16 included:

- Whether the district properly identified and evaluated a student.
- Whether the district appropriately developed, reviewed, and revised a Student’s IEP.
- Whether the district provided a Student a free and appropriate public education (FAPE) in the least restrictive environment.

For a summary of hearing decisions issued during FY16, see Appendix B.

<sup>4</sup> Forty-five of the 66 complaint decisions issued between July 1, 2014 and August 29, 2015 included findings of noncompliance totaling 68 percent.

<sup>5</sup> The numbers for 2015 include due process complaints that were received in FY14 but decided in FY15.

**Expedited Due Process Complaints (Related to Disciplinary Decision)**

<b>Fiscal Year</b>	<b>Number of Expedited Due Process Complaints Filed</b>	<b>Number of Expedited Resolution Meetings</b>	<b>Expedited Written Settlement Agreements</b>	<b>Expedited Hearings Fully Adjudicated</b>
2016	2	1	0	0
2015	2	1	1	0

During FY16, MDE received two expedited due process complaints and none were fully adjudicated. None of the two expedited due process complaints were pending and two expedited due process complaints were withdrawn or dismissed.

**Mediations**

<b>Fiscal Year</b>	<b>Mediation Requests Received</b>	<b>Mediations Held</b>	<b>Full or Partial Agreement Reached</b>	<b>Agreement Rate</b>
2016	66	32	29	91%
2015	71	32	26	81%
2014	61	32	24	75%
2013	59	33	31	94%
2012	47	25	22	88%

During FY16, MDE received 66 special education mediation requests and 32 mediations were held. Ten of the mediation requests were pending and 24 mediation requests were withdrawn or not held. The average number of calendar days from request to conclusion was 25 days.

The top issues raised in mediation requests received during FY16 included:

- Whether services were provided in conformity with a student's IEP.
- Placement or least restrictive environment for a student.
- Paraprofessional services.
- Identification and evaluation of a student.
- Accommodations and modifications.
- Special education service time.

**Facilitated Team Meetings**

<b>Fiscal Year</b>	<b>Facilitated Team Meeting Requests Received</b>	<b>Facilitated Team Meetings Held</b>	<b>Full or Partial Agreement Reached</b>	<b>Agreement Rate</b>
2016	58	41	38	93%
2015	45	30	27	90%
2014	37	27	26	96%
2013	30	21	19	90%
2012	28	21	18	86%

During FY16, MDE received 58 facilitated team meeting requests and 41 facilitated team meetings were held. Five facilitated team meeting requests were pending and 12 facilitated team meeting requests were withdrawn or not held. The average number of calendar days from request to conclusion was 34 days.

The top issues raised in facilitated team meeting requests during FY16 included:

- Accommodations and modifications.
- Present levels of performance.
- Goals and objectives.
- Appropriate IEP development.
- Discussing whether services were provided in conformity with a student’s IEP.

**Summary of Division Goals and Training**

The Division of Compliance and Assistance, Dispute Resolution Team, worked diligently throughout FY16 to accomplish the Division goals of expanding its training methods to include online trainings, and expanding and increasing training and technical assistance.

During FY16, the Division provided targeted technical assistance to school districts to provide guidance to special education teachers, related service providers, and other school staff responsible for measuring, collecting, and reporting individual students’ progress toward their IEP annual goals and short term objectives. The training covers federal and state requirements, points of clarification, examples of noncompliance and compliance, and a practice activity to support compliance regarding progress reporting on annual goals and short term objectives. Targeted technical assistance was also provided to school districts on notification standards and the federal and state requirements for providing proper prior written notice.

The Division provided six targeted technical assistance trainings throughout the state and trained almost 400 participants. For opportunities to attend this training, or if you have any questions, please call Kimberly Cooper at 651-582-8306.

During FY16, the Division developed and provided training to District staff, parents, advocates, and other stakeholders on student rights and due process procedures to follow when considering the use of discipline in schools with an emphasis on the importance of alternatives to suspension and the use of positive behavioral supports.

This training provides an overview of Minnesota's Pupil Fair Dismissal Act (PFDA) and federal laws protecting students with disabilities. Topics include suspension procedures, expulsion and exclusion hearings, discipline policy development including an emphasis on behavioral interventions, and a review of discipline data in Minnesota including information specific to students with IEPs, an overview of service requirements, manifestation determinations, and 45-school-day placements. Ten Student Rights and Discipline trainings took place, including panel discussions, webinars, and on-site trainings, and included over 400 participants. For opportunities to attend this training, or if you have any questions, please call Sarah Knoph at 651-582-8359.

During FY16, the Division provided training to assist school districts in limiting their use of and properly implementing restrictive procedures in emergency situations. Specifically, this training provided an overview of positive behavior supports along with Minnesota's restrictive procedures statutes pertaining to children with disabilities, including requirements that must be met before using restrictive procedures and the standards for use. This training assisted individual school districts that had questions about statutory changes and required the individual school district requesting the training to actively participate in the presentation process along with, and with assistance from, MDE. Eleven restrictive procedures trainings took place and included 350 participants. For opportunities to attend this training, or if you have any questions, please call Sara K. Wolf at 651-582-8602.

During FY16, the Division provided training in which parents, advocates, and IEP managers explored communication, collaboration, and conflict management while getting to know each other in a different environment. During this training, the groups enjoyed the interaction with one another and the chance to hear each other's' perspectives. The Division conducted two of these trainings, training 16 participants during FY16.

During FY16, the Division provided training to special education directors on the special education complaint process during the September 2015 Special Education Directors' Forum. This training provided an overview of the special education complaint process and provided districts assistance on how to effectively respond to a special education complaint.

The Division currently has available several online trainings relating to the provision of special education and related services. For a listing, please check our [Special Education Training page](#).

The Division also provided technical assistance over the phone and by email on a daily basis. This technical assistance was provided to parents, advocates, and school district personnel. During FY16, the Division responded to over 2,300 telephone calls and emails pertaining to the provision of special education and related services.

## **Conclusion**

The Division continues to refine its goals to ensure that the needs of all students who receive special education and related services are being met. The goals in effect for FY17 include the addition of expanding engagement efforts with disenfranchised communities and expanding training opportunities to groups that serve students and families who are members of disenfranchised communities. Both of these goals align with Governor Dayton's 7 Point Plan: Better Schools for a Better Minnesota and the World's Best Workforce goals to improve educational outcomes for students with disabilities. The Division continues to expand its

outreach efforts to ensure that all eligible Minnesotans have access to the special education dispute resolution programs outlined in this report.

The Division continues to provide trainings and technical assistance to school districts, advocates, and parents in areas which include, but are not limited to, student discipline, progress reporting, prior written notice, restrictive procedures and positive behavior supports, and collaboration, along with outreach efforts to ensure all eligible Minnesotans are aware of, and have access to, the special education dispute resolution programs, trainings, and technical assistance. Further, the Division will continue to work on new training opportunities for District staff, hearing officers, mediators, and facilitators.

**Appendix A**  
**Summary of Complaint Decisions Issued During FY16**

File No.	School District	Summary
15062	South West/ West Central	District failed to follow proper procedures when using restrictive procedures and failed to provide services in conformity with the Students' IEPs and engaged in behavioral practices that escalated student behavior and increased the Students' time away from the classroom.
15075	Anoka-Hennepin	District failed to provide services in conformity with the Student's IEP, review and revise the IEP, inform staff of specific responsibilities, write measurable annual goals, complete progress reports, revise the IEP to address behaviors, or consider the use of positive behavior supports.
15076	Pine City	District conducted an IEP meeting with required team members but failed to hold a conciliation conference within ten calendar days of receiving parental objection.
15077	Cottage Grove	District failed to provide services in conformity with the Student's IEP but did consider the use of positive behavioral interventions and supports, and other strategies, to address the Student's behavior and did meet to address the Student's anticipated needs and to review any lack of expected progress, and to revise the Student's IEP and PBSP as appropriate.
15078	Northland Learning Center	District failed to appropriately plan for and respond to Student behavior and instead used restrictive procedures without following proper procedures and in nonemergency situations but failed to provide paraprofessionals with appropriate training.
15079	NE Metro	District promptly requested the Student's records from the Student's resident school district but the District did not suspect the Student of being a child with a disability and failed to properly respond with a prior written notice refusing to conduct an evaluation requested by Complainants.
15080	St. Cloud	District failed to provide prior written notice of its refusal regarding the Complainant's request for special education services or a special education evaluation but did provide prior written notice for the Complaint's second request for a special education reevaluation.

<b>File No.</b>	<b>School District</b>	<b>Summary</b>
15081	Bemidji	District failed to provide the Student with accommodations and modifications in conformity with the Student's IEP during a two-week period when a short-term substitute teacher was in the classroom.
15083	Pipestone	District was not in violation for referring the Student to an ALC [area learning center] before proposing an initial evaluation but District failed to provide prior written notice proposing an evaluation.
15084	LaCrescent-Hokah	District did not have a basis to suspect the Student was a child with a disability and once District evaluated the Student, District's evaluation was comprehensive and District did not interfere with the Student's right to an independent educational evaluation.
15085	Minneapolis	District provided ESY services in conformity with the Student's IEP.
15086	Benton-Stearns	District failed to train paraprofessionals to meet the Student's individual needs and the Student's IEP lacked specificity regarding paraprofessional responsibilities. District did not consider the Student's most recent evaluation or provide services in conformity with the Student's IEP.
16001	Perpich Center for Arts	District had no cause to suspect the Student was a child with a disability during the first two months of the school year but once an IEP was in place, failed to implement the Student's extended due dates as required by the IEP.
16003	Hayfield	District failed to report whether the Student's progress was sufficient to enable the Student to achieve the goals by the end of the year but District properly addressed the Student's lack of progress.
16004	St. Paul	District was in compliance when, although there was disagreement at IEP team meetings, the Complainants' concerns were addressed as evidenced by the District's prior written notice proposing an IEP.
16005	Anoka Hennepin	District failed to review and revise the Student's IEP as appropriate to address the lack of progress but the IEPs were not reasonably calculated to enable the Student to benefit educationally.
16009	Forest Lake	District failed to provide accommodations in conformity with the Student's IEP and failed to report progress in accordance with the Student's IEP but did consider the parent's concerns when reviewing and revising the IEP.

<b>File No.</b>	<b>School District</b>	<b>Summary</b>
16010	Minneapolis	District failed to provide services in conformity with the Student's IEP but did provide Student with proper prior written notices before making changes to the Student's IEP.
16011	Centennial Public School	District provided paraprofessional support in conformity with the Student's IEP and followed proper procedures following a manifestation determination meeting, but failed to propose appropriate alternative educational services for the Student during a suspension.
16012	Stillwater	District provided services in conformity with the Student's IEP and the Student made adequate progress.
16013	Mahtomedi	District failed to revise the Student's IEP to reflect a change in services, provide prior written notice to the Student's parents of the change, and implement the Student's special education and related services in the least restrictive environment in conformity with the Student's IEP.
16017	Virginia	District provided services in conformity with the Student's IFSP [individualized family service plan] and IEP.
16019	Forest Lake	District failed to provide progress reports in conformity with the Student's IEP but did review and revise the Student's IEP to address lack of progress.
16020	Minnesota State Academies	District failed to provide access to the general education curriculum, failed to properly report Student's progress, failed to specifically describe Staff responsibilities, and failed to provide a conciliation conference.
16022	St. Paul Public Schools	District failed to timely review and revise as appropriate the Student's IEP.
16023	Minnesota State Academies	District failed to consistently provide speech language services in conformity with Student IEPs.
16024	Fairmont	District's clerical error in the Student's IEP did not result in educational harm.
16025	Moorhead	District failed to provide a daily chart in conformity with the Student's IEP and failed to document and notify parent of the use of seclusion, but did provide staff training in conformity with the Student's IEP and periodically reviewed the Student's IEP, including the BIP, and revised it as appropriate.

<b>File No.</b>	<b>School District</b>	<b>Summary</b>
16026	Underwood	District scheduled IEP team meetings at times the parent requested and also offered alternative means of meeting to ensure parental participation.
16030	Althos Leadership Academy	District met its child find obligations and provided appropriate ESY [extended school year] services, but failed to timely deliver an initial evaluation to Complainant and failed to hold a timely manifestation determination meeting, determine alternative services, or implement the Student's IEP.
16031	Floodwood	District provided accommodations in conformity with the Student's IEP, but failed to provide progress reports.
16032	Floodwood	District failed to offer Complainants a conciliation conference, failed to provide services in conformity with Student's IEP, and failed to provide Complainants with a copy of procedural safeguards.
16033	Owatonna	District failed to provide paraprofessional services in conformity with the Student's IEP on one occasion.
16034	Owatonna	District did review and revise the Student's IEP to address information provided by parents and the Student's anticipated needs and did provide services in conformity with the Student's IEP.
16035	Columbia Heights	District failed to timely convene an IEP team meeting with appropriate team members to discuss proposed changes to the Student's IEP and address the Student's anticipated needs and failed to provide Complainant with proper prior written notice.
16036	Hermantown	District failed to timely hold a conciliation conference and implemented the Student's IEP prior to receiving written parental consent.
16037	Jane Goodall	District failed to properly review and revise the Student's IEP.
16039	Minneapolis	District provided services in conformity with the Student's IEP.
16040	Minnetonka	District failed to provide services in conformity with the Student's IEP and failed to provide progress reports that reported progress on all components of annual goals but did properly meet to review and revise the Student's IEP to address lack of progress and attendance.

<b>File No.</b>	<b>School District</b>	<b>Summary</b>
16041	South Washington County	District failed to ensure the IEPs documented appropriate secondary services, failed to provide assistive technology, and failed to implement behavior plans.
16042	Zumbro Ed District	District failed to provide vision services in conformity with the Student's IFSP.
16044	Wayzata	District implemented portions of the Student's IEP but failed to inform providers of their specific responsibilities under the IEP and failed to provide notice of team meeting, include required IEP team members, follow excusal procedures, and review and revise the Student's IEP.
16045	South Washington County	District had no obligation to review and revised the Student's IEP because new information had been provided to, or by, the District.
16046	Staples Motley Schools	District failed to provide appropriate educational services and follow appropriate procedures for Students residing in a care and treatment facility.
16047	Anoka-Hennepin	District failed to conduct a reevaluation or provide prior written notice after the evaluation request and failed to send the complete educational record to the parent, but did consider the Student's medical assessment and did not have an obligation to review and revise the Student's IEP.
16050	Willow River Public Schools	District developed an IEP that considered the needs of the Student, the concerns of the parents, and the use of positive behavioral interventions and supports and periodically reviewed the Student's IEP, including the behavior intervention plan, and revised it as appropriate, but failed to provide prior written notice.
16051	Proctor	District failed to ensure that speech/language services were provided to students in the middle and high school during the beginning of the 2015-16 school year.
16052	Stride Academy	District used restrictive procedures, specifically physical holding, without following proper procedures, but did not use seclusion and did consider the use of positive behavior interventions and supports and followed the Student's IEP and behavior intervention plan.
16053	Eastern Carver County	District did consider the parent's concerns but did provide prior written notice when the parent revoked consent for services.

<b>File No.</b>	<b>School District</b>	<b>Summary</b>
16055	Osseo	District failed to provide prior written notice and proposed IEP when changing the provision of FAPE to the Student and failed to provide services in conformity with the Student's IEP.
16056	Sartell-St. Stephen	District informed regular education teachers of their IEP responsibilities but failed to ensure the Student received daily direct instruction for organizational skills in conformity with the IEP.
16057	Minneapolis	District did not engage in prohibited procedures and provided accommodations in conformity with the Student's IEP.
16058	Mountain Iron Buhl	District responded to the Student's behavior in accordance with the Student's IEP and properly safeguarded the privacy of the Student, but District failed to provide training for the classroom paraprofessionals in conformity with the Student's IEP.
16059	Jackson County Central	District failed to provide services in conformity with the Student's IEP, failed to timely review and revise the Student's behavior plan, and denied the Student access to the general education curriculum.
16060	College Prep Elementary	District implemented an IEP before providing prior written notice to the parent.
16061	South Washington County	The District failed to provide proper prior written notice.
16063	Fergus Falls	District failed to provide prior written notice to the parent.
16064	Edina	District failed to provide an equal opportunity for the Student to participate in extracurricular activities when it did not provide the supplementary aids and services in conformity with the Student's IEP.
16065	Shakopee	District failed to provide accommodations in conformity with the Student's IEP in the general education setting.
16066	Anoka-Hennepin	District failed to timely evaluate the Student for special education and related services eligibility.
16067	Murray County Central	District failed in its child find obligation.
16069	Anoka-Hennepin	District offered a continuum of alternative placements and considered the Student's communication needs when proposing short-term home instruction while awaiting a placement decision.

<b>File No.</b>	<b>School District</b>	<b>Summary</b>
16071	Milaca	District provided appropriate supplementary services to ensure Student was afforded equal opportunity to participate in nonacademic activities, but failed to determine an altered school day was necessary for the Student prior to dismissing the Student early for transportation.
16072	Fergus Falls	District failed to provide interpretation services, failed to review and revise the Student's IEP to address Student's anticipated needs, and failed to provide prior written notice of its refusal.
16073	Cambridge-Isanti	District failed to provide services in conformity with the Student's IEP and did not follow proper excusal procedures at an IEP meeting.
16074	Ada-Borup	District failed to revise the Student's IEP as appropriate to address the Student's anticipated needs.
16075	Virginia	District failed to provide physical therapy in conformity with Students' IEPs when it did not employ a physical therapist.
16078	Virginia	District failed to provide physical therapy services in conformity with the Student's IEP and failed to provide prior written notice of its refusal to reevaluate the Student, but did provide proper training to paraprofessionals.
16079	Rothsay	District met to review and revise the Student's IEP but failed to provide proper prior written notice and proceeded with proposed IEP changes instead of waiting for parental consent.
16080	Minneapolis	District failed to hold timely IEP team meetings and modify the Student's IEP or behavior intervention plan as appropriate following the use of restrictive procedures.
16092	Virginia	District failed to provide physical therapy services in conformity with the Student's IEP but provided assistive technology in conformity with the Student's IEP.
16094	St. Paul	District failed to timely review and revise the Student's IEP.
16095	Spring Lake Park	District violated its child find obligations when it failed to suspect the Student was a student with a disability and timely initiate a special education evaluation.

<b>File No.</b>	<b>School District</b>	<b>Summary</b>
16096	Bloomington	District developed an appropriate IEP that addressed the Student's academic needs but failed to ensure appropriate alternative educational services were provided during a unilateral 45-day placement in an interim alternative educational setting.
16097	Fergus Falls Public Schools	District failed to timely identify and evaluate the Student as a student with a disability in need of special education.
16098	St. Francis	District failed to provide social skills services in conformity with Students' IEPs when a teacher was unavailable.
16099	Eastern Carver County	District did not place the Student in seclusion and provided services and accommodations in conformity with the Student's IEP.
16100	Bloomington	District failed to provide services in conformity with the Student's IEP.
16101	Bemidji	District failed to provide the Student paraprofessional services in conformity with the Student's IEPs and failed to review and revise the Student's IEP to address the Student's anticipated needs after Student ceased attending school.
16102	Rosemount Apple Valley Eagan	District met its child find obligation but failed to provide Complainant with a conciliation memorandum and any proposed IEP resulting from the conciliation conference.
16104	Minneapolis	District met its obligation when the Student's 2015 IEP included a variety of supplementary aides and services necessary to educate the Student in the LRE but failed to provide transportation consistently in conformity with the Student's 2015 IEP, or review and revise the Student's IEP to address attendance and tardiness.
16105	Perpich Center for Arts	District failed to provide program modifications, supports, and adaptations in conformity with the Student's IEP and failed to timely review and revise the Student's IEP.
16107	United South Central School District	District failed to hold an IEP team meeting to address the Student's lack of expected progress on goals.
16108	Minneapolis	District provided services in conformity with the Student's IEP.

**Appendix B**  
**Summary of Due Process Hearing Decisions Issued during FY16**

File No.	School District	Decision Summaries
16-015H	Osseo	Parent failed to prove by a preponderance of the evidence that the District did not offer and provide FAPE in the LRE, and the District proved by a preponderance of the evidence that it provided FAPE in the LRE and proposed an IEP that provided FAPE in the LRE.
16-014H	Bertha-Hewitt	The District did not deny the Student a FAPE when responding to challenging behaviors during the 2015-16 school year. Student's behaviors were not new, though they were increasing in frequency. Student's IEP was substantially followed and the District followed appropriate procedures to evaluate Student and proposed changes to the IEP reasonably calculated to provide special education and related services, supplementary aids and services, and staff support to deal with Student's challenging behaviors.
16-019H	Anoka-Hennepin	The District provided an education program that was tailored to meet the Student's unique needs. The District complied with procedural and substantive requirements of IDEA and the educational program provided to the Student was reasonably calculated to result in educational benefit.