

# Accommodations (C3a.v01)

North Dakota state and federal law requires school districts to develop and carry out IEPs, 504 Plans, and language services for students who reside in their districts, including service plans for homeschooled students. As a supplementary educational provider, NDCDE assists with implementation of these plans to the extent feasible in a virtual learning environment.

## Individualized Education Plans (IEPs)

- Public school district responsibilities:
  - Monitoring to identify and correct noncompliance with IDEA
  - Timely collection and reporting of data, including data to report on the indicators in the State Performance Plan/Annual Performance Report
  - Establishing and maintaining qualifications to ensure that personnel necessary to carry out the purposes of IDEA
  - Child Find
  - Ensuring that each eligible child with a disability has FAPE available to him or her in accordance with 34 CFR-§§300.101 and 300.17 2.
  - Implementing the evaluation and eligibility requirements in 34 CFR-§§ 300.300-300.311; 3.
  - Carrying out the IEP requirements in 34 CFR-§§300.320 through 300.324, including those governing IEP content, IEP Team participants, parent participation, when IEPs must be in effect, consideration of special factors, the development, review, and revision of IEPs, secondary transition services and participation in State and districtwide assessment programs; and
  - Implementing the requirements in 34 CFR-§§300.114 through 300.117, regarding education in the least restrictive environment, including ensuring the availability of a continuum of alternative placements to provide special education and related services.
- How NDCDE assists schools with IDEA implementation:
  - Requires schools or parents (for homeschooled students) to provide NDCDE with the student's IEP (service plan for homeschoolers), analyzes it, determines which accommodations it can provide virtually and shares this information with the student, parent/guardian, learning coach, and school.
  - Works with the school to receive clarification when needed on implementing the IEP. NDCDE instructors are authorized to communicate directly with the school for ongoing consultation, but if students are enrolled in multiple courses, teachers are encouraged to channel these questions through the dean of students who can then ensure all the student's teachers are provided with the clarification sought.
  - To comply with the Child Find mandate, NDCDE teachers who suspect that a student is in need of special education services notify the dean of students who then makes

- a referral to the local school.
- Distributes the full IEP and the list of accommodations provided by NDCDE to each of the student's NDCDE teachers.
  - Upon request, provides the school district with records of communications with the student's parents or guardians.
  - Provides academic progress to school districts through its student information portal.
  - Provide summaries for IEP team meetings on student progress and teacher observations unless NDCDE administration approves and documents an exception to the teacher attending the accommodations meeting.
  - Refer disputes related to implementation of the IEP to the local school district that administers the plan.

### **504 Plans**

Because NDCDE's services are considered supplemental to a student's primary education and because local school districts are responsible for implementing Section 504 of the Rehabilitation Act for all resident students, including homeschooled students, NDCDE will support districts in implementing Section 504, using the same procedures as it follows for IEPs. It relies on and will refer a student to the complaint procedures developed by local school districts when a student or parent alleges that Section 504 was violated. In the absence of such a grievance policy in the student's school district or in conjunction with the grievance filed through the school, the student may file a grievance related to implementation of their 504 Plan using the Non-Discrimination & Harassment Grievance Procedure for Students, C3d.

### **Recommended Review of IEPs and 504 Plans during the Enrollment Process**

For students wishing to enroll in an NDCDE course, NDCDE encourages the district to convene the IEP team or Section 504 committee meetings to determine, with appropriate accommodations, if the virtual program is appropriate for the student to receive FAPE. The IEP or Section 504 plan should then be revised to include the services, aids, supports, accommodations, and modifications that will be required in a virtual program, considering the list of accommodations NDCDE can provide (listed below) and the support the district can provide locally. If the team/committee determines that the virtual program is not appropriate to confer FAPE, even with accommodations, it may recommend that the student not enroll at NDCDE. Such a determination is subject to the parents' rights and procedural safeguards under applicable state and federal law.

### **Individual Language Plans (ILPs)**

According to federal and state legislation, school districts are required to provide appropriate language services to assist students who lack English language proficiency due to the influence of a language other than English. Under NDCC 15.1-38-03, local school districts are required to determine if students require English language learner services and shall convene a team to review the student's language and educational needs. Based on the review, the team may develop an individualized language plan. NDCDE will review the ILP during the enrollment process and work with the schools in implementing these plans to the extent feasible, notifying the student, parent, and school of the services it can offer. In addition, if an NDCDE teacher

identifies a student who may benefit from an ILP, the teacher will notify the dean of students, who will refer the matter to the student's school, English Learner Coordinator, or school district of residence.

### **NDCDE Accommodations**

While the IEP or 504 team decides on the appropriate scope of accommodations, NDCDE has developed a [list of common accommodations](#) provided online to help guide these decisions. Accommodations are an exception to any NDCDE standards and policies concerning course and academic integrity safeguards.

#### References:

[Dear Colleague Letter on Online and Virtual Schools and the Individuals with Disabilities Education Act \(IDEA\)](#)

[Frequently Asked Questions About the June 29, 2010, Dear Colleague Letter” \(FAQ\)](#)

[ND DPI Special Education webpage](#)

Section 504 Subpart D  
[Section 504 Regulations](#)

#### **End of policy**

**Adopted: 08/02/2024**

**Amended:**

**Published where: NDCDE website, CDE-All Staff Teams Channel**

**Version and effective date: 08/02/2024**