



## Highlights of Activities by the Office for Dispute Resolution April 1, 2009 through June 30, 2009

### ConsultLine

During the reporting period, there were 1,133 calls received. Of that total, the ConsultLine staff provided service in 987 instances.<sup>1</sup> In 70 instances, Call Resolution Process (CRP) was offered and 39 were actually conducted.

### IEP Facilitation

Twenty-one requests were received during the reporting period. Five requests resulted in an IEP; 11 resulted in a partial IEP; and 2 requests were declined. Three requests were still active during the reporting period.

### Mediation

During the reporting period, there were 144 new requests for mediation. In 7 instances, mediation was declined by the non-requesting party. In 9 instances, the request was withdrawn. In 37 instances, an agreement was reached. In 11 instances, no agreement was reached, and 13 instances the parties reached their own agreement. Sixty-seven mediation requests remained active at the end of the reporting period.

ODR received 100 more mediation requests during this fiscal year than in the past.

---

<sup>1</sup> The ConsultLine message asks callers to leave times that the caller will be available to take a return call from ConsultLine. ConsultLine staff returns all calls, making at least 3 attempts over 3 different business days, but are not always successful in reaching the caller.

## Due Process

### A. Carryover from 2007-2008 requests

The Annual Report for FY 2007-2008 and the First, Second and Third Quarterly Reports for 2008-2009 showed the majority of the results of due process requests for the FY 2007-2008. In the fourth quarter of FY 2008-2009, one case is still active from FY 2007-2008. There were 2 decisions written during this reporting period. The results of These cases are as follows:

Hearing Officer supported Parent: 0  
Hearing Officer supported Parent with modifications: 1  
Hearing Officer supported Parent in part, and LEA in part: 0  
Hearing Officer supported LEA: 1  
Hearing Officer supported LEA with modifications: 0  
Hearing Officer's Own Decision: 0

### B. Current Summary of all Due Process Requests from FY 2007-2008

There were 821<sup>2</sup> requests for due process during FY 2007-2008.

Results for these requests are as follows:

Dismissed by Hearing Officer:	49
Agreement reached by parties	333
Resolution session agreement	170
Withdrawn	147
Hearing Officer decisions	121
Still active	1

Results of the 121 Hearing Officer decisions are as follows:

Hearing Officer supported Parent: 30  
Hearing Officer supported Parent with modifications: 9  
Hearing Officer supported Parent in part, and LEA in part: 18  
Hearing Officer supported LEA: 54  
Hearing Officer supported LEA with modifications: 8  
Hearing Officer's Own Decision: 2

All hearing officer decisions were issued in a timely fashion during the fiscal year.

---

<sup>2</sup>822 requests were reported in the Annual Report for FY 2007-2008, but due to an incorrect request date, the actual total should be 821.

## Due Process (Continued)

### C. Requests during reporting period (4/1/09-6/30/09)

Two hundred thirty-nine requests were received for due process during the reporting period. In five instances, the request was dismissed by the Hearing Officer. In 20 instances, the request was withdrawn. In 30 instances, an agreement was reached by the parties. In 11 instances, a resolution session agreement was reached. In five instances, the Hearing Officer rendered a decision. One hundred sixty-eight requests remain active at this time.

For those cases resulting in a Hearing Officer decision, the breakdown is as follows:

Hearing Officer supported Parent: 2  
Hearing Officer supported Parent with modifications: 0  
Hearing Officer supported Parent in part, and LEA in part: 1  
Hearing Officer supported LEA: 0  
Hearing Officer supported LEA with modifications: 0  
Hearing Officer's Own Decision: 2

### D. Decisions written during reporting period (4/1/09-6/30/09)

Twenty-two decisions were written during the reporting period for FY 08-09 cases, with the breakdown as follows:

Hearing Officer supported Parent: 3  
Hearing Officer supported Parent with modifications: 1  
Hearing Officer supported Parent in part, and LEA in part: 6  
Hearing Officer supported LEA: 7  
Hearing Officer supported LEA with modifications: 0  
Hearing Officer's Own Decision: 5

### E. Comparison of Due Process Requests to Prior Fiscal Years

The total number of due process requests during the current fiscal year --816-- is on par with the number of requests during the same reporting period for FY 2006-2007 (776 requests) and FY 2007-2008 (821). This will be the fourth year in a row where Pennsylvania's requests have declined significantly from the high of 1,036 due process requests (FY 2004-2005).

## Appeals

### A. Carryover from FY 2007-2008 Appeals

As in the due process requests from FY 2007-2008, not all of the appeals can be reported within the Annual Report or First, Second and Third Quarterly reports of FY 2008-2009. During the current reporting period, ODR received one appeal of a Hearing Officer Decision issued on FY 2007-2008 requests. Including this appeal, a total of two appeals are still in progress.

### B. New Appeals During the Reporting Period to Commonwealth or Federal Court

There was one FY 2007-2008 and two FY 2008-2009 decisions dealing with Chapter 14 that have been appealed to Eastern District of PA (federal court).

## ODR Activities

Mediator Training. On May 14-15, 2009, Mediation training was held at the Holiday Inn West, Mechanicsburg. Greg Abell, of Sound Options Group, an expert in the field of dispute resolution, presented to ODR contracted mediators and staff. Day 1 of this 2-day training included an in-depth role play and discussion of topics generated by the mediators from an earlier training. Day 2 focused on the philosophy of developing from "doing" mediation into "becoming" a mediator.

Hearing Officer Training. On June 16 – 17, 2009, James Gerl, Esquire, provided training sessions to the hearing officers on administrative law, conduct and control of administrative hearings, evidence in administrative hearings and decision writing. Training was geared towards hearing officer national certification through the National Association of Hearing Officials (NAHO).

Law School Project. Kerry Smith and representatives from the following law schools participated in a conference call regarding the possibility of providing support to pro se parents in due process: University of Pittsburgh; Dickinson; Widener Harrisburg; Temple, and University of Pennsylvania. Dickinson School of Law has agreed to provide support to parents in Cumberland County who meet its eligibility guidelines, and the clinic is capable of accepting a new case. ODR is serving as the conduit of this information to Cumberland County parents pursuing due process. Widener University indicated that it could not commit to a project of this nature, but the remaining law schools are discussing the viability of the project. ODR will reconvene a conference call shortly to discuss status and next steps.

Pro Se Parent Guide to Due Process. A draft of the Pro Se Manual was sent to Attorney Janet Stotland of the Education Law Center and members of the Disability Rights Network to share with their Value Coalition constituents for review and comment. The manual reflects months of work by many people, in an attempt to write a manual for parents which is both accessible yet comprehensive.

Exemplar Project. As a participating state in the "exemplar project", ODR was asked to submit paperwork reflecting the component parts of the office (ConsultLine; IEP Facilitation; Mediation; Due Process; Training, etc.). CADRE has indicated that it will be using ODR's submission as the matrix for collection of data from the other three participating states. (Note

## ODR Activities (Continued)

that ODR continues to submit documents to CADRE as they become available)

CADRE Advisory Panel. On June 9, 2009, Kerry Smith participated in the quarterly conference call with CADRE as a member of its advisory panel. As with past calls, CADRE was again complementary of the innovative dispute resolution work occurring in PA, as well as ODR's production of materials to CADRE as part of the exemplar project. CADRE anticipates that it will be writing a description of each of the four state systems chosen as exemplars, and will provide links on the web to the materials and resources used within that state so that other states can benefit from work already completed.

## ODR Staff

Presentations. On April 7, 2009, Kerry Smith, Suzanne McDougall, and Gloria Satriale (contractor) presented the Creating Agreement training to the Inaugural Summit workgroup created as a result of the November 2008 Summit meeting. The training was held at PaTTAN-King of Prussia. ODR was asked to repeat this training for other parent/educator groups in the region.

On April 16, 2009, Dixie Rider gave a Mediation/IEP Facilitation presentation for Lancaster County Mental Health/Mental Retardation/Early Intervention staff.

On April 21, 2009, a mini summit on Creating Agreement in Special Education was given to a broad-based stakeholder group from Intermediate Units 10, 11, 16 and 17. This training was presented by Kerry Smith, Suzanne McDougall and Dixie Rider at CSIU in Lewisburg. ODR was asked to repeat this training for other parent/educator groups in the region.

On April 28, 2009, a mini summit on Creating Agreement in Special Education was given to a broad-based stakeholder group from Intermediate Units 4, 5, 6, 9 and 28. This training was presented by Kerry Smith, Suzanne McDougall and Dixie Rider at Riverview Intermediate Unit 6 in Clarion. ODR was asked to repeat this training for other parent/educator groups in the region.

On April 30, 2009, Creating Agreement Training/ODR overview was given at the Autism Alliance of Chester County 4<sup>th</sup> Annual Conference by Kerry Smith, Suzanne McDougall and Kati Horst. Kerry Smith and Suzanne McDougall have been asked to present the training to students at West Chester University.

On May 1, 2009, a modified DRST training was given to Montgomery Intermediate Unit Early Intervention program staff by Suzanne McDougall.

On May 6, 2009, a mini summit on Creating Agreement in Special Education was given to a broad-based stakeholder group from Intermediate Units 11, 12, 13, 14, 15, 20, 21 and 29. This training was presented by Kerry Smith, Suzanne McDougall and Dixie Rider at the PaTTAN office in Harrisburg. ODR was asked to repeat this training for other parent/educator groups in the region.

On May 7, 2009, Suzanne McDougall and Dixie Rider presented the Creating Agreement

### ODR Staff (Continued)

Training at the CSIU supervisory meeting in Lewisburg.

On May 8, Dixie Rider presented a mini version of the Creating Agreement training at Lehigh University with Joanne Cashman of the IDEA Partnership and a representative from the Parent Education Network (PEN).

On May 12, 2009, a mini summit on Creating Agreement in Special Education was given to a broad-based stakeholder group from Intermediate Units 1, 2, 3, 7, 8 and 27. This training was presented by Kerry Smith, Suzanne McDougall and Dixie Rider at the PaTTAN office in Pittsburgh. ODR was asked to repeat this training for other parent/educator groups in the region.

On May 27, 2009, Kerry Smith and Suzanne McDougall presented the Creating Agreement Training to Haverford School District personnel.

On June 10, 2009, a mini summit on Creating Agreement in Special Education was given to a broad-based stakeholder group from Intermediate Units 18 and 19. This training was presented by Kerry Smith and Suzanne McDougall at Luzerne Intermediate Unit 18 in Kingston. ODR was asked to repeat this training for other parent/educator groups in the region.

On June 11, 2009, Suzanne McDougall gave a Creating Agreement overview to the Bureau of Special Education's Single Point of Contacts (SPOCs) at their monthly meeting. Dixie Rider spoke about mediation.

On June 18, 2009, Suzanne McDougall and Kerry Smith presented Creating Agreement training to graduate students at the West Chester University.

On June 24, 2009, Kerry Smith and Suzanne McDougall presented Creating Agreement training to staff from the Parent Education and Advocacy Leadership Center (PEAL).

### Outreach Activity

On April 15-16, 2009, ODR was an exhibitor at the PDE Conference..

CADRE posted the Listening Video prepared by ODR staff members Suzanne McDougall and Dixie Rider on their website: <http://www.directionservice.org/cadre/listeningvideo.cfm>.

On May 1, 2009, ODR was an exhibitor at the 3<sup>rd</sup> Annual Autism Conference - ASD Perspectives on Transitions held at LaSalle University in Philadelphia.

The PaTTAN Pittsburgh office requested hundreds of each of ODR's publications, both in English and Spanish.

ODR is continuing to review OSEP grant opportunities in the event a grant becomes available on dispute resolution.

ODR's mediation requests are significantly higher this year than last. ODR is exploring even

### **Outreach Activity (Continued)**

more options for increasing mediation beyond the mini summits and Creating Agreement trainings which are taking place state-wide and in which mediation is championed. Additional mediation outreach brochures are being created and investigation is being undertaken to explore further options on the web (YouTube video, etc).

On June 15 – 16, 2009, ODR/ConsultLine was an exhibitor at the AT/OT/PT conference showcasing ODR services.

A Spanish press release advertising the ConsultLine/ODR services was published in a Spanish newspaper entitled El Torero. This newspaper will reach parents and families in the Reading/Allentown areas of Pennsylvania.