



## Highlights of Activities by the Office for Dispute Resolution October 1, 2009 through December 31, 2009

### ConsultLine

During the reporting period, there were 974 calls received. Of that total, the ConsultLine Specialists provided service in 840 instances.<sup>1</sup> In 95 instances, Call Resolution Process (CRP) was offered and 52 were actually conducted.

### IEP Facilitation

Nineteen requests were received during the reporting period:

- 5 - Full IEP written
- 9 - Partial IEP written
- 1 - IEP not written
- 1 - IEP Facilitation declined
- 1 - IEP Facilitation request withdrawn
- 2 - Active as of the close of the reporting period

### Mediation

During the reporting period, there were eighty-six (86) new requests for mediation:

- 19 - Mediation agreement written
- 4 - No mediation agreement
- 15 - Parties reached their own agreement outside the auspices of mediation
- 9 - Mediation request with drawn
- 7 - Non requesting party declined to participate in mediation
- 32 - Active as of the close of the reporting period

Carry over mediations from FY 2008-2009 that were still active as of June 30, 2009, but closed during the current reporting period: five (5). In these five (5) instances, the parties reached their own agreement.

<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 three attempts over three different business days, but are not always successful in reaching the caller.

All 422 mediations for FY 2008-2009 are complete with the following results:

Mediation agreements	202
Conciliation	64
Held but no agreement	49
Mediation declined	32
No Response from parties	21
Withdrawn	54

### Due Process

#### A. Carryover from 2008-2009 requests

The Annual Report for FY 2008-2009 and the First Quarterly Report for 2009-201 (July 1 – September 30, 2009) showed the majority of results for due process requests for the FY 2008-2009. However, additional 2008-2009 cases closed out during the second quarter of the FY 2009-2010. There were 8 decisions written during this reporting period.

The results of these cases are as follows:

Hearing Officer supported Parent: 2  
Hearing Officer supported Parent with modifications: 3  
Hearing Officer supported Parent in part, and LEA in part: 1  
Hearing Officer supported LEA: 2  
Hearing Officer supported LEA with modifications: 0  
Hearing Officer's Own Decision: 0

#### B. Current Summary of all Due Process Requests from 2008-2009

There were 819<sup>2</sup> requests for due process during 2008-2009. Forty (40) requests are still active as of this reporting period.

Results for 779 of them are as follows:

Dismissed by Hearing Officer: 49  
Agreement reached by parties 513  
Withdrawn 122

---

<sup>2</sup> Two cases were added to Fiscal Year 2008-2009 after the annual report was completed. These two cases were associated with established cases.

## Due Process (Continued)

For Hearing Officer decisions rendered:

Hearing Officer supported Parent: 23  
Hearing Officer supported Parent with modifications: 11  
Hearing Officer supported Parent in part, and LEA in part: 14  
Hearing Officer supported LEA: 34  
Hearing Officer supported LEA with modifications: 3  
Hearing Officer's Own Decision: 10

### C. Requests during reporting period (10/1/09-12/31/09)

One hundred seventy-four (174) requests were received for due process during the reporting period. In eight (8) instances, the request was dismissed by the Hearing Officer. In twenty-one (21) instances, the request was withdrawn. In thirty-three (33) instances, an agreement was reached by the parties. In five (5) instances the Hearing Officer rendered a decision. One hundred seven (107) requests remain active at this time.

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

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

### Hearing Officer Decisions Appealed to Federal or Commonwealth Court

Ten (10) cases have been appealed to either Federal or Commonwealth Court during the reporting period.

## ODR Activities

### Creating Agreement Training

On October 4, 2009, Kerry Smith and Suzanne McDougall presented a Creating Agreement overview to the Pennsylvania Elementary and Secondary School Principals' Conference held in State College.

On October 7, 2009, Kerry Smith and Suzanne McDougall presented Creating Agreement training for the Local Task Force of Bucks County IU 22.

On October 15, 2009, Kerry Smith and Suzanne McDougall presented Creating Agreement training to the Erie staff of the PEAL Center.

On November 5, Kerry Smith and Suzanne McDougall presented Creating Agreement training for Lancaster-Lebanon IU 13 Special Education Administrator at their retreat in State College.

On November 6, Kerry Smith and Suzanne McDougall presented the Creating Agreement Overview at the Council for Exceptional Children's Conference in Harrisburg.

On November 16, 2009, Kerry Smith and Suzanne McDougall presented Creating Agreement training to the Local Task Force at Intermediate Unit 20.

On November 19, 2009, Kerry Smith and Suzanne McDougall presented Creating Agreement at the 2009 PAR Solutions Conference: Stewardship in Action, in Harrisburg.

On December 1, Kerry Smith and Suzanne McDougall presented Creating Agreement Training to the National Autism Association in Lancaster for school district personnel and parents.

On December 2, Kerry Smith and Suzanne McDougall presented Creating Agreement Training in collaboration with Parent to Parent, Intermediate Unit 17 and an Elder/Disability Law Firm in Williamsport.

On December 4, 2009, Kerry Smith and Suzanne McDougall presented Creating Agreement Training for the Coalition of Advocates in Wexford.

### Other Trainings

On September 25, 2009, Dixie Rider presented the ODR Overview to York and Adams County Early Intervention providers.

On October 7, 2009, Lori Shafer presented the ODR Overview to ARIN IU 28 staff.

On October 14, 2009, as a joint effort with HUNE for one of their regular parent trainings, Shannon Kirby participated in a training session for a group of parents about mediation, due process, and other dispute resolution services provided through the ODR. Both

### ODR Activities

Yovanna Bustamante, HUNE's bilingual training coordinator, and Ms. Kirby spoke, and the session was done entirely in Spanish.

On October 29, Lori Shafer presented the ODR Overview to Lancaster County MH/MR/EI Staff.

On November 6, Dixie Rider presented the ODR Overview to a group of Franklin/Fulton County Early Intervention individuals.

#### Hearing Officer and Mediator Training

No trainings were held during this reporting period.

### Outreach Activity

ODR was an exhibitor at the PASA/PSBA Leadership Conference in Hershey on October 14-15<sup>th</sup>.

ODR was an exhibitor at the PBI Exceptional Children Conference in Camp Hill on October 23<sup>rd</sup>.

On November 5 – 6, ODR was an exhibitor at the Council for Exceptional Children Conference, held in Harrisburg.

On December 3, 2009 Shannon Kirby attended the Latino Education Summit entitled, *Roots for Change: Strengthening Pennsylvania's Future—Latino Students in the Era of Globalization*.

### Miscellaneous/Notes of Interest

In October, the ODR Stakeholder Council Members were notified of their appointment. After obtaining permission from members, their names and bios were posted on the ODR website.

On October 1, 2009, Kerry Smith spoke to the SEAP about ODR activities.

On October 6, 2009, Shannon Kirby attended the 2009 Diversity Summit held in Hanover. Topics of discussion were services available to the Latino community; impact of changing demographics on business, community; and schools and crossing cultural borders.

On October 8, 2009, ConsultLine staff attended 504 Training.

On October 23, 2009, ODR Hearing Officers and several ConsultLine staff members attended the PBI Exceptional Children Conference in Camp Hill.

On October 28, ConsultLine staff attended a webinar training on Section 504 which was lead by Kelly Darr, Staff Attorney with DRN and Jenny Lowman, Education Law Center.

On November 12, the ODR Stakeholder Council Members interviewed six potential candidates for two Hearing Officer positions. The Council chose William Culleton and

Cathy Skidmore and both individuals have accepted the job offer. Attorney Culleton will begin employment on November 23 and Attorney Skidmore will begin employment on December 1.

On December 10, 2009, the first official meeting of the Stakeholder Council meeting was held. Council members Attorneys McAndrews and Faust will be drafting internal operating procedures for review by the entire council. Minutes were taken, and, upon approval of the Council, will be distributed to the public.