



## Highlights of Activities by the Office for Dispute Resolution January 1, 2009 through March 31, 2009

### ConsultLine

During the reporting period, there were 1,152 calls received. Of that total, the ConsultLine staff provided service in 1,021 instances.<sup>1</sup> In 88 instances, Call Resolution Process (CRP) was offered and 35 were actually conducted.

### IEP Facilitation

Twenty-three requests were received during the reporting period. Five requests resulted in an IEP; 10 resulted in a partial IEP; two requests were declined and four resulted in no IEP. Two requests were still active during the reporting period.

### Mediation

During the reporting period, there were 101 new requests for mediation. In five instances, mediation was declined by the non-requesting party. In 12 instances, the request was withdrawn. In 34 instances, an agreement was reached. In seven instances, no agreement was reached, and in four instances the parties reached their own agreement. In one instance no response from parties was received. Thirty-eight mediation requests remained active at the end of the reporting period.

A comparison of mediation requests during this reporting period to last year's reporting period shows an increase of 67 requests.

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<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.

## Due Process

### A. Carryover from 2007-2008 requests

The Annual Report for FY 2007-2008 and the First and Second Quarterly Reports for 2008-2009 (July 1 – December 31, 2008) showed the majority of the results of due process requests for FY 2007-2008. In the third quarter of FY 2008-2009, three cases are 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: 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

### 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	119
Still active	3

Results of the 119 Hearing Officer decisions are as follows:

Hearing Officer supported Parent: 30  
Hearing Officer supported Parent with modifications: 8  
Hearing Officer supported Parent in part, and LEA in part: 18  
Hearing Officer supported LEA: 53  
Hearing Officer supported LEA with modifications: 8  
Hearing Officer's Own Decision: 2

### C. Requests during reporting period (1/1/09-3/31/09)

Two hundred eleven requests were received for due process during the reporting period. In 5 instances, the request was dismissed by the Hearing Officer. In 17 instances, the request was withdrawn. In 11 instances, an agreement was reached by the parties. In 17 instances, a resolution session agreement was reached. In 1 instance the Hearing Officer rendered a decision. One hundred sixty requests remain active at this time.

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<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)

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: 0  
Hearing Officer supported LEA: 0  
Hearing Officer supported LEA with modifications: 0  
Hearing Officer's Own Decision: 0

### D. Decisions written during reporting period (1/1/09-3/31/09)

Twenty-two decisions were written during the reporting period for FY 2008-2009 cases, the breakdown is as follows:

Hearing Officer supported Parent: 9  
Hearing Officer supported Parent with modifications: 3  
Hearing Officer supported Parent in part, and LEA in part: 2  
Hearing Officer supported LEA: 8  
Hearing Officer supported LEA with modifications: 0  
Hearing Officer's Own Decision: 0

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

The total number of due process requests during the current fiscal year --576--is on par with the number of requests during the same reporting period for FY 2006-2007 (556 requests) and FY 2007-2008 (583) Therefore, if the trend stands, Pennsylvania will again have approximately 800 requests for due process during FY 2008-2009. 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 and Second Quarterly reports of FY 2008-2009. During the current reporting period, ODR received 1 appeal of Hearing Officer decisions issued on FY 2007-2008 requests. In this instance, the Hearing Officer was affirmed. In 4 instances, the appeals are still in progress. A comparison of appeals during this reporting period to last year's reporting period shows a decrease of 23 appeals due to Pennsylvania converting to a one-tier state.

### B. New Appeals During the Reporting Period

There are no FY 2008-2009 decisions dealing with Chapter 14 that have been appealed at this time since the change to one tier.

## ODR Activities

Pennsylvania Named an Exemplar State. Pennsylvania's special education dispute resolution system has been named as one of only four states designated by CADRE, and approved by OSEP, as being "exemplar states". CADRE will underwrite the cost of bringing Kerry Smith to its office in Eugene, Oregon, to discuss the dispute resolution systems currently in place in Pennsylvania. The trip is expected to occur in late summer, and frequent telephone contact is expected between Ms. Smith and CADRE throughout the next year. In a year or two, CADRE will unveil nationally its work with the four states.

National Distribution of ODR Work Product. As part of the Dispute Resolution Skills Training (DRST), the precursor to the current Creating Agreement model, Suzanne McDougall and Dixie Rider prepared a video entitled "A Tale of Two Conversations." In the first vignette, these ODR staff members role play a meeting between a parent and administrator where both participants contribute to the conflict. The second vignette depicts the same parent and administrator discussing the same situation, but using conflict resolution skills. The Consortium for Appropriate Dispute Resolution in Special Education (CADRE), an OSEP-funded project, has posted the videos on its website, [www.directionservice.org/cadre](http://www.directionservice.org/cadre).

## ODR Staff

Suzanne McDougall and Shannon Kirby attended the PEAL Conference on Inclusion in March 2009.

Creating Agreement Community of Practice. On January 26-28, 2009, Kerry Smith, Dixie Rider, and Suzanne McDougall participated, upon invitation, in the IDEA Partnership at NASDSE meeting in Washington, D.C. The meeting assembled a broad-based group of stakeholders to discuss Communities of Practice. ODR's Community of Practice is the Creating Agreement model. This was an initial meeting under the new federal grant, so work is at a preliminary stage. It is anticipated that the meetings will be held twice a year.

Creating Agreement Work Group. As a result of the inaugural summit on Creating Agreement in November, a work group has been formed to work collaboratively on introducing the model to the eastern part of the state. (Other summits will be held throughout the state as well.) On February 10, the first conference call with the work group was held. Plans are currently underway to schedule a face-to-face meeting with work group participants so that they may experience the full six-hour training model.

Creating Agreement Mini- Summits. There will be several Creating Agreement mini summits held in April/May throughout the commonwealth. Invitation letters have been mailed to superintendents in the school districts in the geographic areas for the April 21<sup>st</sup> CSIU mini summit and April 28 Riverview IU 6 (Clarion) mini summit.

Law School Project. ODR is working on a project with representatives from the advocacy community and others which envisions law clinics throughout the state providing legal support to unrepresented parents participating in due process. Although the work is preliminary, early feedback from certain law schools has been positive.

Advisory Panel Meeting. In December, 2008, Kerry Smith was named to the Advisory Panel of The National Center on Dispute Resolution in Special Education (an OSEP-funded project). Ms. Smith participated in advisory panel meetings held via conference calls in January and February 2009.

Parent Engagement Project. Suzanne McDougall was asked by the Bureau of Special Education (BSE) to participate in a work group addressing the need for Parent Engagement in response to SPP Indicator 8. In addition to Ms. McDougall, the team included representatives from the following organizations: Parent Education and Advocacy Leadership Center (PEAL); Parent Education Network (PEN); Hispanics United for Exceptional Children (HUNE); Mentor Parent Program; and Parent Consultants from the PaTTAN.

Presentations. ODR continued to sponsor presentations on the services of ODR. Audiences included Colonial School District personnel; Early Intervention staff; and Heart to Heart (a mental health agency) at the Venango County Campus of Clarion University.

Graduate Level Study on Conflict Resolution. Suzanne McDougall and Kerry Smith have begun a graduate program in conflict analysis and engagement at Antioch University.

## Outreach Activity

The ODR Publication Order Form has been posted on the ODR website and ODR has had several requests for English and Spanish publications.

A Spanish press release announcing ODR services is posted on Habla News.

In February, ODR publications were sent to the PA Association of Pupil Services Administrators to be incorporated into the conference packets. The conference will be held April 22-24, 2009.

On February 25 – 26<sup>th</sup>, ODR had a display table at the PASAP Conference in Harrisburg. ODR's display table showcased the many services that ODR offers with ODR publications available for the participants.