



---

PROVIDING KEYS IN THE KEYSTONE STATE:  
INNOVATIONS IN ENGAGEMENT & RESOLUTION IN PENNSYLVANIA

# Providing Keys in the Keystone State: Innovations in Engagement & Resolution in Pennsylvania

---

“Due Process Hearings. Due process hearings provide the parties with an opportunity to have an impartial decision-maker resolve the issues in dispute. *While due process hearings are an important protection, they can be costly if parties choose to involve attorneys in the process, time consuming, and contentious, and can damage relationships between families and educators.* Therefore, the Department believes every effort should be made by the parties to resolve disputes as early as possible and without a due process hearing.”

July 30, 2008 Federal Register (emphasis added)

# Providing Keys in the Keystone State: Innovations in Engagement & Resolution in Pennsylvania

---

- Parent/Family Engagement Project
- Hearing Officer Settlement Conference
- ODR and HUNE Collaboration
- Virtual Hearings

# Services of The Office for Dispute Resolution

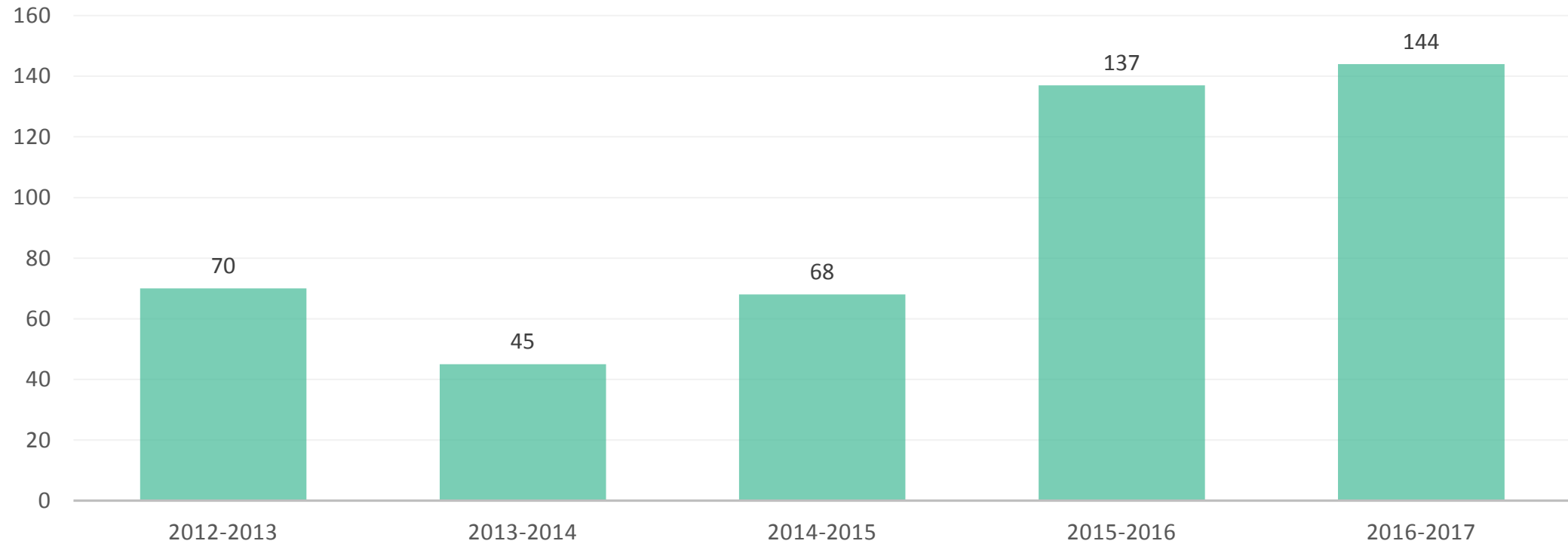
---

- ConsultLine
- IEP Facilitation
- Resolution Meeting Facilitation
- Mediation
- Due Process Hearings
- Conflict Resolution Training (“Creating Agreement”)

# The Numbers for Pennsylvania: IEP Facilitation

---

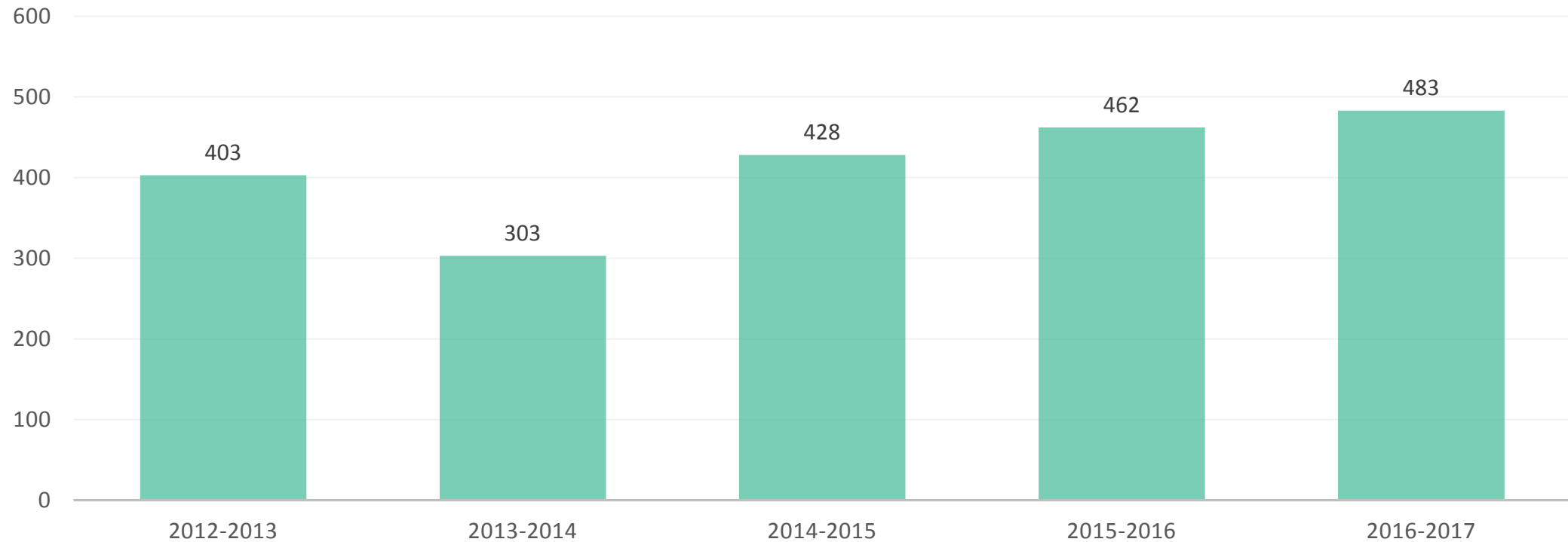
Total IEP Facilitation Requests - Five-Year Retrospective



# The Numbers for Pennsylvania: Mediation

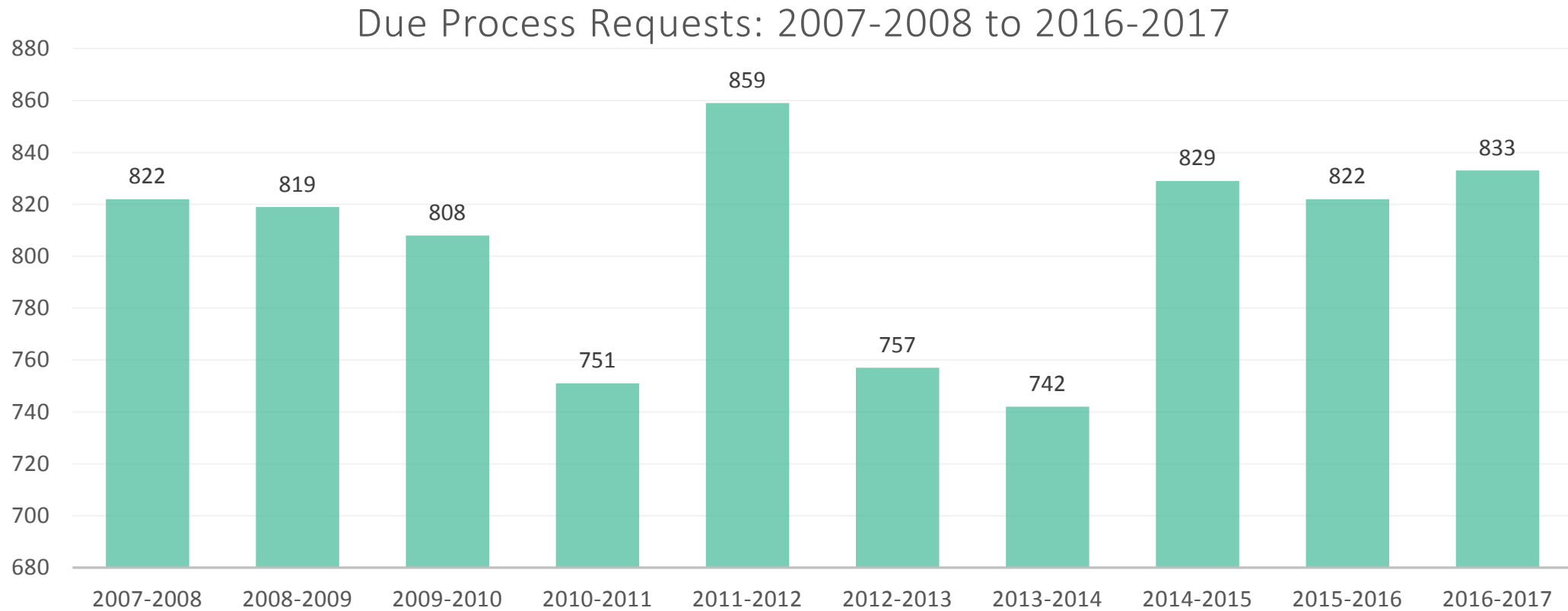
---

Total Mediation Requests - Five-Year Retrospective



# The Numbers for Pennsylvania: Due Process

---



# So the question became....

---

1. Is there a place for Parent/Family Engagement in special education dispute resolution?

2. What does that look like?

*How do we infuse Parent/Family Engagement principles into the dispute resolution arena?*





# Assumptions embedded in the project

---

Our role *is* to provide technical assistance to parents.

Our role *is not* to provide advocacy or legal services.

Our office mission is to support both parents and school districts, so we must always remain scrupulously non-partisan in our efforts.

# Parent/Family Engagement

---

What do we know about effective parent and family engagement as it applies to special education?

- Understanding of the child's disability and learning needs
- An understanding of relevant laws and regulations
- Access to resources
- Developing trusting relationships with school professionals
- Effective communication skills
- Effective conflict resolution skills

# Parent/Family Engagement

---

Newly created position of Parent/Family Engagement Project Manager

Three areas of focus:

1. Outreach
2. Training
3. Technical Assistance



# Parent/Family Engagement

---

## Outreach

- Advertising
- Posters/Mailing
- Infomercials
- Direct outreach to Local Task Forces



# Parent/Family Engagement

---

## Training

- ODR Overview of Services
- Creating Agreement training specifically for parents (conflict resolution)
- Building Trusting Relationships Between Parents and Schools (in progress)
- Parent/Family Engagement in Dispute Resolution (in progress)

# Parent/Family Engagement

---

## Parent Support

- Giving parents information on non-due process dispute resolution services available
- Providing technical assistance to parents when utilizing IEP Facilitation, Mediation, and Due Process
- Discussing effective conflict resolution (conflict resolution training, conflict coaching, etc.)

# Outcomes...

---

Stay tuned...



# Hearing Officer Settlement Conferences

---

DECISION-MAKERS FACILITATE RESOLUTION



# Hearing Officer Settlement Conferences

---

“Why hasn’t this case resolved?”

- Student with severe expressive language needs
- Daily home/school communication log
- Intra-school communication log at variance with contents of home/school log and **very** problematic comments about family and student

*Why didn't that case resolve?*

# Hearing Officer Settlement Conferences

---

In 2012, effort to develop a process to help parties with resolution, a process called Evaluative Conciliation Conference (ECC)



# Hearing Officer Settlement Conferences

---

It didn't work.

- Too structured – parties responsible for “position papers” or “case briefs”
- Too much time-on-task
- Conciliators were not hearing officers or decision-makers, leading to diminished effectiveness of conciliator's opinion
- Pro se parents were seeking legal advice

# Hearing Officer Settlement Conferences

---

The process ended up being little used.

Over 3 years (2012-2015), 35 ECC requests with a low success rate.

# Hearing Officer Settlement Conferences

---

In spring of 2015, one of Pennsylvania's six hearing officers announced her impending retirement.

As part of her transition out of active an active caseload, we offered her for *ad hoc* assistance in working toward resolution.

Over approximately six months, she had four cases, and all resolved successfully.

We realized we may be on to something.



# Hearing Officer Settlement Conferences

---

Anecdotal feedback:

The assistance and opinion of a sitting hearing officer was highly valued.

Over 2015-2016,

- Hearing officer training (federal judge in Philadelphia and evaluative mediation consultant)
- Online anonymous survey of constituents

# Hearing Officer Settlement Conferences

---

## **2016 Pilot:**

Hearing Officer Settlement Conferences (HOSC)

Two hearing officers available for HOSC

Again, 83% success rate (5 out of 6).

Ad hoc process and pilot, then, 90% success rate (9 out of 10).



# Hearing Officer Settlement Conferences

---

## HOSC Structure

- “Turnkey” Approach—every complaint is assigned a settlement HO
- From the start, parties have a settlement HO to bring into the process
- Case managers (back-office support) maintain a random list for settlement HO assignment
- Before assignment, case managers check for conflicts (ongoing case with LEA or family)
- Follow-up reminder emails to parties about HOSC



# Hearing Officer Settlement Conferences

---

## HOSC Process

- Both parties must agree to participate
- Three-way conference call between parties and settlement HO
- One-sided conference call between each party and HO
- Each case with its own trajectory after that...

*HOSC is not mediation.*

- The settlement HO does not attempt to craft the agreement
- It is a process where a sitting HO can share views with the parties where they have specific roadblocks to resolution

# Hearing Officer Settlement Conferences

---

In March 2017, exited pilot and launched HOSC for every case, including *pro se* parent complaints.

Data:

- 15 requests
- 77% success rate
- (82% success rate, including ad hoc and pilot cases)

# Hearing Officer Settlement Conferences

---

Issues as part of HOSC:

- Compensatory Education / Remedy
- Programming
- Attorneys' Fees

Helicopter-level data...refinement to collect granular data

# HUNE Project

---



# HUNE Project

---

Hispanos Unidos para Niños Excepcionales (HUNE) is a Community Parent Resource Center (CPRC) located within a large urban area of Pennsylvania that generates a significant amount of the state's due process activity.

HUNE is a nonprofit organization dedicated to meeting the needs of Hispanic/Latino children with disabilities, their parents and families, by providing free bilingual English and Spanish training, technical assistance and individual assistance.

# HUNE Project

---

HUNE established the Spanish Help-Line Plus, a statewide toll-free service where callers speak with a bilingual information specialist about special education concerns and community-specific resources.

The Spanish Help-Line Plus Specialist receives training from ODR's ConsultLine Specialists.



# HUNE Project

---

## Outcomes to date

- Publications translated to Spanish
- Poster developed and sent to all school buildings, charter schools, Intermediate Units and County Assistance Offices in Pennsylvania (3,141 posters sent)
- Advertising in various publications across Pennsylvania
- Ongoing training with the ConsultLine



# Virtual Hearings

---

USING VIDEOCONFERENCE TECHNOLOGY FOR  
DUE PROCESS HEARINGS



# Virtual Hearings

---

## Customary and Current Process for Due Process in PA

### *Initial Session*

- Hearing notice issued for date and time
- Parties, attorneys, and HO gather at LEA location
- Statewide assignment of HOs (travel, overnights)

# Virtual Hearings

---

## Customary and Current Process for Due Process in PA

### *Additional Sessions*

- Scheduling for mutually-available dates (parent, LEA, 2 attorneys, HO) can lead to prolonged hearing processes
- Challenges - time and geography

*How can we conduct hearings more efficiently?*



# Virtual Hearings

---

## Technology

Modern communication technology collapses time and breaks down geography.

- Banking
- Entertainment
- Schooling
- Socialization (social media)
- Conferences (???)

Why not special education due process?

We began calling the concept “*virtual hearings*”.

# Virtual Hearings

---

Researched platforms and decided on GoToMeeting (although many internet-based videoconference platforms)

- Secure
- Ease and Access
- Phone Access
- Affordable



# Virtual Hearings... Using Videoconference Technology for Due Process Hearings

---

VH pilot based on mock examinations with volunteer attorneys and their office staff

Everyone joined the videoconference from separate location—  
parent “location”, LEA location, HO location

Pilot included a dozen attorneys and additional volunteers, with everyone invited to give feedback

# Virtual Hearings... Using Videoconference Technology for Due Process Hearings

---

## Phase 1 Results

- Technology... +
- Participant Access & Exposure... +
- Court Reporter... ?
- Configuration... ?

# Virtual Hearings... Using Videoconference Technology for Due Process Hearings

---

## Phase 2 Results...

- Transcription... +
- Configuration... +

## Ultimate configuration for examination:

- Parties gather at LEA
- HO from remote location
- Court reporter from remote location

In March 2017, exited the pilot and launched for availability in hearings

# Virtual Hearings... Using Videoconference Technology for Due Process Hearings

---

Phase 3

**“Seriously?!?”**

We are now leading constituents slowly to adopt its use on a voluntary basis

Opening statements, closing statements, and witnesses by necessity (experts, scheduling crunch, etc.)



# Final Thoughts

---



Alone we can do so little; together  
we can do so much.

*Helen Keller*

# Contact Information

---

Hearing Officer:

Jake McElligott, Esquire

[jmcelligott@odr-pa.org](mailto:jmcelligott@odr-pa.org)

Parent Engagement Project Manager:

Kati Clendenin, M.Ed.

[kclendenin@odr-pa.org](mailto:kclendenin@odr-pa.org)

Office for Dispute Resolution

6340 Flank Drive

Harrisburg, PA 17112-2764

(717) 901-2145 or 800-222-3353

TTY Users: PA Relay 711

Email: [odr@odr-pa.org](mailto:odr@odr-pa.org)

Web address: [www.odr-pa.org](http://www.odr-pa.org)



THE OFFICE FOR  
DISPUTE  
RESOLUTION

PROVIDING RESOURCES FOR PARENTS AND EDUCATORS