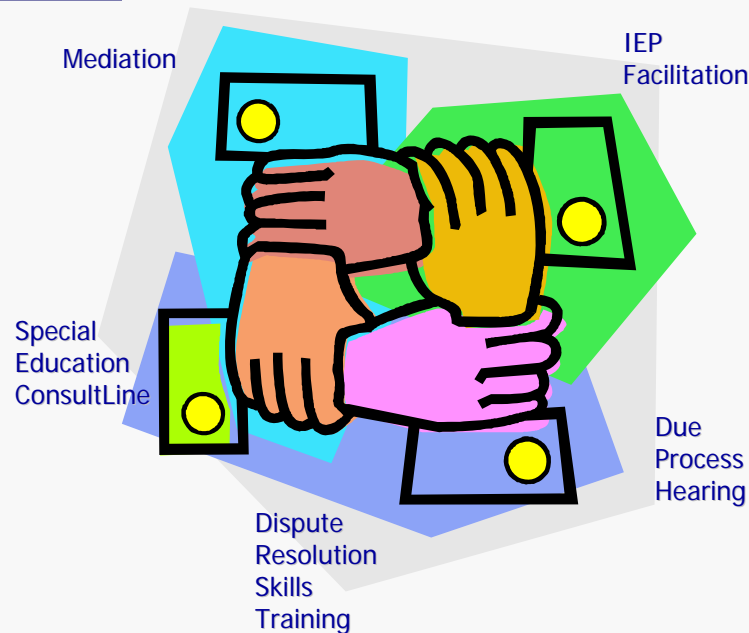


Office for Dispute Resolution



Mission (Not) Impossible: Reducing Due Process Through Early Dispute Resolution Activities

Kerry Voss Smith
Suzanne McDougall
Dixie Rider

Pennsylvania: Who Are We?



Lancaster



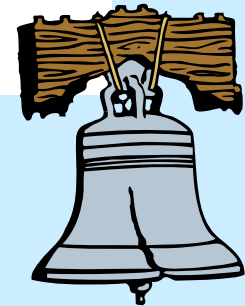
Pittsburgh



Gettysburg



Philadelphia

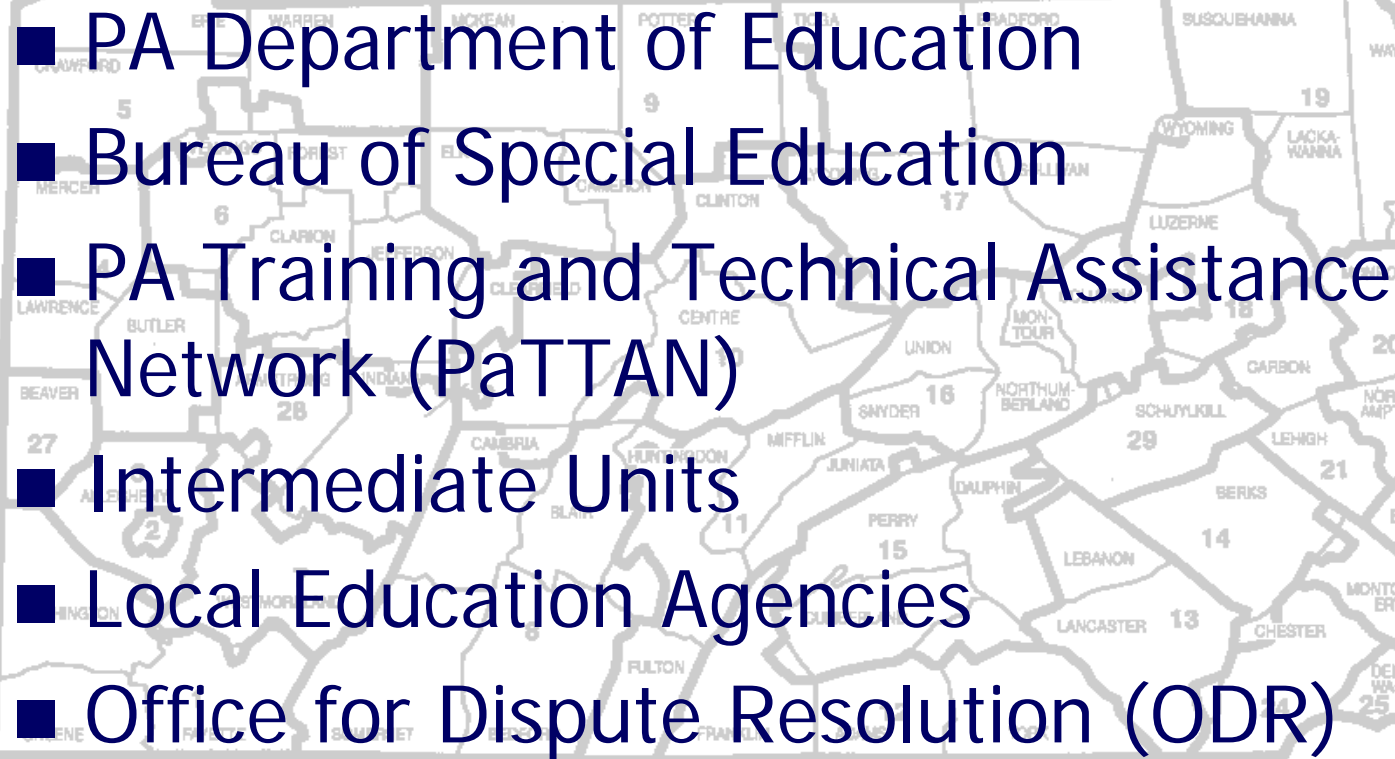


Pennsylvania: Who Are We?



- The Litigious State
- P-ARC Consent Decree
- Gaskin
- More than 250,000 identified school-age children
- High due process requests
- Strong parent groups
- OSEP visit 4/06

Pennsylvania : Who Are We?

- 
- PA Department of Education
 - Bureau of Special Education
 - PA Training and Technical Assistance Network (PaTTAN)
 - Intermediate Units
 - Local Education Agencies
 - Office for Dispute Resolution (ODR)

Office for Dispute Resolution (ODR)

Who Are We?

Mandates:

- Mediation
- Due Process
- Appeals



ODR

Who Are We?

Early Dispute Resolution Activities:

- ConsultLine
- Call Resolution Process (CRP)
- Dispute Resolution Skills Training (DRST)
- IEP Facilitation
- Solutions Panels/Teams



ODR

Who Are We?

Still More:

- Focus Group
- Advisory Panel
- Dispute Resolution Manual
- Data Tracking
- Website
- Survey – Media Campaign



ODR

- Administration and Oversight of:

- Mediation

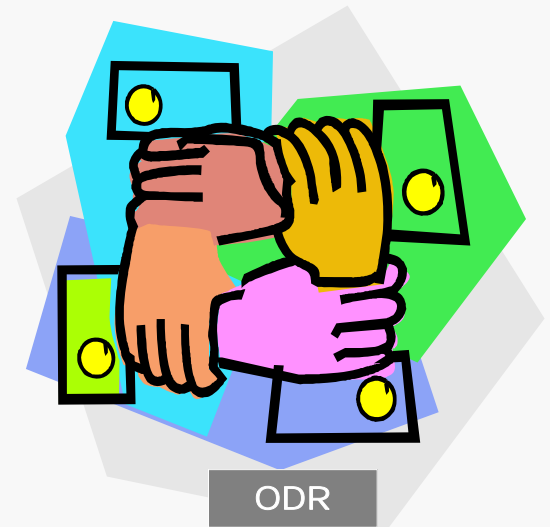
- Can be used anytime
- No attorneys permitted

- Due Process Hearings

- Down 27% from 05-06 (1,036 to 760)
- Diverse pool of Hearing Officers, 5 have children with disabilities

- Appeals

- 2-tier system



ODR

Who Are We?

Focus Group:

- Convened in 2000 by PDE
- Broad base of stakeholders
- Provided recommendations regarding dispute resolution in PA
- Advisory Panel formed as subset
- Advisory Panel meets once a year to advise ODR

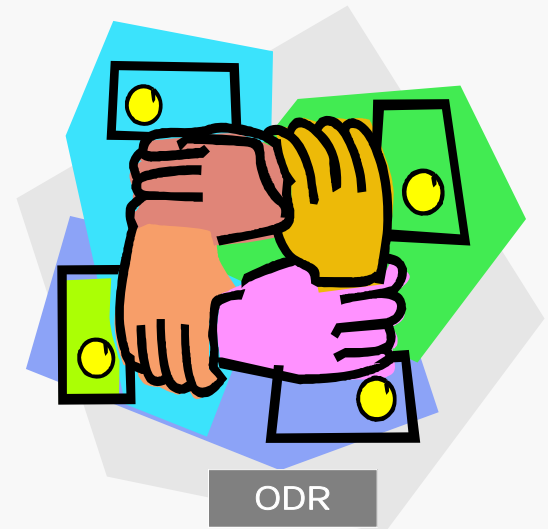


ODR

Who Are We?

Focus Group recommendations for 06-07:

- Family Awareness of diversity of ODR services through distribution of materials
- Reduce Due Process Hearings
- Increase Mediations/IEP Facilitations
- Comprehensive training to LEAs
- Training to parent groups to clear up perception that ODR supports districts only



ODR

Who Are We?

PA Special Education Dispute Resolution Manual:

- Replaced Hearing Officer Manual
- Detailed and thorough review of policies and procedures related to dispute resolution activities



ODR

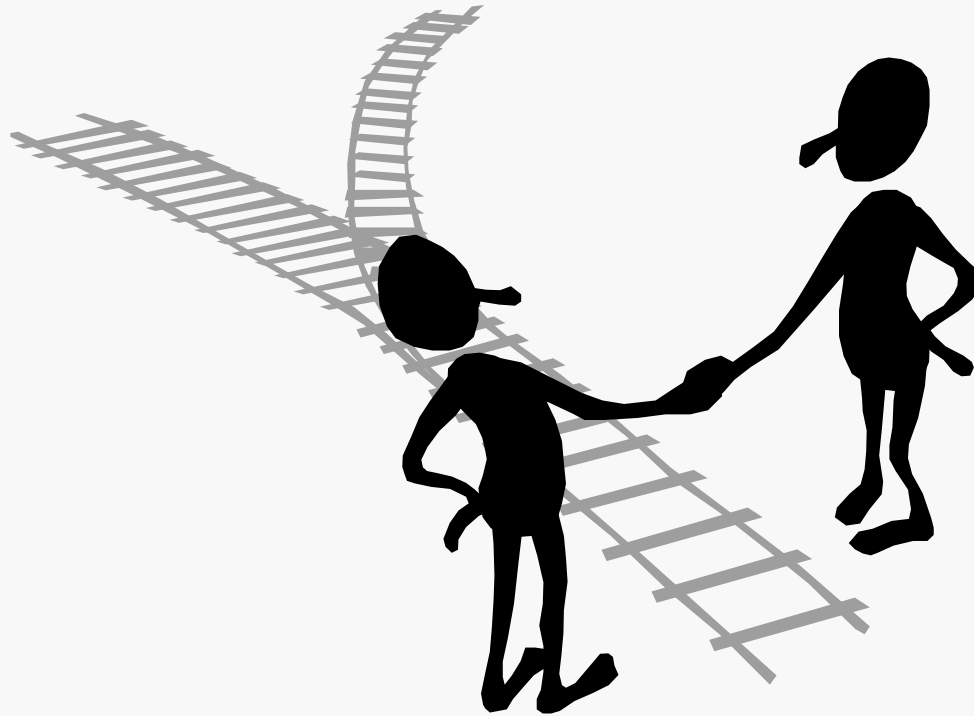
Who Are We?

Website highlights:

- ODR Forms and descriptions of services
- PDE/BSE policies
- Dispute Resolution Manual and Updates
- Due Process Digest
- Appeals decisions
- Links to Pattan/BSE
- Resources/materials



Dispute Resolution Activities



ConsultLine (800) 879-2301



Toll-free telephone line for parents/advocates
Specialists provide information on:

- Identification, evaluation, and services to a child
- Procedural Safeguards
- Formal complaint process through the Bureau of Special Education
- Dispute resolution options
- Resources available

ConsultLine (800) 879-2301



- 4,000 calls per year
- Callers leave message providing name, number, convenient time to call
- Specialists return calls in order received
- Calls returned typically within 24 hours
- Specialist gathers information from caller to understand situation
- Specialist provides information, options, materials

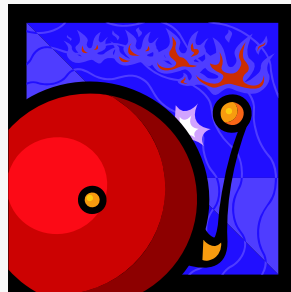
ConsultLine Specialists are Not...

- Attorneys, and therefore cannot provide legal advice!
- Advocates, and therefore cannot offer opinions on a student's program or placement!

ConsultLine

Call Resolution Process (CRP)

- First level attempt to bring parent concerns to the attention of LEA
- Specialist believes intervention/notification could resolve the dispute early
- With parent permission, Specialist emails LEA Director of Special Education and copies BSE Compliance Advisor



ConsultLine

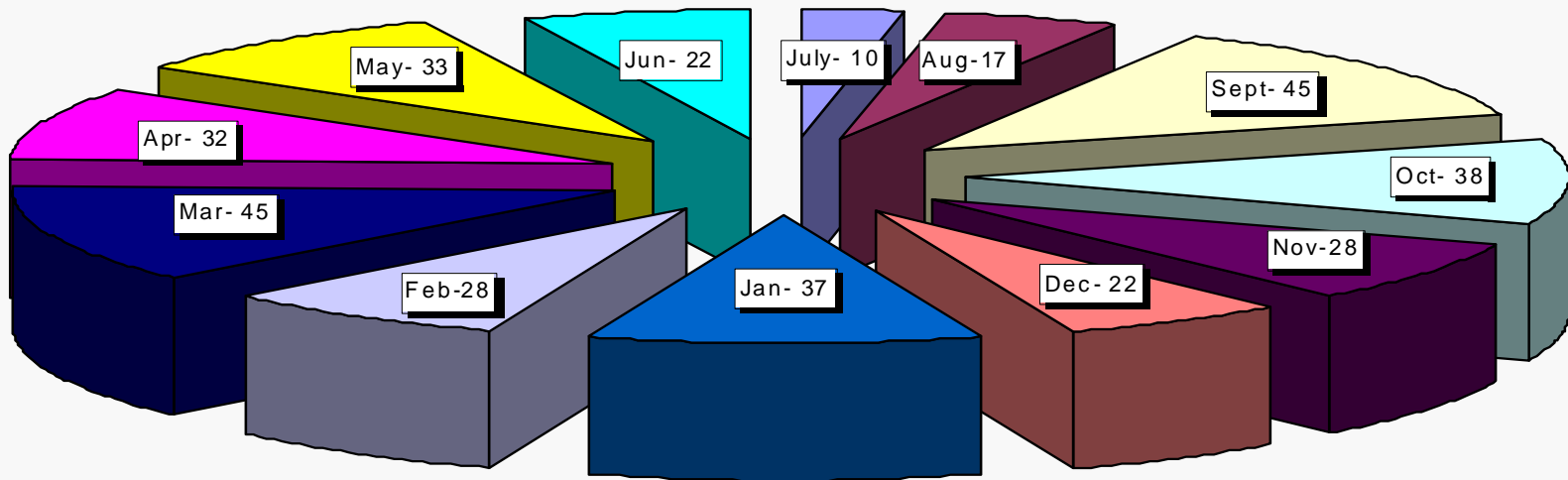
Call Resolution Process (CRP)



- Specialist provides to LEA specific information of parent issues
- Notification includes parent proposed resolution
- BSE Compliance Advisor does follow-up with LEA
- BSE reports drop in formal complaints – trend since inception of CRP
- 357 CRPs conducted 2005-06

Call Resolution Process 2005-06

Call Resolution Process (CRP)
by Month
Fiscal Year 2005-2006



Cultural Competency

A Practical Approach - An Ongoing Quest

In the past, not all of our services were genuinely accessible to non-English speaking individuals. Access to bi-lingual assistance on a daily basis was limited and lacked a mechanism for comprehensive follow-up.

Cultural Competency

A Practical Approach - An Ongoing Quest

- Listened and responded to representatives and advocates from an underserved Hispanic community
- Considered input from the Focus Group recommendations for more diversity particularly in the higher population areas
- Established an organizational commitment to ensuring that our diverse constituency would be provided equitable service
- Engaged a professional trainer who encouraged self awareness, enhanced understanding and reinforced the value of diversity as an overarching principle for ODR staff
- Enlisted the services of Language Line which created new options for providing constituents service in their native language

Cultural Competency

A Practical Approach - An Ongoing Quest

Identify ODR Strengths and Needs

Strengths:

Some diversity among staff and contractors
(Mediators, Facilitators and Hearing Officers)
in the areas of age, gender and individuals
with disabilities to include parents and siblings
of individuals with disabilities

Needs:

Continue to make improvements in the area of
racial diversity

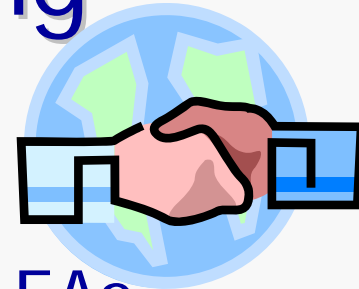
Cultural Competency

A Practical Approach - An Ongoing Quest

Are We There Yet?

- We're not where we'd like to be...but we know what it looks like.
 - We have diversified our pool of contractors, but there is more to do in that regard
 - We will provide Cultural Competency training for our contractors
 - We will continue to seek opportunities to present information to the public about our services to
 - the Hispanic constituency in conjunction with HUNE Hispanos Unidos para Niños Excepcionales
 - other underserved constituent groups

Dispute Resolution Skills Training (DRST)



- 6-hour training offered to parents and LEAs at no cost
- Designed after parents and LEAs expressed need for strategies to approach disputes in proactive manner
- Designed to enhance communication and problem-solving skills at local level
- Skill focused and hands-on interactive training
- Available to groups on request to ODR

IEP Facilitation

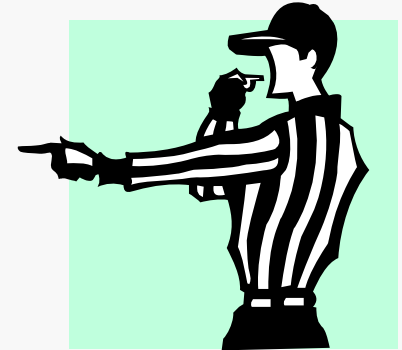


- Voluntary process for times when parties agree that presence of neutral person will assist them in discussing IEP issues
- Typically used when communication has been hampered or stalled
- IEP Facilitator helps to create atmosphere for fairness and successful drafting of IEP

Role of Facilitator

- Not a member of the team
- IEP team owns the IEP
- LEA runs the meeting
- Facilitator's role is only to enhance communication and to help sides address disagreements or conflict relating to IEP only
- Facilitator offers no technical assistance or input regarding content
- Facilitator sits in silence if parties are moving forward

Role of Facilitator



An IEP Facilitator is like a referee...

If the game is going well, there is not much need for interference. But if the players start to get out of hand, the referee's responsibility is to get more involved to ensure fair play and to keep the game moving.

IEP Facilitation Procedures



- IEP team sets date for meeting, and provides invitation to participate to parents
- If IEP Facilitation requested, form is signed and forwarded to other party to complete, sign, and forward to ODR
- Facilitator assigned only after both parties sign request form
- ODR oversees process, but ownership is local
- Except for extreme cases, facilitation will be limited to 1 IEP team meeting

Benefits of IEP Facilitation



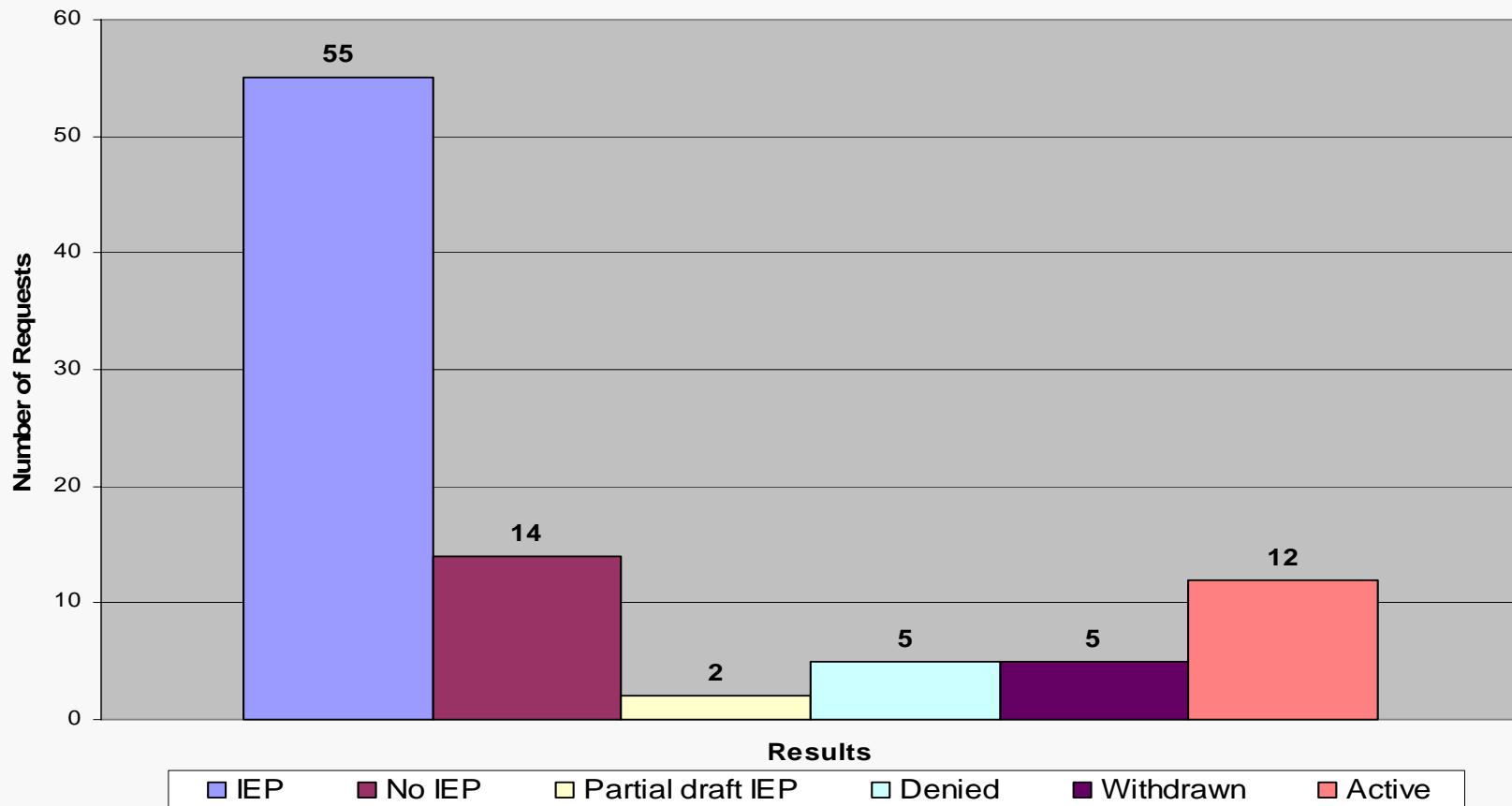
- Helps to improve relationships among IEP team members and between parent and school
- Opportunities to resolve conflicts as they arise
- Encourages parents and school to identify new options
- More cost-effective procedure than formal due process
- Less stressful than formal due process
- Allows all parties to participate fully in IEP process

IEP Facilitation 2005-06

- For 2005-06, 93 IEP Facilitation requests received (36 for 2004-05)
- 5 were withdrawn prior to the IEP meeting
- 3 denied by either parent or LEA
- 55 resulted in an agreed-upon IEP
- 2 resulted in partial agreement
- 4 did not result in IEP

IEP Facilitation 2005-06

IEP FACILITATION RESULTS
FY 2005-2006



Solutions Panels/Teams

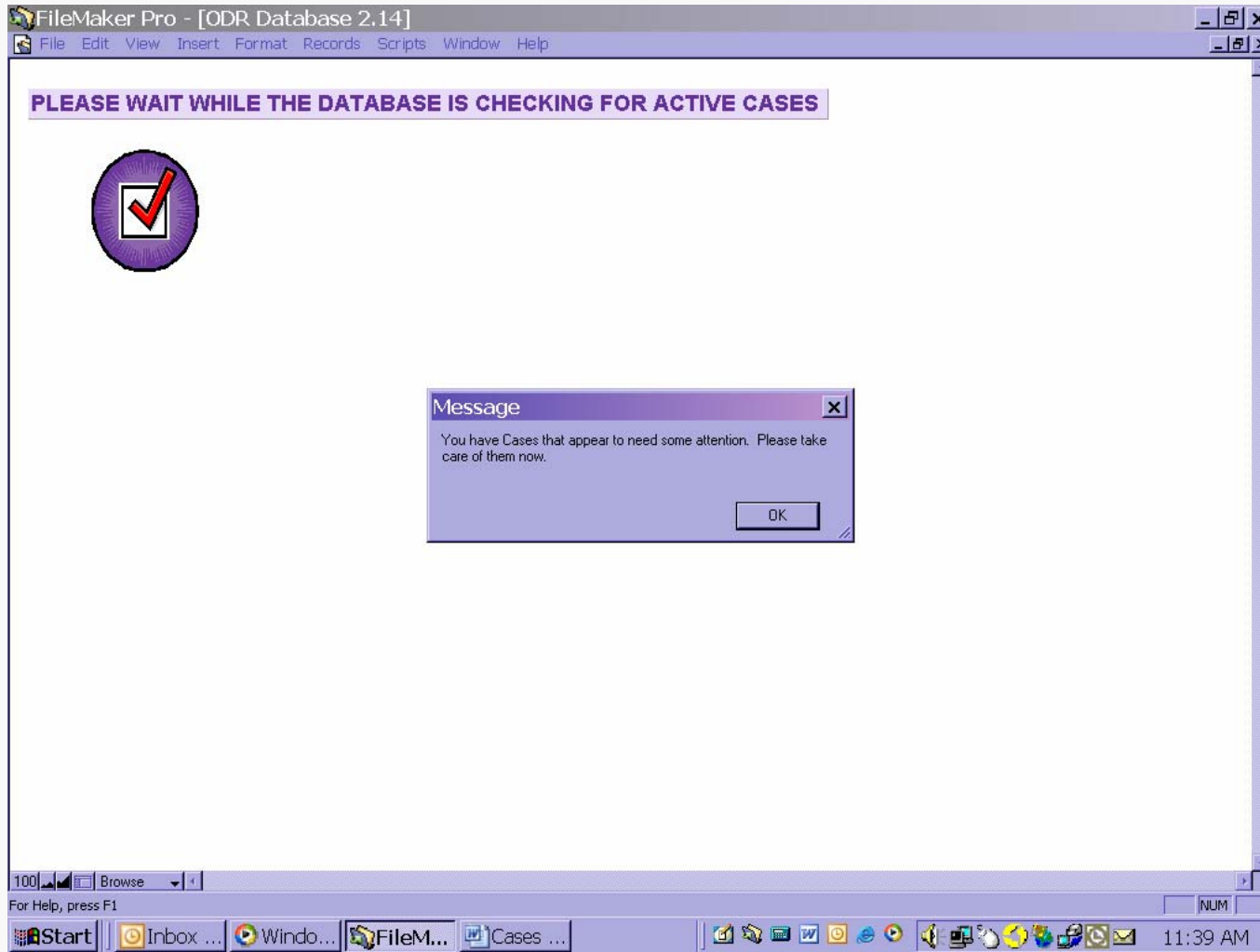


- Local dispute resolution model that teams a parent and educator to co-mediate disputes between parents and LEAs
- Team members participated in basic and advanced training to co-mediate
- Core group of team members also trained as intake coordinators
- Currently 2 intermediate units have been trained
- ODR provides consultation to design teams

ODR Data-Tracking

- Database contains more than 16,000 records
- Relational database to include due process, mediation, appeals, assurance process
- 30+ layouts used by Case Managers
- 20+ layouts used by Database Administrator for reporting
- Very frightening
- Overhaul over past 2 years, especially since IDEA '04

ODR Data-Tracking



ODR Data-Tracking

FileMaker Pro - [ODR Database 2.14.fp5]

File Edit View Insert Format Records Scripts Window Help

Exit Student ID: S-011413

New Request File Number: 7015 / 04-05 Case Manager: New Case Manager Status: Active Archive Box #: BSE Rec Cen. #

DP Information Form Student Last Name: Parent Student First Name: Student O.

Mediation Info Form Phone Log

Extended Notes

Parent(s)	Phone	Birthdate	Sex
1 Dr. Concern Parent	(717) 555-0000	7/1/1995	M
2 Mrs. Martha Parent	(717) 555-0001	Age: 10.3	

Mediation Type of Case: DP Med Gifted / 504 Assur. Process Remand Case LRE issues Expedited ANP!

Due Process Total Record Count: 16028 Current Record: 1215 Current Found Count: 12151 Modification Info: 10/25/2006 Betty File 16132

DPH Closing School District: Last Entry Date: 10/11/2006 Requested by: Request From: Mediator: Enter New Phone Log

Appeal Database IU: IU Name: SD Contact Region: County: Dr. Academy Leah Phone: (717) 555-0101

Assurance Process **Billing Equations** **Envelope Printing** **Lookups**

Phone Log Last Entry Date: 10/11/2006 Check for Delinquent Cases Print Current Phone Log Entry Enter New Phone Log

Compliance Adviser Phone log checkbox: Related Mediation:

Entry Date	Task	From	To	Input by
10/7/2006	Letter	from school district	7015-04-05	Betty File
Received request 10/6, given to CM 10/9 Missing SD Attorney				
10/8/2006	Email	to hearing officer	7015-04-05	Betty File
Requested dates				
10/8/2006	Email	from hearing officer	7015-04-05	Betty File
HO gave dates of 12/18, 12/20 and 12/30				

Appeal db Portal

Full File No	Number	Except. Recvd.	Panel	Opinion Date	Result

Student Portal Full File No: 7015-04-05 Status/Result: DP Active Closed Date: Go to Last

100% Browse

For Help, press F1

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ODR Data-Tracking

FileMaker Pro - [ODR Database 2.14.fp5]

File Edit View Insert Format Records Scripts Window Help

DPH NEW REQUEST DATA ENTRY **NEW DP Complaint Notice** **Mediation Request Form** **Student ID** **Data Entry**

For a new request, click this: Then click this: <This button will allow you to choose the St. ID.

Student Name Student ID Birthdate Gender Exceptionality
 Parent Student O. Jr. S-011413 Student O. Parent 7/1/1995 M 03 SLD - Specific Learning

Parent Information First Name Last Name
 Parent Dr. and Mrs. Concerned Parent
 Mother Mrs. Martha Parent
 Address: 2000 Education Place
 City Acme State PA Zip 17000
 Home (717) 555-0000 Cell (717) 555-1001 MISC
 Work (717) 555-0001 Work2
 Email dnmop@homeemail.net Fax (717) 555-0002

Parent 2
 Address:
 City State Zip
 Home Cell
 Work Work2
 Email Fax

This information is pulled from the Student ID database.

Does the above information match below? If so, then the information has copied into this record.

Student Name Student ID Birthdate Gender Exceptionality
 Parent Student O. S-011413 Student O. Parent 7/1/1995 M 03 SLD - Specific Learning

Parent Information First Name Last Name Relationship
 Parent 1 Dr. and Mrs. Concerned Parent Mother Mom Global
 Mother Mrs. Martha Parent
 Address: 2000 Education Place
 City Acme State PA Zip 17000 Age BSE Age
 Home (717) 555-0000 Cell (717) 555-1001 10.3
 Work (717) 555-0001 Work2
 Email dnmop@homeemail.net Fax (717) 555-0002

Parent 2
 Address:
 City State Zip
 Home Cell
 Work Work2
 Email Fax

You may also fill out the boxes below to finish the initial information for the new case.

File Number 7015 / 04-05 Status Active Case Manager New Case Manager DP Med Initial Contact Date 10/25/2005 **DP Complaint Notice** **Med Request Form**

Web Submit Date Request Submit Type Requested by Date on Req. Form
 Red'd Request From Relationship to student Phone Opposing Party Notified

A. Does your issue pertain to a Hearing Office Decision which has not been implemented? Yes No
 B. Is this a request for an expedited hearing?
20 School Days **Related Mediation?**

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ODR Data-Tracking

FileMaker Pro - [ODR Database 2.14.fp5]

File Edit View Insert Format Records Scripts Window Help

Case Manager: New Case Manager

File Number: 7015 / 04-05 Student: Parent Student O. Dr. Academy Leah Dr. and Mrs. Concerned Parent Mother first name: Martha

HO Assignment Date: Reassignment Date: Previous HO:

Expedited: ARPI: 20 School Days: Type: ESY expedited timelines:

Hearing Information for Sending Notices

Hearing Date: 12/30/2005 Location: Junior Academy Time: 2:00 p.m. Steno: Geiger & Loria Reporting Service Phone: 717 - 541-1508 Date of Assignment/Mailed: Notices: This box will be deleted eventually and timelines moved over to the left.

Timelines & Case Information

Request Date: 10/25/2005 Requested by: Re'd Request From: Date on Request Form: Date Hearing Confirmed: 15 Days 11/9/2005 Total Days Active from Initial Contact: 365 Total Days Active from DP actual start:

New 2005 Timelines/Local Action

Request from: Information requested but not provided Initial Contact Date: 10/25/2005 + 30 days = 11/24/2005 Projected Due Process Start Date: Request Amend Date: Resolution Meeting Waived: 10/1/2005 Related med. file #: Mediation? Med Date: Resolution Meeting Held: 10/1/2005 Sched: 10/1/2005 Resolution Meeting Results: Agreement Reached Sufficiency Challenge? Yes No Check YES or IIO Sufficiency Challenge Results: Request Dismissed Timeline Amended? Yes No Request Amend Date: 12/1/2006 + 20 days = 12/30/2006 Projected Due Process Start Date: Due Process Actual Start Date: 12/30/2006 + 20 days = 1/28/2007 Projected Hmg. Date:

Hearing Session Information

Continuance Date	Time	Site	Initial Session	Session Held	Continuance Reason	Requested By
12/30/2006	2:00 AM PM	Cumberland Valley School District 6746 Carlisle Pike Mechanicsburg, PA 17050-1711	Yes			

DP Fax Packet: Date Notice Mailed/Faxed: 10/25/2006 Steno: Phone: Session Cost: Notices: Envelopes Layout:

General Appeal Information

Full File No	Number	Except. Recd. Panel	Opinion Date	Result

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For Help, press F1

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ODR Communication Survey

■ What?

- 20-question survey
- Focused on 4 areas: ConsultLine, Mediation, IEP Facilitation and Dispute Resolution Skills Training

■ Why?

- To discover how parents, school districts, educators receive information about ODR services and how they would prefer to receive the information

ODR Communication Survey

■ When?

- Survey was developed in late 2005 and we began distributing in March 2006

■ How?

- Email with the survey link was distributed throughout PA

■ Who?

- more than 20 statewide educational agencies, parent groups, associations, agencies

Survey Results – 347 (as of 5/2/06)

Category	# to	Percentage
Education Administrators	134	38.6 %
Parents	126	36.3%
Consultants	18	5.2 %
Teachers	3	.9 %
Other	66	19 %

ODR Survey

- Awareness of the different services
- Walk-through of the survey shows:
 - ConsultLine: 38.3% Not & Somewhat Familiar
 - Mediation: 44.7% Somewhat
 - IEP Facilitation: 46.4% Somewhat Familiar
 - Dispute Resolution Skills Tng: 64.3% Not Familiar

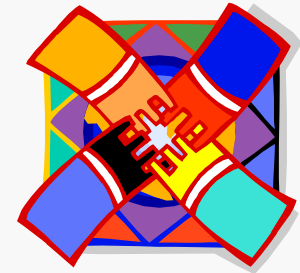
ODR Survey

- Many responses to open-ended questions:
 - What do you like the most about ODR services?
 - How can we improve communication with parents?
 - How can we improve communication with schools?
 - What do you think of our materials/resources?

ODR Media Campaign

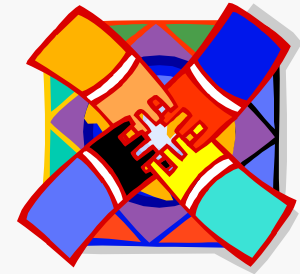
- Based on survey results and Focus Group recommendations
- Bookmarks and Fact Sheets on ODR services to be distributed to all LEAs
- Present to each of the 29 IUs – overview of ODR services
- Present to parent groups – increase awareness of ODR services for buy-in
- New trainings/activities for early dispute resolution

What's Next for ODR??



- Communication Skills Training
- Running Effective Meetings Training
- Communication Connection

Where are You?



- What have you done and what are you currently doing to ensure a culturally competent system?
- What activities do you have in place for early dispute resolution opportunities?
- What type of data does your state collect?
- What do the resolution meetings look like in your state?

ODR

Contact us at...



Office for Dispute Resolution
6340 Flank Drive, Suite 600
Harrisburg, PA 17112-2764
(717) 541-4960 or 1-800-222-3353
<http://odr@pattan.net>