



Office for Dispute Resolution

March 20, 2007

This is a follow up to Kerry Smith's January 5, 2007 email. As she promised, I am providing an update regarding the activities that the Office for Dispute Resolution (ODR) has continued to implement as a result of the May 4, 2006 Focus Group meeting. Subsequent to that meeting, this office has been fortunate in adding some new members to the group. Therefore, this update will be a nice introduction for them.

You may recall that a summary of the meeting was sent to each Focus Group member on June 28, 2006. One of the important outcomes of the summary was that the recommendations that were developed during the small work group activities would be addressed by ODR. This information is helping the office target initiatives for the next five years. An update of ODR activities follows each synopsis of the work group recommendations.

A brief synopsis of recommendations that the group developed were:

Family Awareness - Through brochures, emails, and other awareness materials, inform the primary providers of services to families that the availability and diversity of ODR services is extensive. Publish ODR success stories. Distribute the Dispute Resolution Manual to families, educators, wrap-around agencies, pediatricians, etc.

ODR Update --

ODR continues to work with Marci Davis, PaTTAN Communications Training Coordinator, to guide and assist the office in publicizing the office in the most efficacious manner. In an effort to create a concise and practical mechanism for advertising the office, a two-sided fact sheet was created. It was distributed during the ODR presentations. This is in addition to all the previous materials developed. The fact sheet will be distributed at presentations, conferences, and included in relevant correspondence and other communications with constituents.

Due to confidentiality issues and to a lesser degree, time availability, it has been challenging to find success stories. It would be very helpful if you would like to provide any information that leads us to such examples.

The Dispute Resolution Manual is available on the ODR website and is discussed at ODR presentations conducted statewide. As in past years, ODR representatives attended the week long conference on autism at Penn State this past August and staffed a table on ODR materials. Almost 100 copies of the

Manual were provided to constituents as a result of this outreach effort. Efforts continue to provide widespread distribution of this document.

Suzanne McDougall, ConsultLine Supervisor, will be speaking at a conference of the Pennsylvania Academy of Pediatricians on April 20, 2007, regarding the services of ODR. Inasmuch as these medical professionals are often times the first to recognize and diagnose a potential disability in a child, their knowledge of the wealth of services available to children and parents is a crucial component of the care and support they can provide to families.

Decrease Due Process - Increase effective communication training among all parties that access due process, including but not limited to local education agencies, intermediate units, districts, and early intervention agencies. Analyze the satisfaction data after the due process hearings. Redesign the ODR survey to reflect questions that focus on process versus outcomes.

ODR Update --

Note: The Special Education Advisory Panel (SEAP) has recommended that ODR develop and distribute materials to parents and educational agencies on the efficacy of the IDEA-mandated resolution session using multiple media approaches, e.g. web-based, webinars, videos, brochures, etc. CADRE, the Consortium for Appropriate Dispute Resolution in Special Education, an OSEP-funded project, is due to release a document on resolution sessions. ODR will review that document as the first step to meeting this objective.

The longstanding trend towards due process requests approximating one thousand per year took a downward spiral during Fiscal Year (FY) 2005-2006. From FY 2001-2004, the number of due process requests approached 1,000 yearly. In FY 2004-2005, the requests exceeded 1,000, reaching a level of 1,036. During FY 2005-2006, the number of requests dropped to 760, a significant decrease from the last five years. Thus far this year, the requests are similar in number to FY 2005-2006. When comparing the first two quarters of this FY to the same time period during FY 2005-2006, the numbers are comparable: 360 requests and 376 requests respectively. Therefore, at least at this point, ODR is on track to mirror a similar number of requests as the prior FY.

ODR has contracted with Virginia Duncan, formerly with Parent Education Network, to design trainings that address communication skills/running effective Meetings. Developmental efforts are well underway with the goal being to have the training ready for interested constituents by the summer.

A due process satisfaction survey has been developed and will be distributed to due process participants shortly. The results of those surveys will be shared with the Focus Group.

ODR is constructing a survey monkey for the Focus Group to obtain input on a variety of issues pertaining to due process and mediation.

Increase Mediations/IEP Facilitation - More information to local education agencies describing the differences of these two processes.

ODR Update --

ODR has undertaken a concerted effort to provide widespread presentations regarding ODR services to all IUs, the corresponding special education councils, and the Parent Training and Information Centers (PTIs). ODR is in the process of delivering these presentations statewide during the next 3 months. Numerous groups have been given the presentations and more are being scheduled.

ConsultLine - Provide clear and detailed explanations of the three processes of Mediation, IEP Facilitation, and Due Process to families and advocates. Get ODR information to families on an ongoing basis, not just when there is an issue. Encourage local education agencies to seek help sooner.

ODR Update --

At times, ConsultLine staff will offer to send multiple copies of brochures to callers with the request that callers share materials with other parents or their local parent support system. Callers who mention that they are involved or affiliated with a local parent support program are regularly informed that ODR provides the Dispute Resolution Skills Training (DRST) at no cost to participants.

Efforts have been made to have the ConsultLine listed as a resource on advocacy and parent training center websites. This effort continues. Recent revisions to the Division of Compliance complaint form and information packet includes the ConsultLine's toll-free number. The Special Kids publication now includes the ConsultLine's toll-free number.

As far as "encouraging the LEA to seek help sooner", the only contact the ConsultLine staff have with an LEA is when the Call Resolution Process (CRP) is conducted. Encouraging LEAs to seek help sooner, although a positive effort, is not a viable goal for ConsultLine staff under current operating procedures. ConsultLine serves parents, advocates and

relevant agencies, and generally does not serve the LEA.

Communications Efforts/Training Needs - Training regarding ODR services needs to be district wide, not just to special educators. Clear up the perception that ODR supports districts only. There is a need to know the positive outcomes of ODR efforts. A strong message of neutrality is needed. Increased marketing efforts are needed. Move the ConsultLine description on the back page of the procedural safeguard notice to the front page.

ODR Update --

See above regarding ODR's statewide presentations to all constituencies; success stories; and marketing efforts. A revised Procedural Safeguard Notice (PSN) patterned after the OSEP-endorsed format is currently under legal review at the Department of Education. ODR has recommended that ConsultLine's contact information be listed on the front of the notice as the Focus Group has recommended.

Thank you for your review of this update. I welcome any comments or questions that it may generate. The office hopes that you will continue to take part in the Focus Group activities as we continue to implement your recommendations. A late spring or early summer meeting is anticipated and you will be receiving further information in the near future. Thank you again for your involvement with the ODR Focus Group.

Respectfully submitted,

Jill Lichty
ODR Mediation Coordinator