

*Pennsylvania ~  
An Exemplary  
Dispute Resolution  
System in  
Special Education*

*Profiled in June 2010*

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**CADRE**

*Helping Parents and Educators  
Create Solutions That Improve Results  
for Students with Disabilities*

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# *Pennsylvania Dispute Resolution in Special Education*

## *One of Four Exemplary State Systems*



### ***Introduction***

Between Fall 2008 and Summer 2010, CADRE, the National Center on Appropriate Dispute Resolution in Special Education, undertook a process to identify state special education dispute resolution systems that are particularly effective and to characterize those systems and their components in ways that will be useful to other states that are considering improvement activities. Four states — Iowa, Oklahoma, Pennsylvania and Wisconsin — were identified as exemplars using the process described below. Profiles were developed so that these states' dispute resolution systems could be viewed in their entirety and used as potential models. Additionally, CADRE is cataloguing items from each of these systems (policies, training materials, forms, brochures, evaluation instruments, etc.) so that they are available for states and others who wish to implement practices or utilize materials that are being successfully used elsewhere.

CADRE used a systematic approach to identify the characteristics of effective dispute resolution systems and the underlying practices and functions that contribute to their successful use by state education agencies. As a first step, fourteen states were identified through the application of the following criteria:

- compliance on State Performance Plan/Annual Performance Report (SPP/APR) Indicators Part B 16–17 and Part C 10–11 for Federal Fiscal Year 2006 (written state complaints investigated and due process hearings completed within timelines);
- levels for performance Indicators Part B 18–19 and Part C 12–13 for Federal Fiscal Year 2006 (resolution meeting written settlement agreement and mediation agreement rates);
- support and utilization of stakeholder involvement in the design, development, and management of their dispute resolution activities;
- investment in and support for innovative dispute resolution processes at the “early stages,” including capacity building/prevention, early disagreement assistance, and alternative conflict resolution methods;
- history of using a broad range of required and alternative dispute resolution processes;
- integration or coordination across dispute resolution options;
- evaluation of dispute resolution activities to inform system improvements;
- involvement with CADRE's Dispute Resolution Community of Practice activities (e.g., dispute resolution coordinator listservs, national symposia, other CADRE activities); and,
- characteristics of organization and demography that would provide some variation among exemplar states.

No four states fully met all these criteria. Therefore, the criteria were applied as preferences for the purpose of nominating states for OSEP approval. CADRE's Director met with staff from OSEP to review the criteria and scoring and consider other factors that might suggest worthiness of identification as an exemplar state. The final four “exemplar states” were selected jointly by the Office of Special Education Programs (OSEP) and CADRE. CADRE communicated with the State Director of Special Education in each of these states to advise them of their selection, gauge their interest in participating, and secure a commitment of the staff time needed to successfully conduct this project. Each state enthusiastically agreed to participate.

Dispute resolution practices exist within the context of a larger system, including the history and culture of the state with respect to dispute resolution. Each profile presents an overview of the state's dispute resolution system, focusing on some common aspects of system performance and emphasizing the organizational characteristics that seem to be critical for successful operation. While each of the four exemplar states is unique, it is worth noting that they share common attributes. Among these are high levels of stakeholder involvement, investment in early upstream dispute resolution processes, use of technical and content expertise, active participation in the CADRE Dispute Resolution Community of Practice, engagement in continuous quality improvement practices, and thorough documentation of systems.

In addition to the profiles, CADRE is now working with representatives from the exemplar states to identify and document elements and features of dispute resolution practices that are effective and contribute to those states' success. An online searchable repository that will catalogue and provide easy access to resources that inform state improvement efforts is also part of CADRE's activities related to exemplary dispute resolution systems.

While these descriptions were being completed the partner state systems adjusted their operations as a part of their improvement efforts: they rewrote awareness materials, modified evaluation systems, and adopted new procedures. The profiles are, then, merely "snapshots" of these state systems at a point in time. This work begins an effort to capture and communicate what works well and what will help states learn from one another rather than "reinventing the wheel." CADRE looks forward to participating in a continuing discussion about how states can design and implement dispute resolution systems that capably support parents and educators to design effective programs for students.

This document was developed by CADRE as a project for Direction Service, Inc., pursuant to Cooperative Agreement CFDA H326D080001 with the Office of Special Education Programs, United States Department of Education. This system profile was compiled by CADRE staff members (Teresa Coppola, Anita Engiles, Philip Moses, Marshall Peter and Richard Zeller) in partnership with state representatives. Any inaccuracies contained herein are the sole responsibility of CADRE. Opinions expressed do not necessarily reflect the views of the U.S. Department of Education. CADRE gratefully acknowledges the significant contributions of the following people, whose insight and expertise were of great assistance:

*Pennsylvania:* Kerry V. Smith, Cindy Judy, Dixie Trinen and Suzanne McDougall

*Iowa:* Dee Ann Wilson, Thomas Mayes and Eric Neessen

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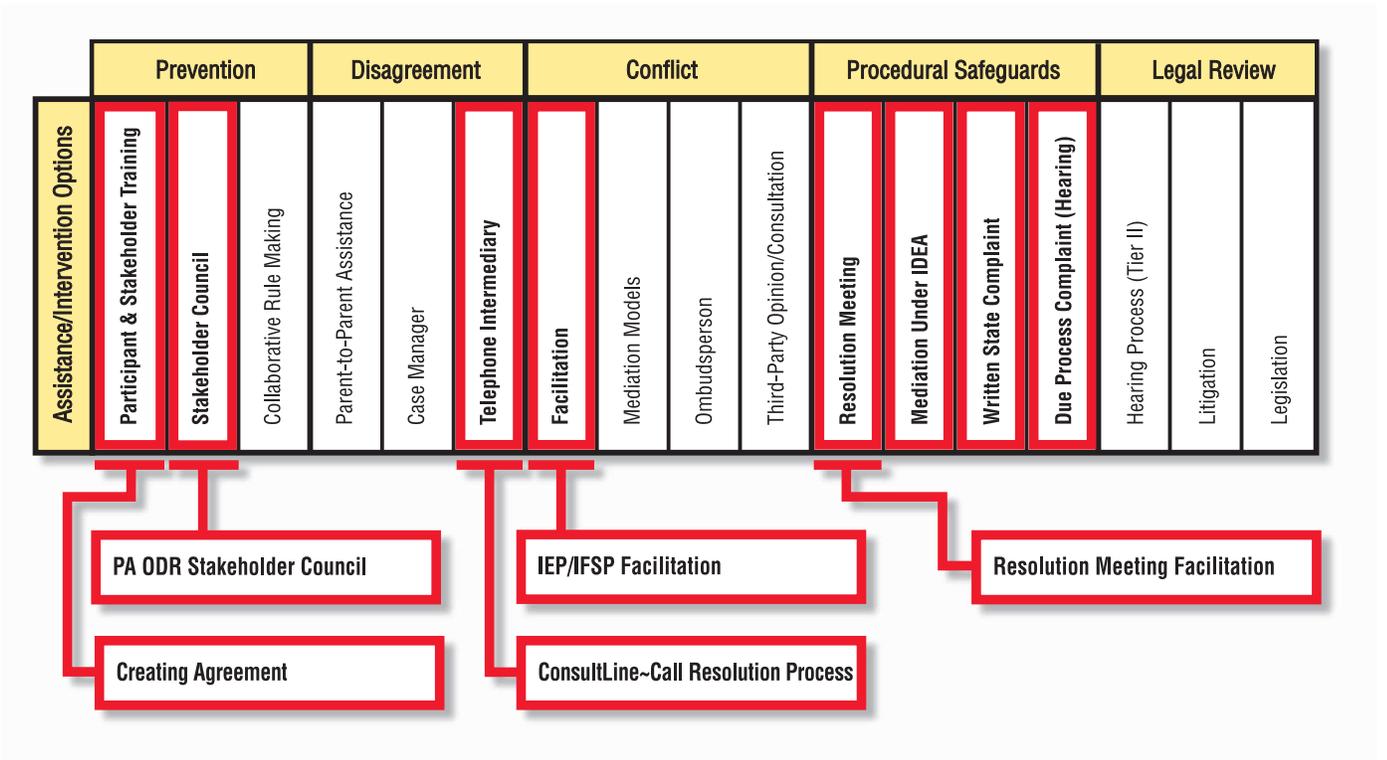
*US Department of Education, Office of Special Education Programs:* Tina Diamond, Hillary Tabor, Lisa Pagano and Melanie Byrd

*CADRE Consultants:* Art Stewart, Tom Kelly and Donna Dickerson

***Pennsylvania ~ An Exemplary Dispute Resolution System  
in Special Education  
Profiled June 2010***

**The CADRE Continuum of Processes and Practices**

*Pennsylvania's Dispute Resolution Options in Bold*

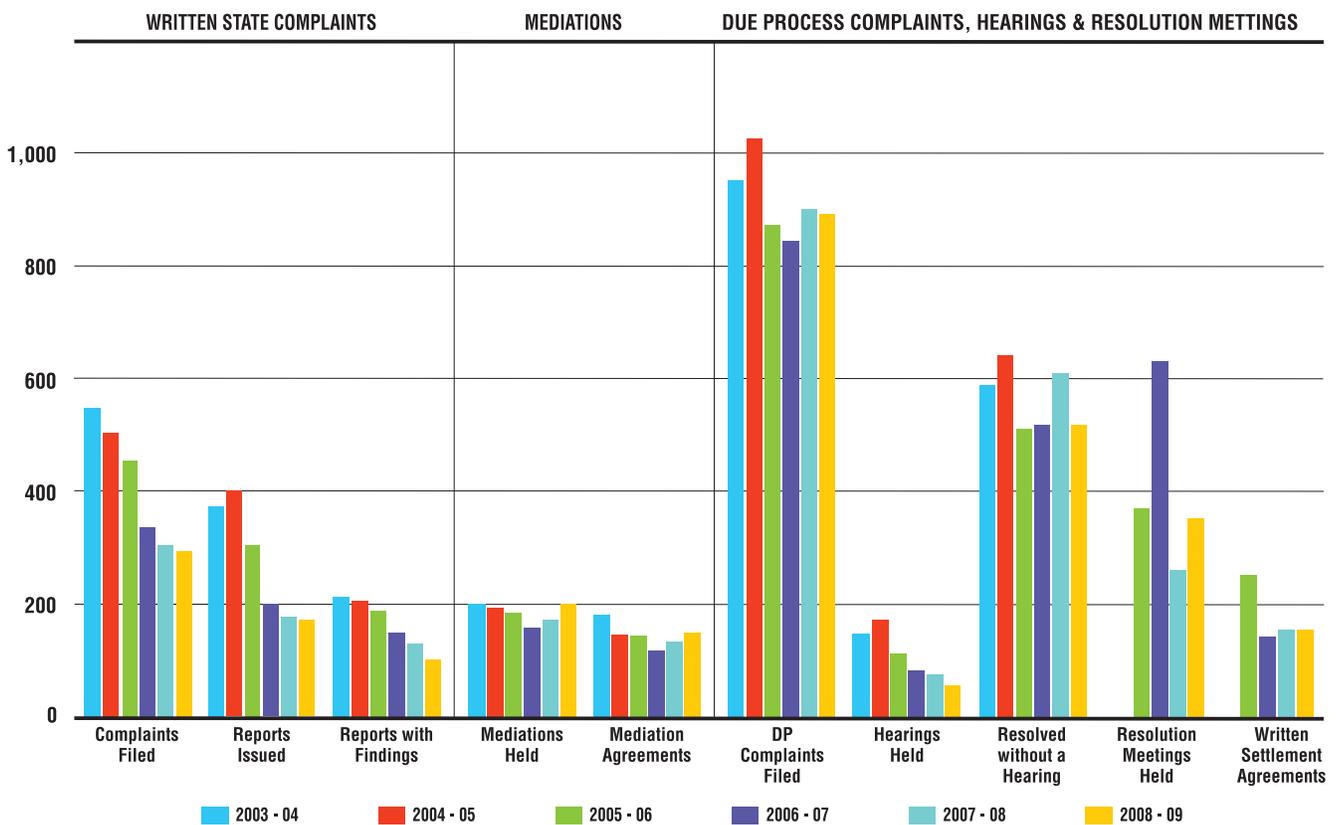


*For more information about the CADRE Continuum, see:*  
<http://www.directionservice.org/cadre/aboutcontinuum.cfm>

The Pennsylvania Department of Education (PDE), through its Office for Dispute Resolution (ODR), exemplifies the many qualities that in combination produce a high performance system of dispute prevention and resolution. The State's dispute resolution system, which is staffed by a nationally recognized team of leaders, is well articulated with a long history of outstanding programs. The system is very much a reflection of a long-standing commitment on the part of the PDE to support high quality collaborative relationships between families and schools. Disagreements about education programs for students with disabilities, students who are gifted, and young children with disabilities who are served by the early intervention system, are not only resolved through federally mandated activities of mediation and due process hearings, but primarily through less formal processes. Among these processes are facilitated resolution meetings, facilitated IEP/IFSP meetings, and the Call Resolution Process (CRP) implemented

through ConsultLine, ODR's parent help line. It is not surprising, given this commitment, that over the last few years Pennsylvania has shown significant declines in due process hearing and complaint activity (see figure 1). One of ODR's newer initiatives has been a collaborative effort with federal organizations to introduce Creating Agreement in Special Education, a conflict resolution training for parents and educators throughout the state. Pennsylvania serves as the lead state nationally in this innovative approach to special education dispute prevention. ODR actively solicits stakeholder involvement in system design and evaluation activities through its Stakeholder Council. ODR has benefited from a strong commitment to ongoing evaluation and continuous improvement at the practitioner, process, and system level. It regularly provides high quality professional development opportunities to staff. Reflecting a strong commitment to capacity-building, the ODR director and ConsultLine supervisor are currently pursuing Master's degrees in Conflict Analysis and Engagement from Antioch University.

**Figure 1. Pennsylvania — Dispute Resolution Activity Events per Year**  
**Source: APR Table 7 and Section 618 Data**



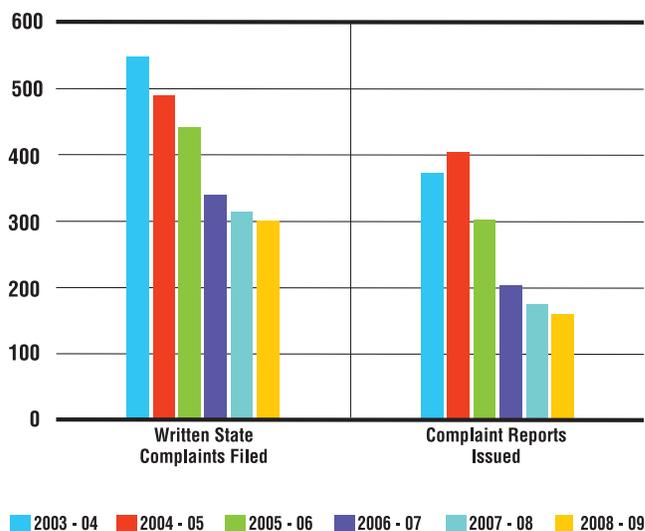
The terms used in the figures in this document are either drawn directly from or are shortened versions of data element terms from Table 7, the dispute resolution data reported by states in their APR. Instructions and definitions of all terms used for Table 7 reporting are available at: <https://www.ideadata.org/documents.asp#collection>

## ***Intake Process***

### **ConsultLine**

ODR's ConsultLine is a toll-free information helpline for parents and advocates. Because ConsultLine serves as the primary system access point for dissatisfied parents, a significant ongoing investment has been made in building the capacity of ConsultLine service coordinators to capably respond to parent concerns. When responding to a message, they make three attempts over the course of three business days to return the call. These specialists: (a) describe the processes of having a student evaluated, identified, and provided with special education and related services, and classroom accommodations; (b) explain procedural safeguards; (c) provide information about access to and assistance with the formal dispute resolution processes within PDE's Bureau of Special Education (BSE); (d) discuss other opportunities to address concerns or disagreements about the student's education; (e) refer callers to other resources; and, (f) provide literature as needed. If, during the course of a call, the parent relays information suggestive of a compliance violation, the specialist will offer to contact the school district's special education director via email, on behalf of the parent, to alert the district to the concern. A copy of the email is also sent to the BSE compliance advisor. This Call Resolution Process (CRP) is voluntary and instituted only upon express agreement by the parent. The ConsultLine specialist acts as a conduit of information between the caller and the school, but the specialist does not act as an advocate, decision-maker, mediator, or compliance advisor. PDE attributes the significant drop in complaints, as shown in figure 2, to ConsultLine's Call Resolution Process. In this process, concerns are identified early, and the LEA is given an opportunity to resolve disputes before they move towards a due process request, mediation request, or complaint filing. For more information about ConsultLine, see the website <http://odr.pattan.net/consultline/default.aspx>.

**Figure 2. Pennsylvania  
Written State Complaint Activity Events per Year  
Source: APR Table 7 and Section 618 Data**



- **Staffing.** The helpline is staffed by four ODR ConsultLine specialists, one of whom is bilingual, who answer questions and provide information about special education programs and the laws governing them.
- **Case Load.** In 2008-09, ConsultLine received 4,228 incoming calls. During 2008-09, ConsultLine used CRP on 133 occasions.
- **Qualifications.** ConsultLine service coordinators are required to have a Bachelor's degree, with a Master's degree and special education experience preferred. Three to five years experience working within special education programs and services or experience with students with disabilities or diverse learners is required. Knowledge of federal and state special education laws, regulations, and policies is required. Excellent verbal communication and written skills (bilingual competency preferred), public speaking skills, and organizational skills; the ability to interpret, analyze and solve problems; and, the ability to work with a broad range of people from diverse backgrounds are

all required. Ability to establish and maintain effective working relationships with all constituencies is critically important.

- **Professional Development.** ConsultLine service coordinators are required to remain current on special education standards and procedures and to attend pertinent seminars related to job responsibilities.
- **Evaluation.** As part of the program's continuous improvement goals, ConsultLine specialists mail out evaluation cards to parents and advocates after they initiate a call. A total of 168 responses were returned to ConsultLine between July 1, 2008, and June 30, 2009. When asked "Were you satisfied with your recent experience with the Special Education ConsultLine?" 97 percent of respondents answered "Yes."

## ***Optional Processes***

### **Stakeholder Training**

Building Partnerships, Creating Agreement: Collaborative Problem Solving in Early Intervention and Special Education, also referred to as Creating Agreement in Special Education, is an OSEP-funded, innovative training program on conflict resolution, jointly developed by CADRE and the IDEA Partnership at NASDSE (National Association of State Directors of Special Education), with input from various constituency groups. The vision behind the creation of *Creating Agreement* was the belief, supported by research, that educational outcomes are improved when families, schools, and service providers work together effectively. Training and support for diverse groups of stakeholders help them learn together and solve problems in ways that are more responsive to individual students' needs.

This one-day training uses interactive activities involving relevant special education scenarios to help parents and educational agencies enhance their communication and problem solving skills. The participants will:

- demonstrate the use of communication and conflict management skills to promote positive outcomes,
- learn strategies to solve disputes at the local level,
- identify successful ways to respond to conflict,
- identify different methods of conflict management, and
- examine a six-step process designed to respond constructively to conflict.

For more information on conflict resolution training, see the website

<http://odr.pattan.net/earlydisputeresolution/ConflictResolutionTraining.aspx>.

In November 2008, the inaugural summit on *Creating Agreement in Special Education* took place. ODR extended invitations to stakeholders in the area, including parents, parent advocates and advocacy groups, parent training information centers, educators, superintendents, school board members and association representatives, PDE intermediate unit representatives, and others to learn about this problem-solving model. Following an overwhelmingly positive response, ODR proceeded with regional summits throughout the state, and in the process invited superintendents from across the Commonwealth to send a parent-educator-administrator team to a summit to learn more about the training.

In addition to *Creating Agreement*, ODR provides the *ODR Overview* training to groups upon request. This overview is designed to educate the audience on the broad array of the office's dispute resolution activities. During the most

recent fiscal year, participants in this program included Elwyn (a non-profit provider of services for people with special needs), EA representatives, early intervention staff for ages birth to 3 years, the Deaf-Blind Leadership Network, graduate students at Millersville University, and Competence and Confidence Partners in Policymaking staff at Temple University.

### **ODR Stakeholder Council**

The Stakeholder Council is intended to give all stakeholders functional input on ODR's activities at a juncture in the process when that involvement can realistically have the maximum effect, while also taking advantage of council members' aggregate expertise. The group meets on a periodic basis, with conference calls in the interim as needed and reasonable expenses reimbursed for its members. In order to be a stakeholder-driven council, a diverse number of constituency groups were asked to submit candidates' names for Stakeholder Council membership. Not all groups were able to do this, so the Bureau of Special Education director made appointments in those cases. The fully operational Stakeholder Council now has operating procedures in place to address future replacement of members, thus truly rendering it a stakeholder-driven body.

The council is composed of Counsel to ODR; one parent attorney; one school district attorney; one school district staff representative (designated by the Pennsylvania Association of School Administrators); one Intermediate Unit (IU) staff representative (designated by the IU Directors' Group); two parent advocate representatives (designated by the Disability Rights Network and/or Value Coalition); one Parent Training Information Center or Community Parent Resource Center representative (to be designated by that organization); one representative of the community of students with autism (to be designated by the appropriate organization); and, one representative of the community of students who are gifted (to be designated by the appropriate organization). Operating procedures and minutes from the meetings are posted on the ODR website.

The Stakeholder Council offers an excellent barometer of how ODR is doing beyond evaluations distributed after each service is rendered. The council recently considered the issue of allowing attorneys to attend mediation, a significant departure from established practice. The council decided to gather statistics from other states for comparison to PDE's experience, make available a Survey Monkey to gather input from constituents, and have members take this issue back to their respective constituency groups for input.

### **IEP Facilitation**

IEP facilitation is a voluntary process that can be utilized when all parties to an IEP meeting agree that the presence of a neutral third party would facilitate communication and the successful drafting of a student's IEP.

### **Lesson Learned**

*“The conversion of a traditional Advisory Panel into a more progressive Stakeholder Council results in a more engaged, vibrant exchange of information and ideas. The process of garnering disparate viewpoints on polarizing issues helps us to monitor and improve the quality of our programs.”*

*Kerry Voss Smith,  
ODR Director*

This process is not necessary for most IEP meetings; it is most often utilized when there is a sense from any of the participants that the issues at the meeting are creating an impasse or acrimonious climate. Since the initial pilot in October 2004, ODR has been providing IEP facilitation services, using some of the state's mediators, at no cost to interested constituents. IEP facilitators are not decision makers or IEP team members; they are third-party neutrals who do not advocate for or provide technical assistance to either party. They assist the team members to focus on the issues at hand during the IEP meeting, while the facilitator attends to the dynamics of the meeting to ensure that the participants interact respectfully, communicate their perspectives, and focus on the issues and future plans. For more information about IEP facilitation, see the website <http://odr.pattan.net/earlydisputeresolution/IEPFacilitation.aspx>.

### **Resolution Meeting Facilitation**

ODR offers resolution meeting facilitation at no cost to parents or LEAs. Facilitators are individuals who are also under contract with ODR to provide IEP facilitation and mediation services. While the service is still in its infancy, ODR is seeing a slow but steady increase in its use. A significant percentage of the facilitations that have occurred to date have resulted in an agreement and withdrawal of the hearing request. Analysis of participant feedback is ongoing to determine any needed changes or expansion.

## ***Required Processes***

### **Mediation**

As evidenced in figure 3, Pennsylvania consistently achieves mediation agreement rates in the desired range of 75%-85%. For more information about mediation, see the website.

- ***Staffing***. ODR contracts with 27 independent mediators to provide mediation services to its constituents. Seven of the mediators are professional mediators outside of their contractual relationship with ODR. The balance of the mediators are either social service professionals, professors, educational consultants, attorneys, or nonprofit administrators.
- ***Qualifications***. Prospective mediators must already possess training and experience in both mediation and special education law and procedures. To qualify and work as a mediator, a person cannot be associated with advocacy agencies or with local or state education associations.

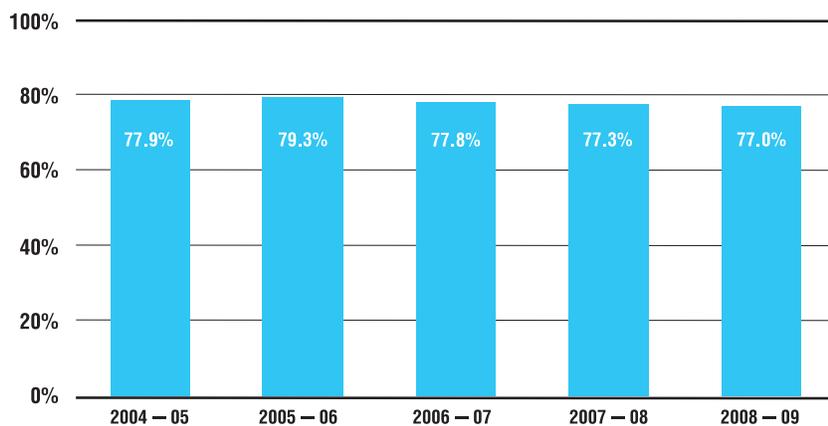
### **Lesson Learned**

*There are many different philosophies regarding IEP facilitation. Initially IEP facilitators in Pennsylvania provided expertise, technical assistance, and a directive style in the meetings. Participant feedback indicated that both parents and LEAs were dissatisfied with this approach. A course correction was made, and the role has since been productively redefined as purely facilitative.*

- **Professional Development.** ODR does not provide initial training to mediators but has very consciously ramped up the quality of ongoing training, bringing in nationally recognized trainers. The ODR director hosts informal receptions for the mediators during the evening between the two days of training, not only to meet and greet them, but to give them an opportunity to discuss issues among themselves.

- **Evaluation.** Post-mediation evaluations indicate that an overwhelming number of participants completing the evaluation were satisfied with the services of the mediator. Mediators were consistently ranked high on explaining the mediation process, listening to participants, and fostering productive environments for mediation to be successful. Constituents reported willingness to use ODR’s mediation service again and felt that, as a result of the process, they were able to establish better communication with the other party, a better understanding of their concerns, and the ability to discuss issues more openly and constructively in the future. The ODR director has begun observing the mediators and providing critiques on their demeanor, handling of the mediation, knowledge of special education, and other observations.

**Figure 3. Pennsylvania Indicator 19  
Mediation Agreement Rate**  
Source: APR Table 7 and Section 618 Data



**Written State Complaints**

The Bureau of Special Education’s (BSE’s) Division of Monitoring and Improvement coordinates the formal written state complaint procedure. After BSE receives a consumer request intake form or a written signed

**Lesson Learned**

*“Do not underestimate the need for your constituents to have a full understanding of any new service your office provides before it will be utilized and make sure you have a system in place that provides this critical information. Whenever possible, personal contact with constituents through a phone call, rather than an email, may be the most effective method of communication. When we introduced resolution session facilitation as a new service of our office, we conveyed this information via email and got little response; however, when we started placing calls to due process participants to advise them of this service, interest in trying facilitation improved exponentially.”*

*Kerry Voss Smith,  
ODR Director*

complaint, a determination is made whether the allegations meet the requirements. If so, an initial telephone interview with the complainant is held to confirm the information provided by the complainant, identify alleged violations, obtain additional information from the complainant, schedule a meeting if the complainant has requested one, and explain the procedure for the LEA's response to the complaint, as well as the complaint management system. When the written state complaint does not meet the requirements, BSE provides pertinent technical assistance and informs the complainant that an official written response will be issued. If an issue that is part of the complaint becomes part of a due process hearing, an abeyance letter is issued to postpone the complaint investigation until the hearing issues have been decided.

- **Staffing.** BSE employs four complaint specialists.
- **Qualifications.** The minimum requirements for a complaints specialist is four years of professional experience in special education, including one year in the development and implementation of special education curricula or programs at the local or intermediate unit level, or an equivalent combination of experience and training.
- **Professional Development.** The BSE maintains standardized practices for written state complaint management, and staff is trained and updated regularly.
- **Case Tracking.** BSE maintains a closely monitored database that tracks days elapsed from the date a written state complaint is received through issuance of a complaint investigation report (CIR) and closure of all required corrective action. Division chiefs monitor complaint timelines and reassign staff as needed to comply with timelines.

### **Due Process Hearings and Resolution Meetings**

Pennsylvania's due process hearing system became one-tier in 2008-09. When ODR receives a due process hearing request, it is assigned to a case manager, who opens a case file and assigns a hearing officer (HO) on an ad hoc basis. The HO sets a hearing date and advises the parties that they must report progress or activity to the HO relating to a resolution meeting. The HO forwards information to the case manager, who enters the data into the ODR database.

In those cases when a hearing is held, ODR's independent counsel reviews the HO's decisions and provides input not on the outcome as determined by the hearing officer, but rather on how the decision could have been written in a more legally sound and concise fashion. At least twice a year, this same reviewer examines two entire cases from each HO, including the transcripts and exhibits, and provides a comprehensive post-decision (or after the case has otherwise been resolved) analysis of the cases. The ODR director observes the HO's each year and provides input from her perspective as a long-time litigator on HO demeanor, handling of objections and evidence, and other hearing procedures.

- **Staffing.** ODR employs six full-time and three independent contractors as hearing officers who are responsible for presiding over special education due process hearings.
- **Qualification.** Attorney HO's must maintain current licensure with the Supreme Court of Pennsylvania. HO's must possess knowledge of, and the ability to understand, the provisions of IDEA, federal and state regulations

pertaining to IDEA, and legal interpretations of IDEA by state and federal courts. They must possess the knowledge and ability to conduct hearings, as well as to render and write decisions based upon the record developed during those hearings, all in accordance with appropriate, standard legal practice. HOs must have the necessary computer knowledge to communicate with litigants and ODR via email, to conduct relevant research, as well as to prepare decisions in electronic form.

- **Professional development.** HOs must remain current with federal and state regulations and standards. Timely resolution of due process hearings, barriers to accomplishing this, and strategies to overcome the barriers are regularly discussed at mandatory annual HO training sessions, as are other related topics. Specifically, HOs have been trained to more closely examine the basis for timeline extension requests to ensure that extensions are granted only for appropriate reasons. Reflecting the breadth of training that is provided, a recent training session included information on response to intervention and on special education for gifted students.

- **Evaluation.** ODR has engaged in a systematic, concerted effort to ensure timeliness. Beginning in 2002, the following procedures have been implemented:

- Nonrenewal of HOs for reasons of nonperformance.
- Communication of clear expectations of HO performance, with individual and group performance statistics provided to HOs on an annual basis.
- Training for ODR case managers on providing rigorous oversight of the due process hearing proceedings.

Toward the close of FY2006-2007, ODR initiated a new project to gain feedback on the due process experience from parents, administrators, and attorneys. Overall, respondents indicated that they were satisfied with the services provided by ODR, that hearing officers appeared to be neutral and did not favor either party, and that hearing officers were very knowledgeable about relevant laws and regulations and the disability at issue.

As shown in figure 4, Pennsylvania has experienced a meaningful decline in the level of due process hearing activity, the likely result of investments in early resolution activities. Efforts are ongoing to educate constituents about the resolution meeting requirement and to increase the rate of agreement. Staff from ODR, two of Pennsylvania's Parent Training Information Centers, the Parent Education Network (PEN), the Parent Education and Advocacy Leadership Center (PEAL), and educational consultants from Pennsylvania Training and Technical

### **Lesson Learned**

*A professionally developed database, and staff with the ability to extrapolate and analyze numerous statistics from it, can help to discern trends and guide action.*

*An effective database will also provide the tools to monitor timelines more effectively, minimizing the possibility of human error. The financial investment in purchasing such a database will pay dividends to the program.*

Assistance Network (PaTTAN) worked collaboratively to design training on resolution meetings that is applicable to both parents and LEAs. This training has been replicated and is available through the Internet and other means. In conjunction with this training, ODR produced a document on resolution meetings and has widely distributed it. ODR’s case managers are continuing to distribute the document whenever due process is requested. For more information about due process hearings and resolution meetings, see the website <http://odr.pattan.net/dueprocess/default.aspx>.

***Dispute Resolution System Administration Oversight***

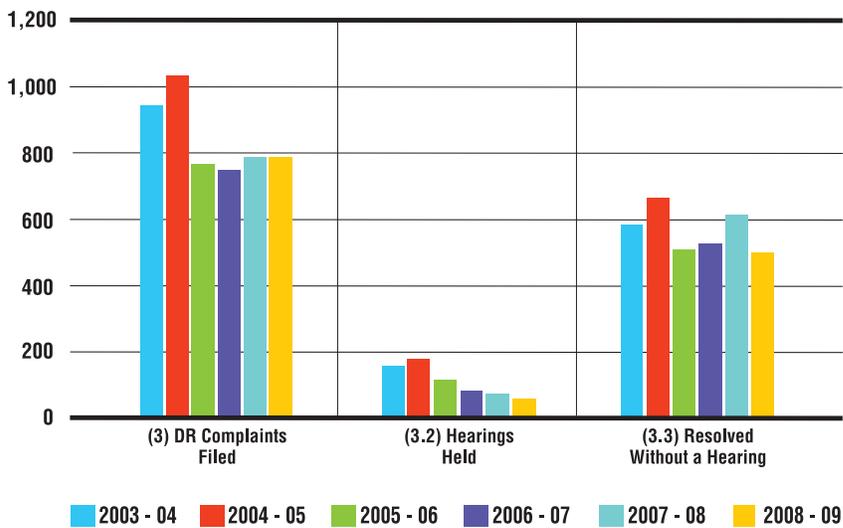
When the Pennsylvania Board of Education exercised its discretion, under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), to change from a local- and state-level due process hearing system to a one-tier state-level system, it vested statutory responsibility for establishing, maintaining, and administering that system with the Pennsylvania Department of Education (PDE). PDE implements the day-to-day operational aspects of that system through the completely independent Office for Dispute Resolution (ODR).

The Central Susquehanna Intermediate Unit (CSIU) serves as fiscal administrator. To maximize its independence, integrity, and autonomy, ODR is statutorily free from interference or influence on any substantive matters from any entity or individual, including without limitation parents, advocacy groups, school districts, intermediate units (including CSIU), or PDE. Its hearing officers are impartial and are not subject in individual cases to substantive direction from or control by ODR, or by any other agency or group that would affect the outcome of a particular hearing.

**Relationship to General Supervision**

The Pennsylvania Department of Education has established an effective system for general supervision of LEAs through planning, monitoring, complaint management, dispute resolution mechanisms, professional development, and technical assistance. Its BSE staff is assigned based on a “single point of contact” (SPOC) structure, with one professional special education advisor serving a designated geographical area. This individual reviews the local performance plan for that area’s intermediate unit and member school districts, serves as the chairperson for monitoring teams in that same area, and also reviews complaints filed against those LEAs. This structure promotes development of a strong knowledge base and expertise in regional issues and needs, which in turn leads to systemic identification by the BSE of issues and concerns as well as targeting of resources to improve local results.

**Figure 4. Pennsylvania Due Process Complaint and Hearing Events per Year**  
**Source: APR Table 7 and Section 618 Data**



### **Culturally Relevant Aspects of the DR System**

In order to meet the needs of Pennsylvania's diverse population, ODR contracted with an interpreting service, Language Line, to further develop the capability of providing service to non-English-speaking constituents.

Language Line can provide translation into 71 different languages.

In March 2007, ODR hired a bilingual staff member (English/Spanish) to improve the office's responsiveness to Spanish-speaking constituents.

Since then, ConsultLine has received very few calls in other languages that have necessitated the use of Language Line. ODR also produced a brochure in Spanish about ConsultLine

(<http://odr.pattan.net/files/ConsultLine/Consultline-SP.pdf>).

ODR has engaged in active outreach to organizations that serve Spanish-speaking families and has worked through those contacts to disseminate information about dispute resolution and special education to parents and advocates.

### **Partner Organizations/Collaboration**

ODR's collaboration with Pennsylvania's Parent Training and Information Centers has been productive. Parent Education and Advocacy Leadership Center (PEAL) staff have received the Creating Agreement training through ODR and participated in an ODR train-the-trainer workshop. The Parent Education Network (PEN) plans to co-sponsor the Creating Agreement training in collaboration with other stakeholders, such as local task forces and intermediate units. Creating Agreement training has been provided throughout the state to more than 1,000 interested attendees. Representative recipients of the training include the National Autism Conference at Penn State University, early intervention staff, school district staff, staff of intermediate units, Network of Autism Training and Technical Assistance Program (NATTAP), Elwyn, Autism Alliance of Chester County, Lehigh University graduate students at West Chester University, and Jones Center for Special Education Excellence. Creating Agreement training is offered at no cost and provides continuing educational credits to educators. Efforts are ongoing to get the training approved for purposes of awarding continuing educational credits to administrators as well.

ODR has pursued strategic alliances with Pennsylvania's higher education system. It facilitated dialogue among Pennsylvania law schools about the possibilities of providing pro bono representation and/or assistance to eligible parents pursuing due process. The Dickinson School of Law at Penn State University has already committed to accepting referrals for parent representation in Cumberland County. It is the hope of the project participants that additional law schools will commit to providing similar

### **Lesson Learned**

*High quality, professional level training for hearing officers, mediators, and facilitators is one of the best investments a state can make to optimize the services these groups provide. There are many excellent trainers and training organizations available to states, but be certain that the training these organizations provide is consistent with your vision and your philosophy. For example, there are different philosophies about how IEP facilitation should be handled. Be absolutely certain before signing a contract with your trainer that you are in agreement on both theory and practice.*

services to parents in their respective catchment areas. ODR is also working with teacher preparation programs to incorporate pre-service training on collaborative problem-solving into required coursework. Representatives from the higher education community have been recruited to serve as faculty members for the school administrator training.

### **Public Awareness/Outreach**

ODR maintains a robust website (<http://odr.pattan.net>) and also provides updates on Twitter. Included on the site is information on dispute resolution processes, regulations, dispute resolution system performance, request forms, frequently asked questions and training materials. Brochures and materials are also disseminated at exhibit booths at conferences that ODR staff attend. Among the publications that ODR has developed are:

- “Complaint Information Packet and Form” (<http://odr.pattan.net/consultline/ComplaintInformationPacketandForm.aspx>)
- “IEP Facilitation” (<http://odr.pattan.net/earlydisputeresolution/IEPFacilitation.aspx>)
- “Mediation Guide” (<http://odr.pattan.net/mediation/MediationGuide.aspx>)
- “Due Process Fact Sheet” (<http://odr.pattan.net/dueprocess/DueProcessFactSheet.aspx>)
- “A Tale of Two Conversations” (<http://www.directionservice.org/cadre/PAvideo.cfm>). This is a video resource that ODR developed to demonstrate the difference between unproductive and productive communications between a parent and a school administrator. The video is being widely distributed, and CADRE is developing an online training unit centered on these dramatizations.

ODR is preparing a due process manual for parents who elect to pursue a due process hearing without legal representation (i.e., proceeding pro se). It has been sent to representatives from the advocacy community for review and input. ODR has created videotapes on due process and resolution meeting preparation and is planning videos on mediation, IEP facilitation, and the ConsultLine.

ODR has also cultivated strong working relationships with a number of organizations representing parents (PEAL, PEN, Hispanos Unidos para Ninos Exceptionales) and educators (Pennsylvania Council of Administrators of Special Education, School Board Associations, Association of School Administrators). These relationships contribute to increased stakeholder confidence in the system and facilitate the easy dissemination of information and products.

**Key Pennsylvania Leadership at the time this Profile was Developed**

Gerald Zahorchak, *Secretary, Pennsylvania Department of Education (PDE)*

John Tommasini, *Director, Bureau of Special Education (BSE)*

Kerry Voss Smith, *Office of Dispute Resolution (ODR) Director and CADRE Exemplar Contact*

Cindy Judy, *Legal Assistant to Director*

Suzanne McDougall, *ConsultLine Supervisor*

Dixie Rider, *Dispute Resolution Coordinator*

**Pennsylvania Department of Education**

Bureau of Special Education

333 Market Street, Seventh Floor

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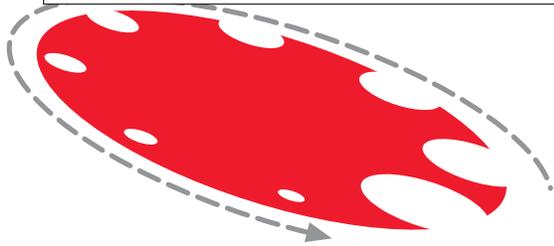
Website: [http://www.portal.state.pa.us/portal/server.pt/community/special\\_education/7465](http://www.portal.state.pa.us/portal/server.pt/community/special_education/7465)

Office for Dispute Resolution

6340 Flank Drive, Harrisburg, PA 17112-2764

Phone: (800) 222-3353

Website: <http://odr-pa.org>



The Center for Appropriate Dispute Resolution in Special Education (CADRE) works to increase the nation's capacity to effectively resolve special education disputes, reducing the use of expensive adversarial processes.

CADRE works with state and local education and early intervention systems, parent centers, families and educators to improve programs and results for children with disabilities.

CADRE is funded by the Office of Special Education Programs at the US Department of Education to serve as the National Center on Dispute Resolution in Special Education.

### **CADRE's Priorities**

- *Identify effective, cost-beneficial dispute resolution practices and support their implementation*
- *Enhance collaboration between education/early intervention agencies and parent organizations*
- *Promote improved problem-solving skills across stakeholder groups*
- *Assist states to implement the dispute resolution provisions of IDEA'04*
- *Support integration of dispute resolution management and improved state system performance*
- *Compile State Performance Plan data and information on the characteristics of state systems*

