Through the Office for Dispute Resolution, the Pennsylvania Department of Education (PDE) fulfills its statutory mandate to maintain a special education due process system. PDE contracts with the Central Susquehanna Intermediate Unit to provide fiscal and certain management support for that office, without becoming involved in substantive operations.

The Central Susquehanna Intermediate Unit will not discriminate in educational programs, activities or employment practices based on race, color, national origin, gender, disability, marital status, age, religion, sexual orientation, ancestry, union membership or other legally protected classifications. Announcement of this policy is in accord with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. Employees and program participants who have an inquiry or complaint of harassment or discrimination, or who need information about accommodations for people with disabilities, should contact Director of Human Resources, CSIU, 90 Lawton Lane, Milton, PA 17847, 570-523-1155.
# Office for Dispute Resolution

## Annual Report

**Fiscal Year 2012-2013**

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Introduction
The Office for Dispute Resolution (ODR) provides the resources for parents and local educational agencies (LEAs) to resolve educational disputes involving children served by the early intervention system, students who are gifted (or thought to be gifted), and students with disabilities (or thought to have disabilities). Pennsylvania’s recognition as an “exemplar state” by the Office for Special Education Programs (OSEP) and the Center for Appropriate Dispute Resolution in Special Education (CADRE) is an acknowledgement of the array of quality services offered by ODR.

Throughout the year, the ODR Stakeholder Council (SC) provided insight and feedback about a myriad of issues involving the statewide special education dispute resolution system. Because Evaluative Conciliation Conferences (ECC) were a brand new service of ODR, with a lack of national models to follow, the SC was updated frequently about the pilot and the successes and challenges of designing and implementing such a novel dispute resolution service. It is anticipated that adjustments to the pilot will continue during the next fiscal year to increase the likelihood of the success of this promising dispute resolution option. CADRE is aware of Pennsylvania’s efforts in this regard, and has provided initial technical assistance and support to ODR in this endeavor.

After a spike of due process requests during fiscal year 2011-2012, due process numbers returned to their prior lower level during the reporting period. ODR continues its broad–based approach to facilitating the timely resolution of special education disputes. This includes not only the creation of the ECC program, but also collaborative work with institutions of higher learning. While a joint grant application with Temple University on conflict resolution was not ultimately funded, discussions with Temple University continue on other ways to partner together to impact positively the parent-school culture in Pennsylvania.

Other highlights of the year include the following:

Evaluative Conciliation Conferences
ODR piloted a new dispute resolution service called Evaluative Conciliation Conferences (ECC) during FY 2012-2013. ECC is a cutting edge dispute resolution mechanism wherein a Consultant, highly trained in special education and special education law, provides perspective to the parties on current interpretation of the law, analysis of the issues, and encouragement to explore creative solutions to the dispute. One of the hearing officers served as the ECC Consultant during the pilot. ODR will continue to assess the viability and effectiveness of ECC during the upcoming year; however, preliminary feedback has been positive.

Stakeholder Education and Presentations
ODR staff and hearing officers were frequent presenters on conflict resolution, special education dispute resolution, and special education law during the 2012-2013 year. The ODR Director and Program Manager continued to provide Creating Agreement, a
conflict resolution training, to various populations. Representative examples of other presentation venues and speakers include:

ODR Director and staff:

PDE Annual Conference
Eastern PA Coalition of Special Education Advocates
IDEA Work Group
Special Education Leadership Conference
PA Fellowship of Special Education Leaders
SEAP
Eastern Pennsylvania Special Education Administrators conference
IU Special Ed Director meetings
IU TAC staff
Right to Education Task Forces
Early Intervention Service Providers

Hearing Officers:

National Academy for Administrative Law Judges and Hearing Officers (Seattle University School of Law)
Pennsylvania Bar Institute
IU Special Education Director meetings
Eastern Pennsylvania Special Education Administrators Conference
PA Case Conference
National Association of Administrative Law Judiciary

**ConsultLine**
The Special Education ConsultLine is a toll-free information helpline for parents and advocates who have questions or concerns about special education for school-age children. ConsultLine is staffed by four Specialists who provide information about special education, gifted education, and Section 504 of the Rehabilitation Act of 1973.

During a ConsultLine call, Specialists provide the following services:

- Describe the processes involved in having a child evaluated, identified, and provided with special education, accommodations, and related services;
- Explain the procedural safeguards;
- Provide information, assistance and access to the state complaint process managed by the Department of Education’s Bureau of Special Education (BSE);
- Discuss options to address the parent’s concerns or disagreements about their child’s special education program; and
- Refer callers to other resources, such as publications, websites and disability-related organizations.
**Call Activity**
ConsultLine Specialists serve callers in a timely and equitable manner. Generally speaking calls are returned in the order they are received; special attention is given to the caller’s contact instructions (e.g. date and times when the caller expects to be available) so as to expedite service. When call volume and staffing permits, ConsultLine Specialists answer the phone directly and are able to provide “live” service to the caller.

During FY 2012-13, ConsultLine received 3,408 incoming calls, and provided service to 3,046 callers. Specialists provided “live” service (meaning the Specialist intercepted the call immediately) 138 times. The difference between the number of calls received, and the number of callers served, is due to the unavailability of the caller despite Specialists' attempts to reach the caller at least three times over the course of three business days.

ConsultLine is staffed with a bilingual Specialist who provides service to callers whose primary language is Spanish. During FY 2012-13, the bilingual Specialist served 73 callers who preferred to speak with a Specialist in Spanish. This represents a significant increase over past years. When needed, Specialists use a translation service called “Language Line” to serve callers whose primary language is neither English nor Spanish.

**Caller Demographics**
ConsultLine Specialists may request, but do not require, the caller to identify his/her geographical region. The following statistics are not inclusive of all callers served; they are limited to those callers who volunteered demographic information in 1,821 instances. Based on this data, the following presents a general impression of call activity across the state.

More than 100 calls were received from the following Intermediate Unit areas: Philadelphia Intermediate Unit 26; Capital Area Intermediate Unit 15; Allegheny Intermediate Unit 3; Montgomery County Intermediate Unit 23; and Delaware County Intermediate Unit 25. Public charter schools were identified in 742 instances.

**Types of Inquiries**
ConsultLine Specialists document the special education-related topics associated with a caller’s question(s). During FY 2012-13, the following topics were most frequently used to categorize the caller’s inquiries or concerns: multidisciplinary evaluation; educational placement; IEP implementation; information requests; IEP content; procedural safeguards notice; and mediation. During FY 2012-13, Specialists provided publications, forms, media presentations or other materials to 1,363 callers. More than half of these were delivered to callers electronically.

**Call Resolution Process and Provision of BSE Complaint Packets**
ConsultLine’s Call Resolution Process (CRP) is a highly regarded and effective compliance-related dispute resolution tool. CRP was created in conjunction with the Bureau of Special Education (BSE) for IDEA-related issues and certain issues related to Section 504 of the *Rehabilitation Act of 1973.*
CRP is an email notice to the LEA which describes the parent’s compliance-related concerns. The process is voluntary and requires the parent’s permission. The content of the CRP message is developed by the Specialist. It includes a brief summary of the parent’s concerns and, to the extent known, the parent’s proposed resolution. Once completed and approved by the parent, the CRP email is sent to the LEA administrator responsible for special education; the BSE division chief; and the BSE regional advisor. CRP is only offered to callers who have identified themselves as the child’s parent as defined in 34 CFR 300.30.

During CRP, the Specialist acts as a conduit of information between the parent and the school; the Specialist does not serve as an advocate, decision-maker, mediator, or compliance advisor. Once the email is sent, the Specialist’s involvement in CRP has concluded. During FY 2012-13, CRP was offered to 379 callers, and implemented in 140 instances.

Information about the BSE complaint process and the state complaint form is sent to the parent every time CRP is utilized, but also when otherwise requested by a caller. During FY 2012-13, Specialists sent out 288 state complaint forms.

**Gifted Education**

ConsultLine Specialists assist callers who have questions or concerns about Chapter 16/Gifted Education. Some of these callers allege compliance violations. When this occurs, the Specialist provides the caller with pertinent information regarding Chapter 16 regulations and procedural safeguards, including the availability of the option to file a written complaint. The caller is then referred directly to the BSE advisor designated for management of Chapter 16 compliance issues. During FY 2012-13, ConsultLine Specialists served 54 callers whose questions or concerns were specifically related to education for gifted students.

**Evaluation Surveys**

When callers provide contact information, Specialists conclude service by mailing or emailing an evaluation survey to the caller. The survey is brief and it can be completed and returned anonymously. Survey participants are asked to provide comments and to answer several satisfaction-based questions.

During FY 2012-13, ConsultLine received 130 evaluation surveys; 72 of these were through Survey Monkey, an electronic survey service. As in years past, survey results indicate high levels of satisfaction with the services provided by ConsultLine Specialists. The following sampling of comments represents overall satisfaction expressed throughout survey responses.

“I have contacted ConsultLine in the past and probably will in the future. I am pleased with the support and information provided.”

“Thank you so much for the information on Manifestation”
Determination. The worksheet is a wonderful tool!”

“Every time I call, the specialists show professionalism and treat me with the utmost respect. Their explanations are clear and concise and I am more confident addressing my concerns with my agency and the school districts when I use their information.”

“The specialist was very helpful taking plenty of time allowing me to explain my concerns. She then addressed every issue. I feel much more confident and prepared before my next meeting to discuss my child’s future.”

IEP/IFSP/GIEP Facilitation
Facilitation services are available to parents and educators when drafting the IEP, IFSP, or GIEP. Because facilitation is a voluntary process, both the parent(s) and provider or LEA must agree to the presence of a facilitator.

During FY 2012-13, facilitation was requested a total of 70 times as follows:

School Age
ODR received 67 requests for facilitation for this age group. Facilitation was declined in one instance, and in one other instance there was no response from the non-requesting party. Eight requests were withdrawn. In 29 instances an IEP was drafted; a partial IEP was drafted in 18 instances. Only 8 IEP facilitations failed to result in an IEP, either in whole or part. There were 2 pending requests at the close of the reporting period.

Gifted
There were 2 requests for GIEP Facilitation, and both resulted in a GIEP.

Protected Handicapped/Section 504 Students
The single 504 facilitation request was withdrawn.

Mediation
In FY 2012-13, ODR contracted with twenty-four independent contractors to provide mediation services to parents and educators. ODR received 403 total requests for mediation during the reporting period, with the highest request rates emanating from Chester County Intermediate Unit 24; Delaware County Intermediate Unit 25; Montgomery County Intermediate Unit 23; and Bucks County Intermediate Unit 22 respectively. Detailed information about mediation results can be found in Exhibit 1, Mediation Results by Intermediate Unit and School District.

Of the 403 mediation requests received by ODR, 188 went forward to a mediation session, with an overall agreement rate of 80%. The difference in number of requests versus number of sessions held is due to withdrawal of the request after it is made,
almost always due to settlement, or, in 84 instances, the non-requesting party declined to participate in mediation or there was no response from the non-requesting party. At the end of the reporting period, there were 46 cases that remained active.

**Birth - 3**  
There was one request for mediation for the birth-3 population for FY 2012-13. An agreement was reached at the mediation session.

**3 - 5**  
There were 41 requests for mediation for the pre-school population. Of these, 23 went to a mediation session, with an agreement rate of 74%. There were six active cases at the close of the reporting period.

**School Age**  
There were 320 requests for mediation for the school-aged population. Sessions were held in 139 instances, with an agreement rate of 78%. There were 39 active cases at the close of the reporting period.

**Gifted Education**  
There were 31 mediation requests pertaining to Chapter 16. Seventeen mediation sessions were held, with agreement reached in all but one instance (94% agreement rate). There was one active case at the close of the reporting period.

**Protected Handicapped/504 Students**  
There were 10 requests for mediation pertaining to Chapter 15. Mediation sessions were held in 7 instances, and agreement was reached every time.

**Mediation Issues**  
The issues most commonly addressed at mediation were as follows:

**Birth - 3**  
The sole mediation in this age group pertained to related services.

**3 - 5**  
Educational placement and IEP disputes were the predominant issues.

**School Age**  
Educational placement, followed closely by IEP disputes, were the most common issues addressed at mediation. Related services and ESY were also addressed with some regularity.

**Gifted Education**  
Eligibility, GIEP issues and educational placement were the most common issues addressed at mediation.
Protected Handicapped/504 Students
FAPE was the most common issue addressed at mediation.

Evaluations
One hundred eighty (180) post-mediation evaluations were returned during FY 2012-13. A vast majority indicated satisfaction with the services of ODR and the mediators, and the process itself. Examples of comments on the evaluation form:

“ODR case manager was very helpful in scheduling the meeting and correspondence through email was efficient.”

“Excellent! We were extremely pleased with the prompt, efficient and professional nature of the ODR Staff. We were pleasantly surprised at how fast things occurred. From what we experienced, we feel that ODR is the model of efficiency.”

“Mediator was very pleasant, very professional, and the school would not have reached an agreement without her informal mediation techniques.”

Mediator was wonderful! It was very helpful to have a mediator with a special education background.”

“The mediator explained the mediation process thoroughly. The mediation was scheduled quickly and both parties were well informed on the time and date.”

“Mediator was professional, personable, and very helpful in explaining the process and her role.”

Due Process

Due Process Requests
For FY 2012-13, ODR received 757 requests for due process, a reduction of 102 from the prior fiscal year. The total numbers of requests are broken down into the following categories:

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1 The increase in due process requests during FY 2011-12 appears to have been an anomaly, as due process requests returned to their pre-FY 2011-12 levels:
FY 12-13 757
FY 11-12 859
FY 10-11 751
FY 09-10 808
FY 08-09 819
The largest number of due process requests for this year came from the following seven intermediate units:

- Philadelphia County Intermediate Unit 26 139
- Montgomery County Intermediate Unit 23 69
- Delaware County Intermediate Unit 25 69
- Bucks County Intermediate Unit 22 62
- Northeastern Educational Intermediate Unit 19 60
- Chester County Intermediate Unit 24 54
- Allegheny County Intermediate Unit 3 47

The most frequently occurring issues at due process were compensatory education; IEP disputes; placement; and evaluation. The 757 due process requests were resolved as follows:

- Parties settled 327
- Parties settled during the resolution period 118
- Parties withdrew/dismissal 108
Hearing Officer Decisions
The hearing officers wrote 56 decisions on FY 2012-13 requests with the following results:

**Birth - 3**
No decisions were written.

**3 - 5**
Two decisions were written, one supporting the parent, and the other supporting the provider.

**School Age**
Fifty one decisions were written. The hearing officer found in favor of parents in 15 instances, and in favor of LEAs in 25 instances. In eleven instances, the hearing officer found partially in favor of the parent, and partially in favor of the LEA.

**Gifted**
Two decisions were written, one in support of the parent, and the other in support of the LEA.

**Protected Handicapped/504 Students**
One decision was written in favor of the LEA.

Detailed information about Due Process Results by Intermediate Units and School Districts may be found in Exhibit 2.

**Timelines**
In 59% of the fully-adjudicated cases, the parties requested an extension of the decision due date pursuant to 34 CFR §300.515(c). The balance of decisions were written during the statutory period.

**Appeals to State and Federal Court**
During FY 2012-13, there were 22 appeals to state or federal court; only six of these appeals pertained to 2012-13 requests for hearing, with the balance pre-dating the reporting period. All appeals were brought under the Individuals with Disabilities Education Act (IDEA). In all cases, the appellant chose federal court. Parents accounted for 77% of the total number of appeals received.

As of the close of the reporting period, 16 cases were still in progress; 5 were dismissed, voluntary or otherwise. A judge ruled on the substantive aspect of the case in only one instance, upholding the hearing officer in whole or in part.
Costs
IEP Facilitators billed a total of $23,011 for services rendered during the fiscal year.

Resolution Meeting Facilitators billed a total of $8,091 for services rendered during the fiscal year.

Mediators billed a total of $87,324 for services rendered during the fiscal year.

Court Reporting fees totaled $472,479 with one-third billed to the respective LEA ($157,493).

Conclusion
A copy of this Annual Report will be posted on the ODR website, www.odr-pa.org as well as distributed to the Special Education Advisory Panel (SEAP) and the ODR Stakeholder Council.
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# MEDIATION RESULTS BY INTERMEDIATE UNIT AND SCHOOL DISTRICT

## 7/1/2012 - 6/30/2013

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**7/1/2012 - 6/30/2013**

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## 7/1/2012 - 6/30/2013

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## MEDIATION RESULTS BY INTERMEDIATE UNIT AND SCHOOL DISTRICT

**7/1/2012 - 6/30/2013**

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EXHIBIT 1
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### 7/1/2012 - 6/30/2013

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**7/1/2012 - 6/30/2013**

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EXHIBIT 2
## DUE PROCESS RESULTS BY INTERMEDIATE UNIT AND SCHOOL DISTRICT

**7/1/2012 - 6/30/2013**

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EXHIBIT 2
### DUE PROCESS RESULTS BY INTERMEDIATE UNIT AND SCHOOL DISTRICT

#### 7/1/2012 - 6/30/2013

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## DUE PROCESS RESULTS BY INTERMEDIATE UNIT AND SCHOOL DISTRICT  
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## DUE PROCESS RESULTS BY INTERMEDIATE UNIT AND SCHOOL DISTRICT

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