**Part C Dispute Resolution Data Notes**

**2019-20 Reporting Year**

This document provides information or data notes on the ways in which states collected and reported data differently from the Office of Special Education Programs (OSEP) data formats and instructions. In addition, the data notes provide explanations of substantial changes or other changes that data users may find notable or of interest in the data from the previous year.

# Arizona

- The State provided the following response(s) to large Year to Year change(s)

* The Arizona Department of Economic Security (ADES), Arizona Early Intervention Program (AzEIP) is the Lead Agency (LA) for the Individuals with Disabilities Education Act (IDEA), Part C in Arizona. The LA office received 12 written complaints and one due process request during FFY 2019. Of the 12 written complaints, 11 were determined to have findings of noncompliance as a result of the investigation completed by LA staff. Of the 11 written complaints with findings, five reports were issued timely and seven were issued late. The LA office issued untimely reports for the seven complaints as a result of additional staff onboarding to support with the increased workload surrounding a contract transition and requesting additional records to investigate complex complaints.
* The increase of written complaints for FFY 2019 is primarily attributed to a lack of provider capacity in regions that also experienced a contract transition. ADES/AzEIP solicited for new Early Intervention contracts with the effective start date of July 1, 2019. This process only occurs once every five years and resulted in one contractor scaling up implementation significantly. LA staff have updated the contract transition processes to ensure that this type of situation does not occur again.
* Upon further analysis of root causes of the untimely reports, LA leadership has since improved internal processes. LA staff have also provided statewide Technical Assistance (TA) to all service providing agencies and LA staff regarding dispute resolution procedures. The reports that were issued late averaged completion of 69 days from receipt of written complaint request to issuance of report with three issued one day after the 60-day timeframe. While the reports were issued late, LA staff also facilitated short term resolution with the families and ongoing redress for concerns while the investigations were completed prior to the reports being issued. The findings were primarily for one contractor across multiple regions and included the Division of Developmental Disabilities (DDD) service coordination. The contractor was required to ensure that compensatory services were provided to the individual families and the LA implemented systems with the contractor and DDD to ensure systematic correction of the findings of noncompliance. LA staff provided intensive TA as well as requiring regular reports on contractor capacity and on service coordination activities in the impacted regions. Additionally, as a result of the findings and to ensure a single line of responsibility within the LA, AzEIP and DDD will enter into a formal agreement to ensure adherence to Part C requirements. As a result of the findings, LA staff required the contractor to increase the frequency of reporting staff capacity, service provision, identification of other areas of capacity concern, and regular reporting of progress of their corrective actions until programmatic issues were resolved. LA staff also required the contractor update their local dispute resolution processes and have had no additional formal complaints during the contracting period. While one of the root causes of the findings was a lack of provider capacity for particular qualified personnel, The contractor involved has continued to collaborate and ensure services for the children and families involved in the complaints as well as for all other children assigned to the agency are happening as agreed upon in the Individualized Family Service Plan (IFSP). Although an increase in findings occurred in FFY 2019, the actions taken by LA staff have resulted in fewer complaints and demonstration of compliance by service providing agencies since the unique contract transition period.

# Kansas

- Kansas Part C did not adopt Part B procedures.

- The Kansas Department of Health & Environment, Part C, and the Kansas State Department of Education, Part B, did not choose to implement the 'continuation of early intervention (Part C) services' until kindergarten entry as described in 20 U.S.C. 1432(5)(B)(ii) and 1435(c).

# Kentucky

- There were no requests for due process hearings.

# Nevada

- Complaint 1 of 2 was filed on 8/22/2019 and investigated. The report was released within the sixty-day timeline on 10/21/2019. No findings were issued. Mediation was then requested by the family (10/23/2019). Family declined to move forward with Mediation (2/13/2020). There were no findings issued, so no corrective action was necessary.

- Complaint 2 of 2 was filed on 10/28/2019 and investigated. The report was released within the sixty-day timeline on 12/20/2019. Corrective action was required regarding compensatory services. The system resolution was to require all staff to be familiar with Individuals with Disabilities Education Act (IDEA) Part C Early Intervention Services.

# New Jersey

- In 1.1a most of the completed complaints were related to the errors in the billing portal resulting in errors to parent invoices on the part of the outside billing vendor. Therefore, these were not a result of a non-compliance that required a finding. These complaints were resolved, the billing system errors have since been corrected.

# New York

- The State provided the following response(s) to large Year to Year change(s):

* Mediation difference from FFY 2018-19 to FFY 2019-20:The decrease in the number of mediations held from FFY 2018-19 to FFY 2019-20 is largely attributed to the COVID-19 emergency which resulted in a decrease of early intervention services delivered. Department staff plan to analyze the mediation requests further to identify any demographic patterns and examine the effectiveness of the mediation process for the parties who did not enter into a mediation agreement. The State's rate of timely mediation agreements remains within the range of 75-85% which is the consensus among mediation practitioners as a reasonable rate of mediations that result in agreements and is consistent with national mediation success rate data.
* The Department held two phone conference meetings with the Department’s mediation contractor staff. The first pertained to outreach information the contractor developed. The second pertained to ensuring quality early intervention mediation services with all of the community dispute resolution centers (CDRCs) and the effective timely resolution of disputes through the mediation process. The contractor has since informed the Bureau of Early Intervention (BEI) of training they will be conducting with the CDRCs, other oversight activities and a project to increase disability awareness and access to the New York State Community Dispute Resolution Program (CDRCP) services among individuals with intellectual and developmental disabilities (IDD), and their families. The Department will continue to meet with the contractor to ensure the effective resolution of disputes through the mediation process.
* Due Process complaint difference from FFY 2018-19 to FFY 2019-20:The decrease in the number of due process complaints from FFY 2018-19 to FFY 2019-20 is largely attributed to the COVID-19 emergency which resulted in a decrease of early intervention services delivered. Department staff plan to analyze the due process complaint requests further to identify any additional factors that may have contributed to this change and any demographic patterns pertaining to due process complaints requested.

# Oklahoma

- No written, signed complaints, mediation requests, or due process complaints were filed during the survey period.