**Part C Dispute Resolution Data Notes**

**2022-23 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.

# Florida

- An official complaint was received 3/23/23 and due to reporting timeframes for Dispute Resolution 2022-23, the complaint is marked as pending. However, due to an extended timeline, the final report was issued on 10/12/23 and the results will be specified for Florida's Dispute Resolution Report, 2023-24.

# Nevada

- Nevada’s Individuals with Disabilities Education Act (IDEA) Part C policy timeframe for completion of investigations is 60 days. However, due to a critical staff shortage and new staff hiring, each of the two reports were completed past the 60-day timeline.

The first complaint was filed on August 25, 2022. The 60-day timeline for the first investigation report was October 24, 2022. However, the letter along with the finalized report, was provided to the complainant and EI program on January 27, 2023. The first report was 96 days past the timeline. The Part C Office notified both the complainant and the program throughout the investigation regarding the impacted timeline. Investigation required both program staff and parent interviews. Prior to Part C staff turnover, parent interviews were attempted but calls were not returned. Program staff interviews were completed by November 2022. After Part C staff turnover in December 2022 and January 2023, ten parent interviews were completed.

The program developed their Corrective Action Plan (CAP) and correction is ongoing since July 2023. Areas of concern were Individualized Family Service Plan (IFSP) implementation and development, procedural safeguards, and transition conferences. The program has corrected in all areas, except for completing staff training in each area. Delay occurred due to late receipt of materials from the Nevada Early Intervention Services (NEIS) trainer. Materials were sent September 15, 2023 after several requests. Full correction will be reported in the next data collection of Dispute Resolution.

The second complaint was received by the Part C Office on November 15, 2022. The expected completion of the report was January 14, 2023. The report was provided to all parties on February 23, 2023 upon completion 40 days after the anticipated date. After Part C staff turnover, the new liaison needed to conduct interviews of staff and family as well as a second review of the record to complete the investigation. The Part C Office corresponded with the complainant regarding the impacted timeline and shared information regarding advocacy and support during the ongoing investigation.

Throughout the period following the investigation February 23, 2023 to October 30, 2023, Part C met with the program three times to follow-up and check in on progress toward full correction. The program developed their CAP with Part C support. As a result of the CAP, the program developed trainings regarding program-wide application of in-person services to ensure equitable service delivery to rural communities, Developmental Specialist training for documenting services on IFSPs, and identifying family priorities. The complainant was offered compensatory services, which was declined. Finally, a technical assistance memo was provided to all programs on tele-health as a service delivery method. The program has corrected in six of seven areas of the CAP. The program is in the process of providing documentation to correct the last area. Full correction will be reported in the next data collection of Dispute Resolution.

The Part C Office has made continued efforts for recruitment and retention of regulatory staff. During November 2022 and January 2023, a few staff retired. New staff filled these positions during December 2022 and January 2023. In September 2022, two position requests were made so that the retiring staff could have a warm handoff with the new staff. However, only one retiree was available to work with one new staff for one week due to the critical staff shortages experienced in the Directors Office Human Resources (HR) and Fiscal offices.

- Our office experienced a natural disaster during December 2022 with flooding damage to our Carson City office. After the flooding incident, existing staff worked overtime to meet critical timelines: including Annual Performance Report (APR), complaint investigations and reports, ongoing technical assistance, and new Part C staff orientation and training.

# New York

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

* The total number of mediation requests received through all dispute resolution processes increased from 28 in SY 2021-22 to 53 in SY 2022-23. This 89.29% increase is likely the result of the New York State Department of Health Bureau of Early Intervention (NYSDOH BEI) efforts to increase mediation numbers to get them back closer to their pre-COVID-19 averages (57 in SY 2019-20). NYSDOH BEI worked with our mediation contractor, New York Dispute Resolution Inc. (NYSDRA), to increase county knowledge about the mediation process and parent awareness of their due process right to request mediation to resolve disputes. NYSDRA has created an Early Intervention Mediation informational rack card that is available for parents, counties, and providers and this has been posted on NYSDRA and NYSDOH BEI websites. NYSDRA presented information about mediation to county officials (local administrators of the Early Intervention Program) on January 25, 2023 and has started a promotional campaign to increase the use mediation services in New York State (NYS). NYSDOH BEI meets monthly with NYSDRA to review questions or issues. Revisions have been made to NYSDRA’s manual and forms (including mediation participant surveys) used by the regional offices to ensure consistency of approach and alignment with EI regulations.