

**Summary of Part C Disputes**  
**Children's Medical Services/Early Steps**

July 2007 – June 2008

*The following are summaries of disputes involving Children's Medical Services, Early Steps State Office between July 2007 and June 2008, including complaints alleging violations of federal laws relating to serving infants and toddlers with developmental delays or established conditions under Part C of the Individuals with Disabilities Education Act (IDEA) and due process hearings related to eligibility, evaluation or service provision to a child under IDEA, Part C. Complaint investigations and/or due process hearings were conducted, pursuant to Section 303.420-.425 and 303.510-.512 of Title 34 of the Code of Federal Regulations.*

*These summaries are for informational purposes and are not intended to provide legal advice or assistance. Please refer questions to Janice Kane, Part C Coordinator, Department of Health/Children's Medical Services/Early Steps State Office, 4052 Bald Cypress Way, Bin #A06, Tallahassee, Florida 32399-1707; (850) 245-4200*

<b>Type of Dispute</b>	<b>Date of Receipt</b>	<b>Allegation(s)</b>	<b>Findings</b>	<b>Summary of Corrective Action(s)</b>
<b>Complaint</b>	8/31/2007	Family withdrew complaint after informal resolution was reached.	NA	NA
<b>Complaint</b>	3/5/2008	1. 45 day timeline	Yes	The Local Early Steps was ordered to provide compensatory services to the child and family for the period of time there was a lack in services and required to submit documentation that the services were provided.  The Local Early Steps was identified to be out of compliance with the 45 day timeline through the annual Quality Assurance monitoring process. Correction activities are being monitored quarterly through the Continuous Improvement Plan. If correction of non-compliance is not demonstrated, the Local Early Steps will be subject to further sanctions.
		2. Changes made to the IFSP without consent	No	NA
		3. IFSP Process/Services	Yes	The Local Early Steps was ordered to submit a copy of a cover letter documenting dissemination

		were not selected with the family		<p>of Early Steps state policies, guidance and instructions related to the Individualized Family Support Plan Team process, clarifying specifically that it is the role of the IFSP Team to determine services and supports, and that the IFSP Team decisions are not subject to approval from parties outside the Team.</p> <p>The Local Early Steps was ordered to submit evidence of training provided to Service Coordinators and Family Resource Specialists regarding the above policy. The information in the IFSP Instructions related to the IFSP process and the role of the family shall be incorporated as a part of the training.</p>
		4. Written prior notice	Yes	<p>The Local Early Steps was ordered to submit a copy of a cover letter documenting dissemination of Early Steps state policies and guidance related to the provision of written prior notice and procedural safeguards to families at every IFSP review which results in new, changed, or terminated services or in which the IFSP team refuses to act upon the family's request.</p> <p>The Local Early Steps was ordered to submit evidence of training of Service Coordinators and Family Resource Specialists regarding the policy.</p> <p>The Local Early Steps was identified to be out of compliance with the provision of procedural safeguards to families at every IFSP review which results in new, changed, or terminated services or in which the IFSP team refused to act upon the family's request through the annual Quality Assurance monitoring process. Correction activities are being monitored quarterly through the Continuous Improvement Plan. If correction of non-compliance is not demonstrated, the Local Early Steps will be subject to further sanctions.</p>
<b>Complaint</b>	3/19/2008	1. Due process hearing was not conducted in the 30 day timeline	Yes	The Early Steps State Office was ordered to correct the policy regarding extensions of the 30-day time period for due process hearing requests.

				The Early Steps State Office was ordered to develop a flyer to post on the Early Steps website and for distribution to Local Early Steps that outlines the purpose and process for due process hearings.
		2. Question of jurisdiction and getting an enforceable judgment is outstanding	Yes	<p>The Early Steps State Office was ordered to develop a memorandum to administrative law judges/hearing officers on the procedures in place to ensure compliance with IDEA, Part C.</p> <p>The Early Steps State Office was ordered to provide informational material to Florida Department of Health attorneys and contracted administrative law judges/hearing officers highlighting the differences between IDEA, Part C hearing requirements and IDEA, Part B hearing requirements.</p>
<b>Due Process Hearing</b>	2/12/2008	1. Parent request due process hearing to address the issue of appropriate early intervention services for a preschool child with autism.	No	NA