



# Your Rights as a Parent

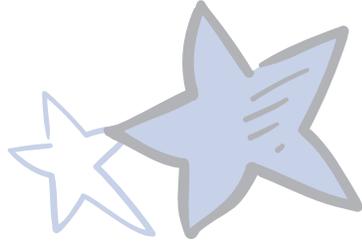
As a parent, you have rights under the EIP. It is the responsibility of your service coordinator and service providers to explain your rights to you and make sure you understand them, and help you carry them out. For example, you have the right to prior written notice. Prior written notice must be given by the EIO to you within 10 working days before the EIO intends to or refuses to start or change the identification, evaluation, service setting, or the provision of appropriate EI services to your child and family.

You also have the right to use due process procedures to settle disagreements or complaints about your child's eligibility for the EIP, or complaints about your child's EI services. Your right to use due process procedures to settle disagreements or complaints includes your right to access mediation, impartial hearing, and systems complaint procedures, as follows:

Mediation is a voluntary and confidential way to work out disagreements and complaints you may have about your child's early intervention services. Mediation is used to help you and your EIO reach an agreement as easily and quickly as possible. This is done through a mediator. Mediators are trained, certified, and assigned by the Community Dispute Resolution Center in your county. They are skilled in listening to all sides of a problem and in being fair. Mediators are not experts in early intervention. They are expert mediators who know about and understand the EIP.

Your mediator will meet with you and your EIO to discuss the issues involved and help you find answers. Both of you will have the chance to share your concerns about the early intervention services that need to be settled. The mediation process must be finished in 30 days of the time the Community





Dispute Center receives the written request for mediation. Once mediation is finished, a written agreement is prepared describing what was agreed to and any outstanding issues. Your service coordinator will make sure this agreement is added to your IFSP. If the disagreement cannot be settled, your EIO should discuss with you another right you have, an impartial hearing.

An impartial hearing is another way for you to settle disagreements with your EIO about your child's services in an IFSP. Like mediation, an impartial hearing must be held at no cost to you. You can also ask for an impartial hearing if your child is found ineligible for services by an evaluator. You have the right to ask for an impartial hearing to settle these problems, even if you take part in mediation first. You do not have to take part in mediation before getting an impartial hearing. Both options are open to you and your family. Impartial hearings are carried out by hearing officers who are fair and unbiased. These hearing officers are administrative law judges assigned by the Commissioner of Health or designee. The hearing officer has the power to decide requests made by either you or the EIO. The hearing officer will make a final decision on the issue or concern in your child's case.

At a hearing, parents and EIOs give testimony and may use witnesses to support their views. Parents may bring a friend, another parent, an advocate, or an attorney to the impartial hearing. The hearing officer must reach a decision in 30 days. The hearing officer's decision is final. You or the EIO have the right to ask for a legal review of the hearing officer's decision.

To request an impartial hearing, you must write to the New York State Department of Health, Director of Bureau of Early Intervention. You can ask for an impartial hearing at any time. If your complaint is about your child's eligibility, however, your request must be made within six months of the date your child was found ineligible for services.

In addition to mediation or an impartial hearing, another option for parents who are having problems

with how the EIP is working is to file a system complaint. Some examples of problems include:

- Not having an IFSP completed within 45 days of a child's referral to the Early Intervention Official,
- Not having services delivered on time,
- Not getting the services listed in your IFSP,
- Providing services to a child when a parent hasn't given permission,
- Receiving services in places where there are health or safety concerns.

A system complaint can be filed if you believe that your EIO, service coordinator, evaluator or service provider is not doing his or her job under the law. To file a system complaint, you must write to the New York State Department of Health, Director of the Bureau of Early Intervention. You must also forward a copy of your complaint to your service coordinator, county Early Intervention Official, and any early intervention provider(s) who is the subject of the complaint. The Department of Health must investigate your complaint.

If you make a complaint to the Department of Health you will be contacted by Department of Health staff. You will be told how your complaint will be investigated. This may include interviewing you, any person named in the complaint, and others who may have helpful information about the complaint.

The Department of Health must finish its investigation within 60 days from the time it receives the complaint. You will receive a written response to your complaint upon completion of the investigation. This response will provide findings of the investigation, and specify any actions that must be taken. The Department of Health is responsible for making sure that all steps to correct the problem are taken.

Sample letters to help you with these procedures start on page 19.