

RESOLVING DISAGREEMENTS THROUGH DUE PROCESS PROCEDURES (cont .)

◆ **Formal Hearing:** If mediation does not resolve the conflict, or if mediation is refused in writing, either you or EDIS may request a formal hearing. Refusing mediation or unsuccessful mediation does not deny or delay the right to a formal hearing. To initiate a Due Process Hearing, the concerned party writes a request in the form of a petition and submits the petition to:

**Director of the Defense Office of
Hearing and Appeals (DOHA)
P.O. Box 3656
Arlington, VA 22203**

You must also deliver a copy of the petition to the opposing party.

◆ **Appeal:** Either party may file an appeal to the hearing officer's finding. This is done by filing a written notice of appeal, within 5 days of receiving the finding, with the Director, DOHA.

◆ **How to Proceed with These Options:**

If you want to pursue any of these options to resolve disagreements, the EDIS service coordinator or designee will:

- Help you to complete the needed forms;
- Provide you with additional information necessary to complete the process;
- Provide information about whom to contact for more information and assistance.

◆ **Your Right to Continued Services:** While any of these due process proceedings are taking place, the child and family may continue to receive the early intervention services currently being provided. If applying for initial services, the child and family shall receive the early intervention services not under dispute. All documents concerning the dispute will be kept in the child's EDIS record.

APPLICABLE LAWS AND POLICIES

EDIS programs were established within the Department of Defense (DOD) to fulfill the requirements of the Individuals with Disabilities Education Act (IDEA).

The Department of Defense Instruction (DODI) 1342.12, Provision of Early Intervention and Special Education Services to Eligible DOD Dependents, directs the military medical departments to provide EDIS.

MEDCOM Regulation 40-53, Educational and Developmental Intervention Services: Early Intervention Services, provides implementing guidance for the early intervention services provided by Army EDIS programs.

Contact your local EDIS program if you have any questions or concerns regarding the information in this brochure, or log on to the Army EDIS website at www.edis.army.mil for detailed information regarding your rights, procedural safeguards & due process procedures.

**For additional information, log on to
www.EDIS.army.mil or contact your local EDIS
program at:**

HELPFUL RESOURCES:

- ◆ Department of Defense Instruction (DODI) 1342.12
www.dod.mil/dodgc/doha/134212p.pdf
- ◆ Military Onesource
www.militaryonesource.com
1-800-342-9647
- ◆ Military Homefront
www.militaryhomefront.dod.mil



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MEDCOM Pam 40-14

Educational and Developmental Intervention Services (EDIS)



PARENT RIGHTS & Procedural Safeguards

Your Family and EDIS Working Together

6 May 2011

PARENTS HAVE RIGHTS

This brochure provides an overview of the rights and procedural safeguards afforded to parents and legal guardians who have children under age three eligible for Early Intervention Services (EIS) from Educational and Developmental Intervention Services (EDIS) in the Army Medical Department. This information is your Notice of Procedural Safeguards as required under the Individuals with Disabilities Education Act (IDEA).

- ◆ **Right to Confidentiality:** You have the right to confidentiality of information. EDIS will safeguard all personally identifiable family information.
- ◆ **Right to Consent to Release Information:** Personally identifiable information concerning anyone in your family can not be released outside the Department of Defense (DOD) without your written approval. If the requesting agency is also a DOD agency, and there is a rightful need for the requested information, the information may be released.
- ◆ **Right to Examine Records:** You have the right to examine records concerning the early intervention services your child and family receive. These records include screening, assessment, eligibility, the development and implementation of the Individualized Family Service Plan (IFSP), and progress notes written by the provider(s).
- ◆ **Prior Written Notice:** EDIS must provide you with written notification (Notice of Proposed Action) whenever EDIS proposes to initiate or change the identification, evaluation, or any aspect of the early intervention services.

PARENTS HAVE RIGHTS (cont.)

- ◆ **Right to Understand:** Information must be provided in a language understandable to you or provided via other modes of communication that you understand. This information includes prior written notifications (Notice of Proposed Action) and procedural safeguards.
- ◆ **Right to Accept or Decline:** You can accept or decline any or all early intervention services. Choosing not to participate in one service will not affect the delivery of other services you have chosen to accept.
- ◆ **Right to Disagree:** You have the right to file a complaint about any aspect of the early intervention services your child and family receive. This brochure provides more information on addressing complaints (see “Resolving Disagreements through Due Process Procedures”).
- ◆ **Right to Continued Services During Dispute:** During any action involving a complaint, you and your child will continue to receive the early intervention services currently being provided, unless otherwise agreed upon between you and EDIS.



Parents are important members of the early intervention team.

RESOLVING DISAGREEMENTS THROUGH DUE PROCESS PROCEDURES

EDIS wants to ensure that all parent understand and agree with their child's services.

If you disagree with the identification, evaluation, placement, or provision of appropriate services for your child and your family, you have the right to timely resolution of your complaints. EDIS offers the following steps to resolve disagreements:

- ◆ **Conferences:** EDIS believes in resolving concerns at the lowest level possible and using the chain of command. This means if there are disagreements between you and any EDIS staff member, the first step should be to attempt to resolve the issue through a conference between you and the EDIS program manager or designee.

You are welcome to invite others to participate in conferences, including other professionals involved in your child's care, hospital administrators who oversee EDIS, other family members, or an advocate for your family. If a satisfactory solution cannot be found through conferencing, you have two options:

1. To request mediation.
2. Sign a mediation waiver & request a formal hearing.

- ◆ **Mediation:** Mediation is a voluntary, private, informal discussion of differences. In mediation, a trained individual will help you and EDIS resolve the disagreement. Mediation will help you and EDIS to work toward a resolution through facilitated discussion. If mediation does not result in an agreement, either party may request a formal hearing.

(see reverse for additional information)