



*Statewide Parent
Advocacy Network*

HAND-OUTS FOR

The Role of Family Organizations in Developing and Implementing an Effective Early Intervention Dispute Resolution System

- A. Constitutional & Legal Basis for Procedural Safeguards
- B. Part C Safeguards
- C. Explaining Procedural Safeguards to Families at Each Step of the EI Process
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PROCEDURAL SAFEGUARDS

Constitutional Basis

There is no constitutional right to early intervention services. However, the Constitution of the United States forbids governments from denying access to a government benefit without *due process of law*.

Due process has two parts: *substantive* and *procedural*.

Substantive due process means that government agencies must be *fundamentally fair* in their dealings with possible beneficiaries of a government benefit or the target of a government action. For example, rules that require government agencies to provide information to people in a language that they can understand is a requirement of *fundamental fairness*.

Procedural due process means that government agencies must have fair procedures to decide disagreements between possible beneficiaries of a government benefit and the government agency. The procedures may be more or less formal depending on the action that will be taken by the government and its impact on the involved person. For example, the *due process procedures* that must be used for someone facing imprisonment are more formal and expansive than those for someone facing the denial of early intervention services.

In addition to the due process procedures that have been developed to resolve disagreements between parents and government agencies, special education law *establishes procedural safeguards* that are designed to protect the right of parents to be equal, effective partners with professionals in the identification, evaluation, determination of eligibility for services, and implementation of services, for children with disabilities. These *procedural safeguards* are aimed at reducing the likelihood of disagreement between parents and professionals by ensuring that parents have input into important decisions about their children.

Minimum Due Process Requirements

In areas of administrative law, such as education and Part C of IDEA (the Individuals with Disabilities Education act), the following *due process requirements* are generally mandated:

- Right to *notice of rights*
- Right to *access to information* on which any decision will be based
- Right to *advance notice of a government agency's decision* to take or refuse to take a particular action affecting a person, *and the reasons* for such a decision, *in writing*
- Right to *provide information* to the government agency to be considered in making the final decision
- Right to *appeal* the government agency's decision to an administrative forum and/or a court
- Right to *bring someone* with them to provide support or representation
- Right to an *impartial decision* not affected by conflict of interest or bias
- Right to a *written decision on any appeal*, with an explanation of the facts and law supporting the decision.

Relationship Between Federal and State Laws and Constitutions

The U.S. Constitution is the supreme law of the land. It is interpreted by federal courts (U.S. District Courts, Circuit Courts of Appeal, and U.S. Supreme Court). Any laws which are passed by the U.S. Congress and signed by the President of the United States, in areas which are under their jurisdiction pursuant to the Constitution, supersede any contrary state or local law or policy. These laws are also interpreted by federal courts.

A federal law may *pre-empt the field*. This means that no laws on that particular subject may be passed by state or local governments. Generally, Congress must indicate when it wants its legislation to *pre-empt the field*.

Many federal laws are not intended to pre-empt the field. Rather, they provide *a basic, minimum standard* below which state or local governments may not go. Part C of the Individuals with Disabilities Education Act is such a law. The federal government has mandated *a basic level of service which must be provided* by states receiving early intervention funds. Regardless of whether or not a companion state law includes all the requirements of the federal law, the state must provide everything mandated by the federal law.

On the other hand, states may provide more than the minimum requirements of Part C. For example, Part C specifically indicates that states may choose to cover “at risk” infants and toddlers with Part C funds in their early intervention system. States may also provide additional protections and rights to families, may decrease the amount of time that the system has to respond to parental complaints, may set stricter personnel standards, and may pay for services not required under the federal law - if they so choose. State Constitutions may also provide additional rights beyond those provided by the U.S. Constitution and federal law. For example, there is no right to an education in the U.S. Constitution. However, the New Jersey State Constitution mandates a “thorough and efficient education” for all children in the state.

The State Constitution and state laws are interpreted by state courts. The New Jersey Supreme Court is the highest court in New Jersey; its decisions are *binding* on all lower New Jersey state courts. However, cases may be brought in federal court alleging that the state laws, policies or practices are inconsistent with federal law, regulation, or the U.S. Constitution. If they are found to be inconsistent, then the State laws are invalid and may not be enforced. A U.S. District Court determination is only binding on those state courts in its geographic jurisdiction; the Third Circuit Court of Appeals decisions are binding on all courts, federal and state, in New Jersey.

IDEA specifically allows a selection between state or federal court for appeals from impartial hearing decisions, because IDEA rights are protected both by federal and state law. Thus, an impartial hearing decision may be appealed to the Superior Court of New Jersey or the local U.S. District Court. A decision of a New Jersey court, however, can be *overturned* by a federal court if it is found to be inconsistent with federal law or the U.S. Constitution.

The decisions of impartial hearing officers must be reached based on a consideration of both the federal and state laws. However, if the State law is not as specific as the federal law, or does not include all the provisions of federal law, impartial hearing officers are bound by the federal requirements. If the state law provides greater protection for children and families than the federal law, impartial hearing officers are also bound by those expanded protections.

PART C SAFEGUARDS

“Procedural safeguards” are rights of parents/guardians with regard to their infants and toddlers with disabilities or developmental delays. These safeguards help protect their role as partners with decision-makers in early intervention. Under the law, these rights and safeguards must be explained to parents/guardians so that they are fully informed of their role and how the early intervention system works. These rights are so important that the service coordinator must review them with parents/guardians before the program of services begins and at least once each year afterwards. These rights must be provided in writing, as well as explained.

Prior Written Notice (34 CFR 303.403)

Families must be provided with advance written information about any evaluations, services or other actions proposed to be taken that will affect the child or family. Written notice must be provided before an evaluation, the determination of eligibility, the development of an IFSP, or a change in services or placement/setting. The notice must include the action that is being proposed or refused, the reasons for taking or not taking the action, and all procedural safeguards available to contest the action, including how to file a complaint and the timeline for filing a complaint.

Use of Primary Language or Mode of Communication (34 CFR 303.401 & .403)

It is the family’s right to thoroughly understand all activities and written records about their child and family. If the family prefers another language or way of communicating (such as sign, Braille, etc.), an interpreter, signer, or person who speaks their primary language must be provided, if at all possible. Families have a right to understand each step of the process and all the information so that they can be informed team members and decision-makers.

Written Consent (34 CFR 303.404)

The early intervention system needs the permission of the parents/guardians to take any action affecting their child. Parents/guardians must give their consent in writing before their child is evaluated or services are provided. Parents/guardians must understand what happens if they do or do not provide their consent.

Confidentiality and Release of Information (34 CFR 303.401-.404)

No information can be provided to anyone, including early intervention personnel or programs, without written permission from the parents/guardians for the release of their child’s records. Any records that the early intervention system develops about the family or child also cannot be shared with anyone unless the parents/guardians give their written permission. However, this information can be released only if it is ordered to be released by a judge who has jurisdiction over a case involving the child and family.

Examine Records (34 CFR 303.402)

The early intervention record is the family’s record, and they can see anything in it. If families do not understand the way records are written, they have the right to have the information explained to them. If the parents/guardians disagree with something in the record, they may ask that it be removed or changed. If early intervention personnel do not agree to remove or change the information, parents/guardians may add their comments to the record, and/or request a hearing under the Family Educational Rights and Privacy Act (FERPA).

Be an Equal Partner in Developing the IFSP (34 CFR 303.401-.405)

The parents/guardians are key members of the team that develops the IFSP. The IFSP must reflect the family's goals, priorities and concerns. Only family members can provide this essential information. Parents/guardians must be invited to attend any IFSP meeting, and given sufficient advance notice so that they can make arrangements to attend. Any meetings must be held at a time and place convenient to the family. And contributions of family members must be respected by the other members of the IFSP team.

Accept or Decline Services Without Jeopardy (34 CFR 303.405)

Parents/guardians decide with the other members of the team which services can best help them to accomplish the outcomes that they want for their child and family. Parents/guardians must be asked to provide consent for those services that they want. Parents/guardians do not have to agree to all the services that are recommended. Parents/guardians can say no to some services and still get the services they do want. If parents/guardians decide at a later date that they want to try the other recommended services, they can provide their consent at that time. Parents/guardians cannot be penalized or punished for refusing some or all of the recommended services.

Procedures for Resolving Complaints (34 CFR 303.402)

Parents/guardians must have access to three methods of resolving complaints under the early intervention system: mediation, impartial hearing, and complaint resolution. A family can request mediation or due process, or file a complaint, at any time they disagree with the actions of a public or private early intervention agency or person.

- ***A complaint*** is a letter stating issues and concerns, charges and/or allegations that an early intervention service provider, service coordinator, Regional Early Intervention Collaboration, or the New Jersey Department of Health and Senior Services, or other state agency involved in early intervention, has violated federal or state early intervention law or regulations. It may be filed by a parent/guardian, an advocacy organization, a service provider, or other individual or group. A complaint is usually used when a public or private agency's rules, practices or procedures violate the law. When a complaint is filed, the EI Procedural Safeguards Coordinator must decide whether the complaint alleges that a violation of law has occurred, and whether or not she will conduct an on-site investigation. A final resolution of the complaint must be issued no later than 60 days from receipt of the complaint. If the complainants disagree with the final resolution, they may file a request for an impartial hearing and then a complaint with federal or state court.
- ***Mediation*** is an opportunity for parents and professionals to work out their disagreements with an impartial facilitator. Informal mediation is conducted through the Regional Early Intervention Collaboratives, while formal mediation is conducted by a trained mediator. Parents and professionals discuss their areas of agreement and disagreement, and try to reach a compromise satisfactory to everyone. Mediation can be requested by parents or professionals, but parents cannot be forced to participate in a mediation. Mediation must be resolved within 30 days from receipt of the request.
- ***Due process, or impartial hearing***, is a forum for parents/guardians to resolve disputes about their individual child's identification, evaluation and assessment, eligibility determination, and/or early intervention services and settings. The facts must be heard by impartial persons, who render written decisions based on a consideration of the law and facts within 30 days of receipt of the request for a hearing.

“Pendency placement” - Under federal law, eligibility and services cannot be changed during mediation or due process unless both sides agree. However, parents/guardians can always withdraw their child and family from early intervention services at any time without penalty.

Family Rights at a Mediation or Hearing - At a mediation or hearing, parents/guardians may:

- Bring a lawyer, representative, or friend
- Withdraw at any time
- Request interpretive, translation, or alternative communication services
- Have the mediation or hearings held at a time and location convenient to them
- Review their child and family’s entire file
- Have all proceedings maintained confidentially
- Have the process, including a written documentation of any decision or agreement reached, completed within 30 calendar days of the receipt of their written request
- Receive a copy of any agreement or decision
- Have the terms of any agreement or decision reflected in their IFSP.

Additional Hearing Rights - In addition, at a hearing, parents/guardians may:

- Testify, present evidence and witnesses, and question all witnesses
- Subpoena witnesses to attend the hearing
- Receive all evidence, including documents and a list of witnesses, from the other side at least five working days prior to the hearing
- Exclude any evidence that was not given to them at least five working days prior to the hearing
- Receive a tape recording of the hearing, or a transcript of the hearing (their choice)

Appeal of Hearing Decisions - An appeal may be filed from the impartial hearing decision with the Superior Court of New Jersey or the local U.S. District Court.

Issues That May Lead to Disagreement

The following issues may give rise to disagreements that require resolution through one of the due process procedures (a brief description of each is provided following the list):

- ***Child find***
- ***Non-discriminatory, multidisciplinary evaluation and assessment***
- ***Service coordination***
- ***Determination of eligibility***
- ***Development of IFSP***
- ***Provision of family-centered services in the most natural appropriate environment***
- ***Periodic review of IFSP (at least every six months and annually)***
- ***Addendum to IFSP***
- ***Transition to preschool***
- ***Appropriate and adequate personnel preparation and training***
- ***Approval, supervision and monitoring of early intervention programs and services***
- ***Procedural safeguards***

Explaining Procedural Safeguards to Families at Each Step of the EI Process

At each step of the process, explain, using native language or mode of communication:

- Prior written notice (.403)
- Use of native language or mode of communication (.403)
- Informed written consent (.404)
- Right to confidentiality of and access to records (.401-.404)
- Role as an equal partner in decision-making
- Right to decline or accept services without jeopardy (.405)
- Right to challenge any decisions/resolve disagreements through administrative complaint, mediation, and/or hearing (.420)

In addition, focus on the following procedural safeguards at specific steps of the process:

Referral and Intake Procedures – First Contacts	
<p>If parent refuses referral: Explain right to decline services (.405) Assure awareness of consequences of refusal (that evaluation/assessment will not occur without informed, written consent unless substantiated child abuse or neglect or prenatal drug exposure)(.404) Document refusal</p>	<p>Distribute materials on availability of Early Intervention services (.320) Provide copy of written prior notice for evaluation and assessment, including description of all procedural safeguards including confidentiality of records (.403) Explain referral information (name, address) to be shared (FERPA) <i>Explain family right to consent or not to consent to early intervention referral, unless child is substantiated victim of child abuse or neglect, or identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure (NJ Guidelines; Child Abuse Prevention & Treatment Act)</i> Orient to EI services, overall procedures, rights and safeguards, parents’ role, IFSPs Explain available advocacy and parent support programs Explain prior notice, use of native language or mode of communication, and consent Explain confidentiality of records (right to examine records; right to prohibit release of records) Determine need for and assign surrogate parent if applicable (.406)</p>
Evaluation and Assessment	
<p>If parent refuses evaluation: Explain right to decline services (.405) Assure awareness of consequences of refusal (.404)</p>	<p>Explain eligibility criteria Explain evaluation procedures and instruments, timelines, and parent(s)’ role in process Provide written prior notice (action, reasons, available safeguards) Request informed written consent for evaluation and assessment Explain voluntary identification of family concerns, priorities and resources (.322(d)) Explain nondiscriminatory evaluation procedures (.323), including native language and usual mode of communication Explain interim IFSP (if applicable) and gain consent (.345) Introduce procedures for resolving individual child complaints Explain informal dispute resolution procedures <i>Explain provision of services at public expense for families with incomes up to 350% of poverty, and sliding fee scale for families with incomes above 350% of poverty (NJ Guidelines)</i></p>
Eligibility Determination	
<p>If the child is ineligible: Give written prior notice Explain procedures to resolve complaints/disagreements Refer to other community resources as appropriate</p>	<p>Explain eligibility criteria Explain findings of evaluation and assessment If the child is determined eligible, provide written prior notice of eligibility and written plans for initial IFSP meeting (.403 and .342(d)(2)) Explain procedures for resolving individual child complaints</p>

IFSP Meeting	
<p>If parent declines any or all IFSP services: Explain procedures for resolving individual child complaints Explain right to accept or decline services without jeopardy Explain how to access services if desired in the future</p>	<p>Plan IFSP meeting to occur within 45 calendar days from referral (.21(3)(2): provide written notice, timelines, participants' convenience, accessibility, native language and mode of communication (.342(d)) Explain array of EI services and entitlements and right to services in natural environments Explain contents of IFSP and that services will not be initiated without prior written consent (342(e)); secure written consent required for services (.342(e)) Explain that services will be initiated as soon as possible, no later than 30 days from IFSP meeting Explain right to accept or decline services without jeopardizing services (.342(e) and .405) Explain procedures for resolving individual child complaints</p>

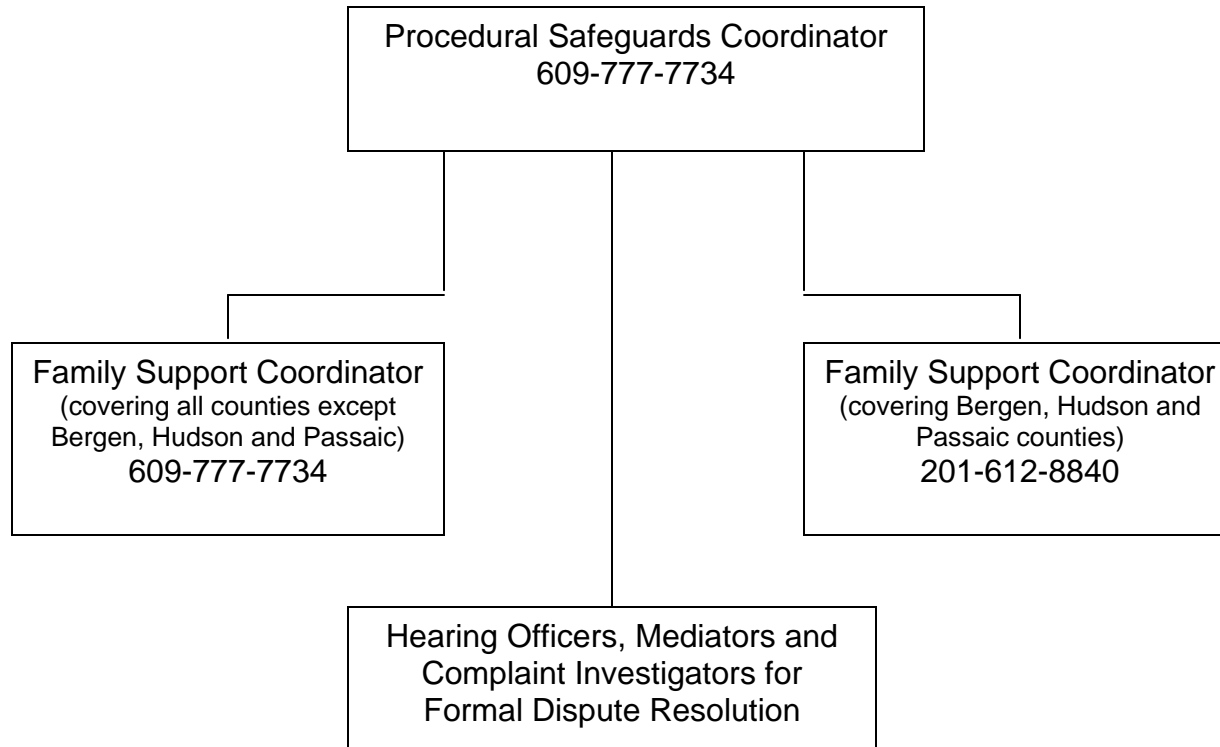
Acceptance and Implementation of IFSP	
<p>If parent declines any or all IFSP services: Explain procedures for resolving individual child complaints Explain right to accept or decline services without jeopardy Explain how to access services if desired in the future</p>	<p>Explain periodic review and annual review (.342) Explain changes in provision of services, required notice, and possible consent (for newly initiated services) (.403) Explain termination of services: prior notice (.403), child complaint procedures (.420) Explain agreed-upon services Explain that services will be initiated as soon as possible, no later than 30 days from IFSP meeting Explain right to accept or decline services without jeopardizing services (.342(e) and .405) Explain procedures for resolving individual child complaints</p>

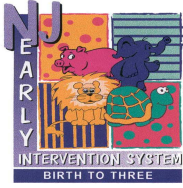
IFSP Reviews	
<p>If parent disagrees with results of IFSP review: Explain procedures for resolving individual child complaints Explain right to accept or decline services without jeopardy Explain how to access services if desired in the future</p>	<p>Plan IFSP review to occur within 6 months and one year of IFSP development, and more frequently if conditions warrant or parent requests a review (.342(b)); provide written notice, timelines, participants' convenience, accessibility, native language and mode of communication (.342(d)) Explain changes in provision of services, required notice, and possible consent (for newly initiated services) (.403) Explain termination of services: prior notice (.403), child complaint procedures (.420) Explain agreed-upon services Explain that new or revised services will be initiated as soon as possible Explain right to accept or decline services without jeopardizing services (.342(e) and .405) Explain procedures for resolving individual child complaints</p>

Transition	
<p>If parent refuses consent to release records to or meet with district: Explain procedures for resolving individual child complaints Explain right to accept or decline services without jeopardy Explain how to access preschool services if desired in the future</p>	<p>Explain transitions (.148 and .344(h)): prior notice, timelines, placement options, consent for record transfer (.401-.404) <i>Explain transition information meeting with family and early intervention</i> <i>Explain transition information meeting to occur when the child is 24-30 months old</i> <i>Explain transition conference with the district, family, and early intervention</i> Plan transition conference to occur at least 90 days and with parental consent up to 6 months before the child is eligible for preschool services (.148(b)(2)(i)); provide written notice, timelines, participants' convenience, accessibility, native language and mode of communication (.342(d)) Explain importance of reviewing child and family records prior to transfer of records to the school district; explain right to prohibit transfer of some or all records, to delete or explain records Provide help for families to transition out of special services if appropriate Explain right to maintain IFSP services at district expense when the parent and district cannot agree on an IEP and the parent requests mediation or due process If the child may not be eligible for Part B services, make reasonable efforts to convene a conference among the family, early intervention and providers of appropriate community services (.148(b)(2)(ii))</p>

Federal regulatory requirements are in regular typeface; *New Jersey Guidelines requirements are in italics.*

PROCEDURAL SAFEGUARDS OFFICE ORGANIZATIONAL CHART





NEW JERSEY EARLY INTERVENTION SYSTEM FORMAL DISPUTE RESOLUTION REQUEST GUIDANCE

The Department of Health and Senior Services (DHSS) is committed to maximizing family involvement at each step of the New Jersey Early Intervention System (NJEIS). As part of ensuring the parents' involvement in decision-making and maintaining the partnerships critical to the success of the program, DHSS encourages and recommends that all parties work together using informal means to resolve disagreements that may arise. Parent liaisons are available through Regional Early Intervention Collaboratives (REICs) and the Procedural Safeguards Office to advise parents of their rights under the Early Intervention System and help them understand the options available to them when disputes arise.

The NJEIS recommends that parents work with staff from the REICs, provider agencies, and the parent liaison at the Procedural Safeguards Office to address concerns in an attempt to avoid formal procedures whenever possible. If a family decides to request formal dispute resolution, or if the informal process does not adequately address the concerns of the parties involved, DHSS offers several options for formal resolution of disputes including mediation, impartial due process hearings, and administrative complaints.

DESCRIPTION OF OPTIONS

Outlined below is a brief overview of the formal options available for resolving disagreements. A complete description of each of these procedures is contained in DHSS policies and procedures available at NJAC 8:17 and the booklet entitled "Family Rights in the New Jersey Early Intervention System."

MEDIATION

Any parent or, with the consent of the parent, the parent's representative, the service coordinator, or a service provider, or the REIC may request mediation to resolve disagreements regarding identification, evaluation and assessment, eligibility determination, placement or the provision of appropriate early intervention services for an individual child or family. The mediation process is non-adversarial and is a means to resolve disagreements to the mutual satisfaction of all parties. A parent may request mediation in addition to filing a request for an impartial hearing or a request for resolution of a complaint. Mediation meetings must occur within 10 calendar days of the request. The entire mediation process, including issuance of a written mediation agreement, shall be completed within 30 calendar days of the receipt of the request for mediation unless the mediation was requested as a part of a due process hearing or complaint investigation. In that case, the mediation agreement must be completed within 15 calendar days to ensure adequate time for completion of the due process proceeding or complaint investigation.

IMPARTIAL DUE PROCESS HEARING

Any parent or, with the consent of the parent, the parent's representative may request an impartial hearing before an Administrative Law Judge to resolve disagreements regarding identification, evaluation and assessment, eligibility determination, placement or the provision of appropriate early intervention services for an individual child and family. A parent may request an impartial hearing in addition to requesting mediation or filing a complaint. Unless an expedited process is necessary, the Due Process Hearing must take place within 20 calendar days of the request. Expedited hearings must occur within 10 days of the request. If a written complaint is received that is also the subject of a due process hearing, or contains multiple issues, of which one or more are part of that hearing, the state must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not part of the due process action must be resolved within the 60-calendar day timeline using the complaint procedures.

ADMINISTRATIVE COMPLAINTS

Any parent or the parent's representative, other individual, or organization, including an organization or individual from another state, may file a complaint with the Procedural Safeguards Office alleging that an early intervention program provider agency, practitioner, service coordinator, REIC, the DHSS, or any other state agency involved in the early intervention system is violating or has violated a requirement of federal or state early intervention law or regulation. This complaint may allege a violation concerning an individual child or the child's family, or may be directed against a policy, pattern, or practice that is alleged to be a violation of federal or state intervention law or regulation. Any individual filing a complaint may request that their identity be kept confidential. The Procedural Safeguards Office will notify the individual if it is not possible to investigate the complaint while maintaining confidentiality of the complainant's identity.

**New Jersey Department of Health and Senior Services
 EARLY INTERVENTION PROCEDURAL SAFEGUARDS OFFICE
 P. O. Box 364
 Trenton, NJ 08625-0364
 Telephone (Toll Free): 877-258-6585
 Fax: 609-292-0296**

FORMAL DISPUTE RESOLUTION REQUEST

Name of Individual/Organization Filing Complaint		Date	
Address			
City		State	Zip Code
Child's Name (if applicable)		Child's Date of Birth (if applicable)	
Telephone Number(s)	Fax Number(s)	Email Address (optional)	

The primary purpose of this form is to document the option selected that initiates the appropriate process to resolve any disagreement. Please provide the information requested on this form, sign, date, and return it to the Procedural Safeguards Office at the address listed above. Parents may request assistance in completing this form by contacting their Regional Early Intervention Collaborative staff and/or the Procedural Safeguards Office to access the state parent liaisons. A description of the options is available on the Formal Dispute Resolution Request Guidance at <http://nj.gov/health/fhs/eis/procsafeguards.shtml>.

FORMAL DISPUTE RESOLUTION OPTION(S)

Mediation Only

Due Process Hearing

Check here if you initially want to attempt to resolve the dispute through Mediation.

Administrative Complaint

Check here if you want to attempt to resolve the dispute through Mediation.

Check here if you are requesting that your identity be kept confidential.

Check here if you plan to have representation by counsel.

**FORMAL DISPUTE RESOLUTION REQUEST
(Continued)**

PROVIDER/ORGANIZATION DISPUTE FILED AGAINST		
Name		
Address		
City	State	Zip Code
Telephone Number(s)	Email Address (optional)	
Other Parties to Dispute (if applicable)		

STATEMENT OF DISAGREEMENT

Please provide a written description of the area(s) of disagreement (concerns related to the identification, evaluation and assessment, eligibility determination, placement of the child, provision of appropriate early intervention services to child or family, or alleged violation of Federal/State laws or State regulations). Be as specific as possible.

**FORMAL DISPUTE RESOLUTION REQUEST
(Continued)**

FACTS SUPPORTING STATEMENT OF DISAGREEMENT

Please provide a written description of the facts supporting your statement of disagreement and identify any pertinent information (such as, IFSPs, written correspondence, evaluations/assessments) that may verify your concerns. Be as specific as possible.

SOLUTION(S) TO AREA(S) OF CONCERN

Please provide a written description of the steps that you would like to see taken to address your area(s) of concern. Be as specific as possible.

Please list the dates and timeframes that you are available over the next two weeks if on page one you selected mediation and/or due process hearing.

Signature

Date

INFORMATION ON ADMINISTRATIVE COMPLAINTS

What is an administrative complaint? An administrative complaint is a request for the Procedural Safeguards Office to investigate allegations that an early intervention program, service provider, service coordinator, REIC, or the NJ Department of Health and Senior Services, or any other state agency involved in the early intervention system, is violating or has violated a requirement of federal or state early intervention law, regulations, or guidelines.

Who can file an administrative complaint? Any parent or the parent's representative, other individual, or organization, including an individual or organization from another state, may file a complaint with the Procedural Safeguards Office. The complaint may allege a violation concerning an individual child or the child's family, or may be directed against a policy, pattern or practice that is alleged to be a violation. Any individual filing a complaint may request that their identity be kept confidential. The Procedural Safeguards Office will notify the individual if it is not possible to investigate the complaint while maintaining confidentiality of the complainant's identity.

When can an administrative complaint be filed? An administrative complaint may be filed within one year of the alleged violation, unless the alleged violation continues for that child or other children. If the complainant is requesting reimbursement or corrective action, the complaint may be filed within three years of the alleged violation.

What information must be included in a complaint? A written complaint must include:

- ❑ A statement that an individual, program or agency has violated a requirement of federal or state early intervention law, regulations, or guidelines;
- ❑ The facts on which the complaint is based;
- ❑ The signature of the individual filing the complaint or the signature of an individual authorized to act on behalf of an organization;
- ❑ A name, address, and telephone number to contact the complainant.

Any individual filing a complaint may request that their identity be kept confidential. The Procedural Safeguards Office will notify the complainant if it is not possible to investigate the complaint while maintaining confidentiality of the complainant's identity.

How is the complaint filed? An administrative complaint is filed by submitting a Formal Dispute Resolution Request Form, which can be obtained from the Service Coordinator or the Procedural Safeguards Office (toll-free 877-258-6585). If a parent needs help writing a complaint, they can contact their Service Coordinator or REIC. The completed form should be returned to the Procedural Safeguards Office:

Procedural Safeguards Office
NJ Department of Health and Senior Services
PO Box 364
Trenton, New Jersey 08625-0364
Fax: 609-292-0296

What happens after a complaint is filed? Upon receipt of each complaint, the Procedural Safeguards Office determines, within 5 business days of receipt of the complaint, whether the complaint alleges a violation of Part C. The Procedural Safeguards Office will notify the complainant within 2 business days of that determination. During the complaint investigation process, the Procedural Safeguards Office:

- ❑ Makes a determination if an on-site investigation is necessary, and if so, conducts such investigation;
- ❑ Reviews all relevant information, including the results of any on-site investigation, pertinent written records and documents such as forms, reports, and files, and any additional information provided by the party(s);
- ❑ Conducts personal interviews with the complainant, the respondent(s), and any other relevant party including REICs and state agencies, if necessary;
- ❑ Contacts other individuals, including advocates or other parties, who may have important knowledge or information relative to the complaint, or specialized expertise pertinent to the complaint, if necessary; and
- ❑ If the complaint challenges the appropriateness of decisions regarding a child's services or placement, determines whether required procedures were followed and whether the decision reached is consistent with Part C requirements in light of the individual child's abilities and needs.

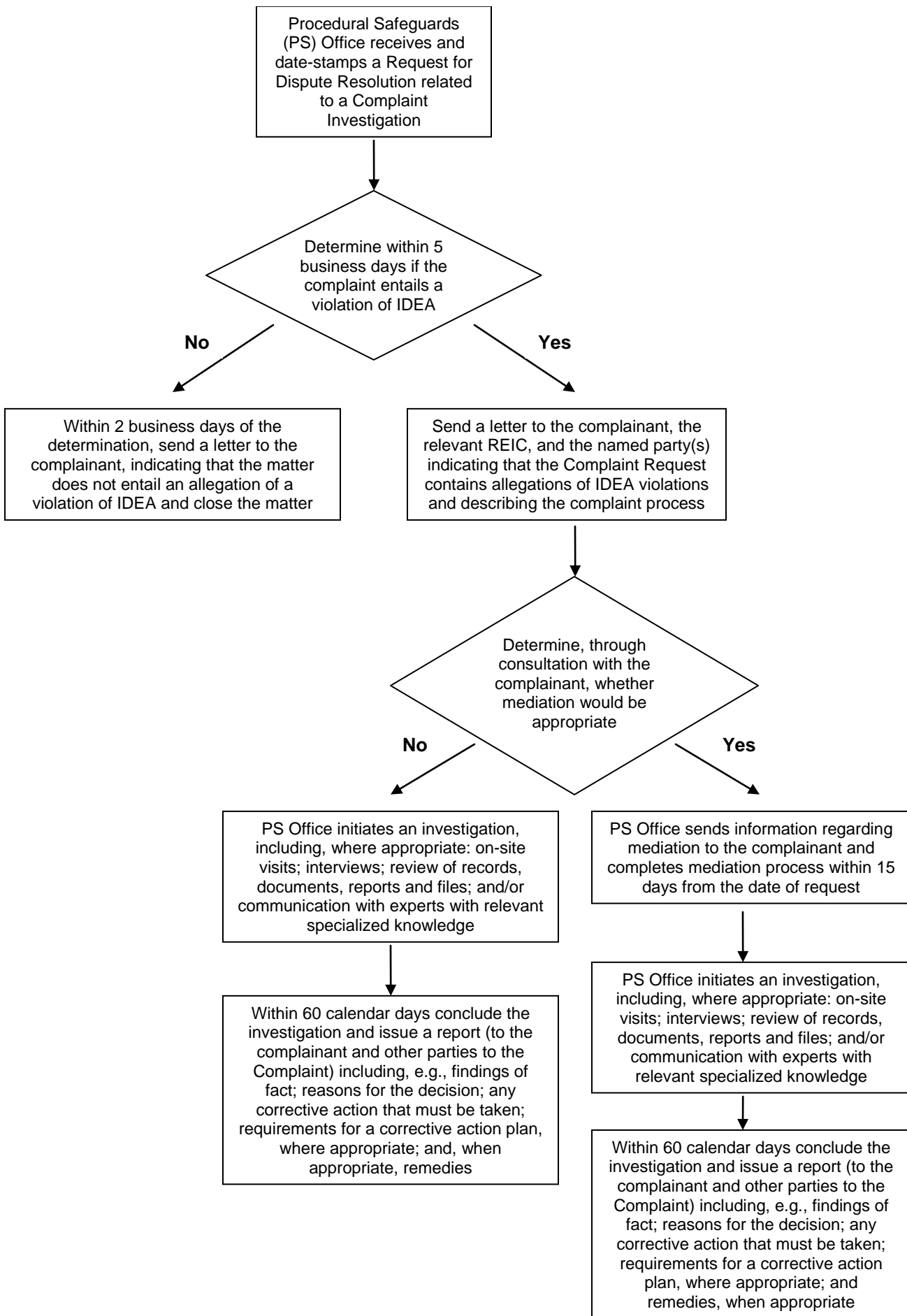
A final resolution of the complaint must be issued no later than 60 calendar days from receipt of the complaint. If a written complaint is received that is also the subject of an impartial due process hearing, or contains multiple issues, of which one or more are part of that hearing, the Office must set aside any part of the complaint that is being addressed in the hearing until the conclusion of the hearing. However, any issue in the complaint that is not part of the due process action must be resolved within the 60-calendar day timeline.

What happens if a request for impartial hearing is filed at the same time and on the same issue? If a written complaint is received that is also the subject of an impartial due process hearing, or contains multiple issues, of which one or more are part of that hearing, the Procedural Safeguards Office must set aside any part of the complaint that is being addressed in the hearing until the conclusion of the hearing. However, any issue in the complaint that is not part of the due process action must be resolved within the 60-calendar day timeline.

What if the complainant disagrees with the decision? If the complainant(s) disagree with the final resolution, they may file a request for an impartial hearing or an appeal with federal or state court.

Note: Eligibility, placement, or services cannot be changed during the pendency of any complaint investigation unless both parties agree. However, parents/guardians can always withdraw their child and family from early intervention services at any time without penalty. If the dispute involves an initial IFSP, the child and family must receive any services that are not in dispute.

Procedural Safeguards Complaint Investigation Flowchart



INFORMATION ON MEDIATION

What is mediation? Mediation is an opportunity for parents and professionals to work out their disagreements with a trained, impartial facilitator. The mediation process is non-adversarial and is a means to resolve disagreements to the mutual satisfaction of all parties. Mediation proceedings are confidential and may not be used as evidence in any subsequent due process hearings or civil proceeding. Eligibility, placement or services cannot be changed during mediation proceedings unless both parties agree. However, parents/guardians may always withdraw their child and family from early intervention services at any time without penalty. If the dispute involves an initial IFSP, the child and family must receive any services not in dispute.

Who can request mediation? Any parent, or with the consent of the parent, the parent's representative, the service coordinator, a service provider, or the REIC, may request mediation to resolve disputes regarding identification, evaluation and assessment, eligibility determination, placement, or the provision of appropriate early intervention services for an individual child or family. *Parents may not be forced to participation in mediation.* However, if parents request mediation the other party must participate. A parent may request mediation in addition to filing a request for an impartial hearing or a request for resolution of a complaint.

When can mediation be requested? Mediation can be requested at any time. Mediation may be requested alone, or simultaneously with a request for a due process hearing. A request for mediation may also be filed when filing a complaint.

How can mediation be requested? Mediation may be requested by submitting a Formal Dispute Resolution Request Form, which can be obtained from the Service Coordinator or the Procedural Safeguards Office (toll-free 877-258-6585). If a parent needs help writing a request for mediation, they can contact their Service Coordinator or REIC. The completed form should be returned to the Procedural Safeguards Office:

Procedural Safeguards Office
Department of Health and Senior Services
PO Box 354
Trenton, New Jersey 08625-0364
Fax: 609-292-0296

When the Procedural Safeguards Office receives the completed form, a mediator will be contacted and the mediation will be scheduled at a time and place convenient to the parties.

Do parents need a lawyer? No. Legal representation is not required at mediation. If the parent(s) does not have a lawyer, the other party cannot have a lawyer. Upon request, the Procedural Safeguards Office will provide parents with a list of advocates and free or low-cost legal services.

What happens at a mediation? At a mediation, parents and other parties discuss areas of agreement and disagreement with a trained mediator and try to reach an agreement acceptable to everyone. During the mediation proceedings, the mediator will:

- ❑ Explain his/her role as a facilitator to assist the parties to reach agreement;
- ❑ Inform all parties of the confidential nature of all information related to the mediation;
- ❑ Inform all parties that discussions held during the mediation can not be used as evidence;
- ❑ Allow each party to present their point of view concerning the disagreement;
- ❑ Ask questions of any and all parties;
- ❑ Restate each party's position in an attempt to clarify the underlying issues;
- ❑ Caucus with each party privately. Such discussions are kept confidential from the other party unless the mediator receives permission to reveal the contents of the caucus discussion;
- ❑ Identify areas of agreement, and narrow areas of disagreement;
- ❑ Engage in focused discussion and problem-solving with all parties;
- ❑ Suggest compromises based on their knowledge of the law, facts, "best practices," and positions of the parties; and
- ❑ Work with all parties to develop the positive rapport, respect and trust needed to work in a collaborative process on behalf of the child.

Mediation proceedings may not be taped.

What are the timelines for mediation: The mediation, including issuance of any written mediation agreement, must be completed within 30 calendar days of the receipt of the request for mediation, unless the mediation was requested as part of a due process hearing or complaint investigation. In that case, the mediation must be completed within 15 calendar days to ensure adequate time for completion of the due process hearing or complaint investigation.

What happens if an agreement is reached? If an agreement is reached during mediation, the terms of the agreement will be placed in the IFSP within 5 business days by the Service Coordinator. The Procedural Safeguards Office will follow up with the Service Coordinator to ensure that this is done.

What if the disagreement is not settled? If the parent is not satisfied with the results of the mediation, s/he may request an impartial due process hearing and/or file an administrative complaint.

What are the parent(s)'s rights at mediation? At mediation, a parent has the right to:

- ❑ Be accompanied and advised by counsel, individuals with special knowledge or training with respect to early intervention services for children, friends or family members;
- ❑ Inspect and review their child and family's early intervention record;
- ❑ Have an interpreter or translator to the maximum extent possible, as needed;
- ❑ Have all proceedings kept confidential;
- ❑ Have the terms of any agreement or decision placed in the IFSP within 5 business days after receipt of the decision; and
- ❑ Withdraw at any time.

INFORMATION ON MEDIATION

What is mediation? Mediation is an opportunity for parents and professionals to work out their disagreements with a trained, impartial facilitator. The mediation process is non-adversarial and is a means to resolve disagreements to the mutual satisfaction of all parties. Mediation proceedings are confidential and may not be used as evidence in any subsequent due process hearings or civil proceeding. Eligibility, placement or services cannot be changed during mediation proceedings unless both parties agree. However, parents/guardians may always withdraw their child and family from early intervention services at any time without penalty. If the dispute involves an initial IFSP, the child and family must receive any services not in dispute.

Who can request mediation? Any parent, or with the consent of the parent, the parent's representative, the service coordinator, a service provider, or the REIC, may request mediation to resolve disputes regarding identification, evaluation and assessment, eligibility determination, placement, or the provision of appropriate early intervention services for an individual child or family. *Parents may not be forced to participation in mediation.* However, if parents request mediation the other party must participate. A parent may request mediation in addition to filing a request for an impartial hearing or a request for resolution of a complaint.

When can mediation be requested? Mediation can be requested at any time. Mediation may be requested alone, or simultaneously with a request for a due process hearing. A request for mediation may also be filed when filing a complaint.

How can mediation be requested? Mediation may be requested by submitting a Formal Dispute Resolution Request Form, which can be obtained from the Service Coordinator or the Procedural Safeguards Office (toll-free 877-258-6585). If a parent needs help writing a request for mediation, they can contact their Service Coordinator or REIC. The completed form should be returned to the Procedural Safeguards Office:

Procedural Safeguards Office
Department of Health and Senior Services
PO Box 354
Trenton, New Jersey 08625-0364
Fax: 609-292-0296

When the Procedural Safeguards Office receives the completed form, a mediator will be contacted and the mediation will be scheduled at a time and place convenient to the parties.

Do parents need a lawyer? No. Legal representation is not required at mediation. If the parent(s) does not have a lawyer, the other party cannot have a lawyer. Upon request, the Procedural Safeguards Office will provide parents with a list of advocates and free or low-cost legal services.

What happens at a mediation? At a mediation, parents and other parties discuss areas of agreement and disagreement with a trained mediator and try to reach an agreement acceptable to everyone. During the mediation proceedings, the mediator will:

- ❑ Explain his/her role as a facilitator to assist the parties to reach agreement;
- ❑ Inform all parties of the confidential nature of all information related to the mediation;
- ❑ Inform all parties that discussions held during the mediation can not be used as evidence;
- ❑ Allow each party to present their point of view concerning the disagreement;
- ❑ Ask questions of any and all parties;
- ❑ Restate each party's position in an attempt to clarify the underlying issues;
- ❑ Caucus with each party privately. Such discussions are kept confidential from the other party unless the mediator receives permission to reveal the contents of the caucus discussion;
- ❑ Identify areas of agreement, and narrow areas of disagreement;
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- ❑ Work with all parties to develop the positive rapport, respect and trust needed to work in a collaborative process on behalf of the child.

Mediation proceedings may not be taped.

What are the timelines for mediation: The mediation, including issuance of any written mediation agreement, must be completed within 30 calendar days of the receipt of the request for mediation, unless the mediation was requested as part of a due process hearing or complaint investigation. In that case, the mediation must be completed within 15 calendar days to ensure adequate time for completion of the due process hearing or complaint investigation.

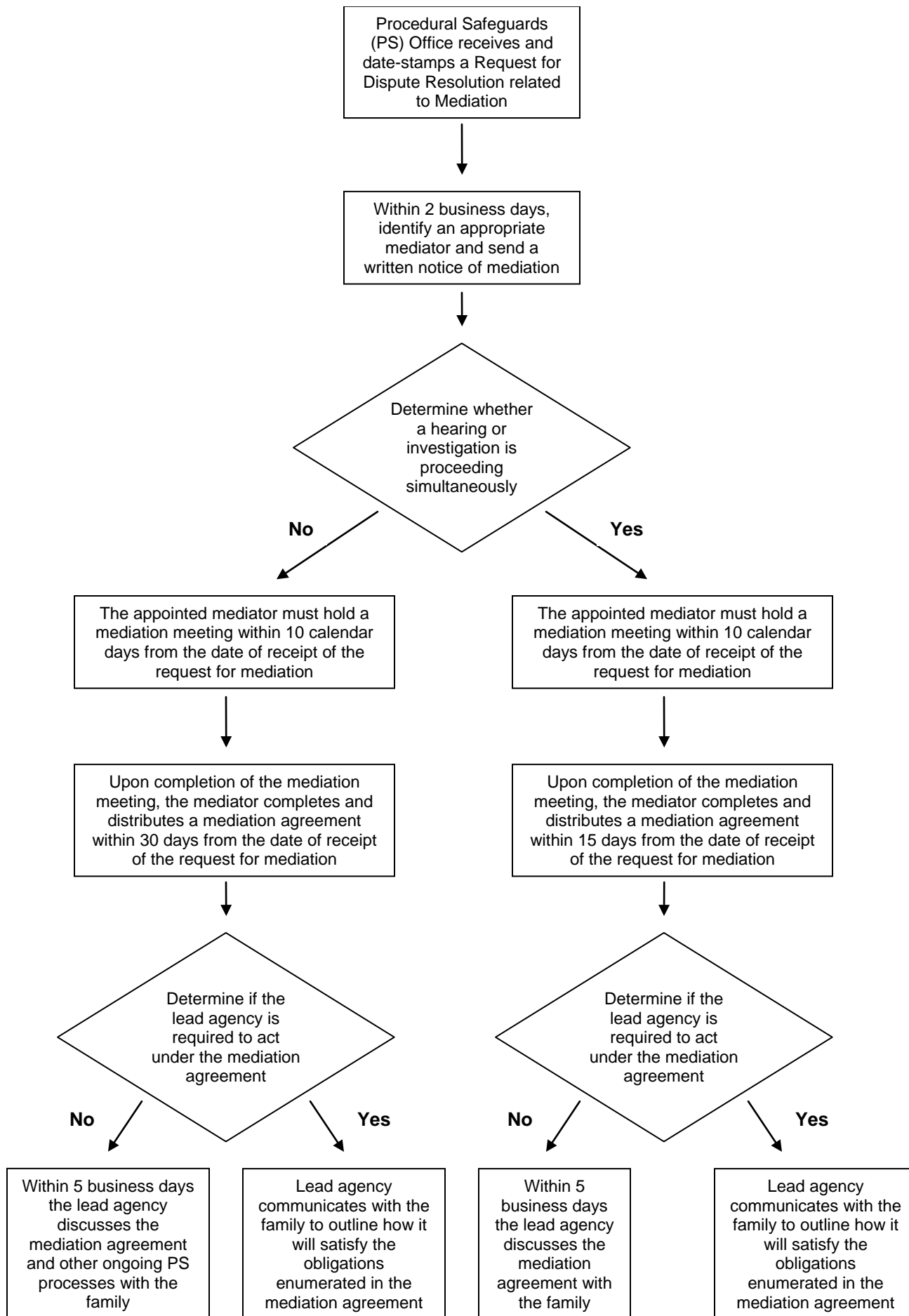
What happens if an agreement is reached? If an agreement is reached during mediation, the terms of the agreement will be placed in the IFSP within 5 business days by the Service Coordinator. The Procedural Safeguards Office will follow up with the Service Coordinator to ensure that this is done.

What if the disagreement is not settled? If the parent is not satisfied with the results of the mediation, s/he may request an impartial due process hearing and/or file an administrative complaint.

What are the parent(s)'s rights at mediation? At mediation, a parent has the right to:

- ❑ Be accompanied and advised by counsel, individuals with special knowledge or training with respect to early intervention services for children, friends or family members;
- ❑ Inspect and review their child and family's early intervention record;
- ❑ Have an interpreter or translator to the maximum extent possible, as needed;
- ❑ Have all proceedings kept confidential;
- ❑ Have the terms of any agreement or decision placed in the IFSP within 5 business days after receipt of the decision; and
- ❑ Withdraw at any time.

Procedural Safeguards Mediation Flowchart



INFORMATION ON IMPARTIAL HEARINGS

What is an impartial due process hearing? An impartial due process hearing is a forum for parents/guardians to resolve disagreements regarding identification, evaluation and assessment, eligibility determination, placement, and/or the provision of appropriate early intervention services for an individual child or family. Any parent, or with the consent of the parent, the parent's representative may request a hearing before an impartial hearing panel that includes a parent of a child with a disability who received early intervention services, an attorney, and an early childhood professional. The hearing will be held at a time and location reasonably convenient to the parent(s). A parent may request an impartial hearing in addition to requesting mediation or filing a complaint. The facts must be heard by impartial persons, who render written decisions based on a consideration of the law and facts within 30 calendar days of receipt of the request. Any party that disagrees with the written decision may appeal the decision to state or federal court. Eligibility, placement or services cannot be changed during due process proceedings unless both parties agree. However, parents/guardians may always withdraw their child and family from early intervention services at any time without penalty. If the dispute involves an initial IFSP, the child and family must receive any services not in dispute.

When can an impartial hearing be requested? An impartial hearing may be requested by a parent(s) at any time (e.g., prior to, during, or after formal mediation or complaint investigation).

How can an impartial hearing be requested? An impartial hearing may be requested by submitting a Formal Dispute Resolution Request Form, which can be obtained from the Service Coordinator or the Procedural Safeguards Office (toll-free 877-258-6585). This form should be completed by the parent and returned to the Procedural Safeguards Office:

Procedural Safeguards Office
NJ Department of Health and Senior Services
PO Box 364
Trenton, New Jersey 08625-0364
Fax: 609-292-0296

When the completed form is received by the Procedural Safeguards Office, a hearing panel will be contacted to hear the case. The hearing will be held within 20 calendar days of receipt of the Formal Dispute Resolution Request, at a time and place reasonably convenient to the parent(s).

How long will it take to get a decision? The hearing panel will issue its written decision within 30 calendar days of receipt of the request. If the parent(s) believe that the health and welfare of their child is at risk by any delay in the hearing process, an expedited hearing may be requested. If the Procedural Safeguards Office agrees, a hearing will be held within 10 calendar days of the request, and the hearing panel may issue an interim order and/or verbal decision at the end of the expedited hearing.

Who will be involved in the impartial hearing? In addition to the impartial hearing panel and the parent(s), others participating in the impartial hearing will include party(ies) named in the Formal Dispute Resolution Request (e.g., service coordinator, REIC Executive Director, etc.) and any witnesses that will be called. A parent may also wish to bring a friend, parent advocate, or lawyer.

Do parents need a lawyer? No. Legal representation is not required. If the parent(s) does not have a lawyer, the other party cannot have a lawyer. If the parent(s) does plan to bring a lawyer, the parent(s) must notify the Procedural Safeguards Office in writing within 5 calendar days of receiving the notice of the hearing date. Upon request, the Procedural Safeguards Office will provide the parent(s) with a list of advocate and free or low-cost legal services.

What happens at an impartial hearing? At an impartial hearing, hearing panelists will introduce themselves and ask the parties to introduce themselves. They will outline the procedure of the hearing so that both sides are aware of what is going to happen. They will ask if settlement discussion are possible, and will seek to facilitate a settlement if possible. If settlement is not possible, the panelists will provide each party an opportunity to present a brief opening statement, summarizing the issues in the case and the desired outcomes. Once the hearing begins, witnesses will be asked to leave the hearing room until they are called to testify. Before giving testimony, each witness will be asked to “affirm” that they will tell the truth. Each party will have a chance to present evidence, including documents and oral testimony by witnesses. Each party may cross-examine the witnesses for the other party. Hearing panelists may also ask questions of witnesses. Any party may object to the introduction of evidence, including any evidence that was not given to the other party at least 5 business days before the hearing. The hearing panel will rule on these objections. After all witnesses have been heard, the hearing panelists will provide each party an opportunity to present a brief closing statement.

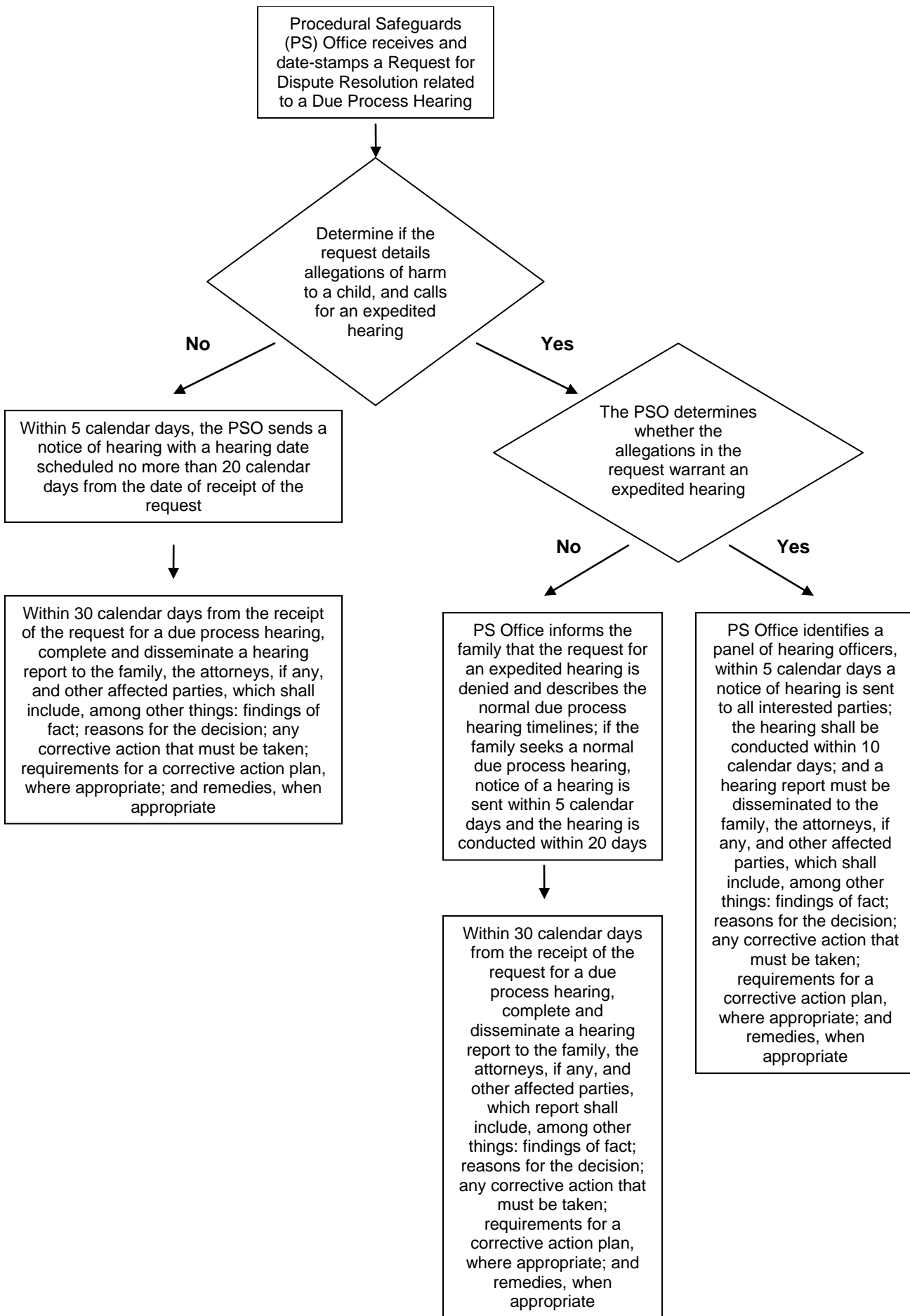
What happens when a decision is reached? The hearing panel will reach a decision within 30 calendar days of receipt of the completed Formal Dispute Resolution Request. That decision will contain an order to perform the tasks included in the decision. The Service Coordinator will modify the IFSP within 5 business days of receiving the decision. The Procedural Safeguards Office will follow up with the Service Coordinator to be sure that this is done.

What if you disagree with the decision? If any party disagrees with the decision, they may appeal to the United States District Court by calling the clerk of that court in Newark or to New Jersey Superior Court by contacting the clerk of the Superior Court in their county of residence.

What are the parent(s)' rights at an impartial hearing? At a hearing, a parent has the right to:

- ❑ Be accompanied and advised by counsel, individuals with special knowledge or training with respect to early intervention services for children, friends or family members;
- ❑ Inspect and review their child and family's early intervention record;
- ❑ Have an interpreter or translator to the maximum extent possible, as needed;
- ❑ Have all proceedings kept confidential;
- ❑ Present evidence, and confront, cross-examine, and compel the attendance of witnesses;
- ❑ Prohibit the introduction of evidence that was not disclosed at least 5 calendar days before the hearing;
- ❑ Obtain written findings of fact and decisions within 30 calendar days of the receipt of their request for a hearing;
- ❑ Obtain a written or electronic verbatim transcription of the hearing, whichever they choose;
- ❑ Have the terms of any agreement or decision placed in the IFSP within 5 business days after receipt of the decision; and
- ❑ Withdraw at any time.

Procedural Safeguards Due Process Hearing Flowchart



HOW TO ANALYZE A CASE

The Law

In order to identify possible violations of the law, you must know the substantive provisions of the law (what the law requires and/or prohibits), and how the provisions have been interpreted by regulations (developed by the agency with the responsibility and authority to enforce the law), administrative policy memoranda, and/or court decisions.

The Facts

In reaching a decision in a case, the decision-maker(s) (in the early intervention process, the hearing panel) must then apply the law to the relevant facts of the case. The "facts" must be determined through a review of all the evidence, including an analysis of the value of the evidence. In measuring the value or persuasiveness of evidence, decision-makers ask:

- ❑ Is the evidence substantiated?
- ❑ Are there agreed-upon facts?
- ❑ If facts are in dispute, which witnesses or documents have the greater credibility?
- ❑ Does any witness have reason to be untruthful? Is any witness potentially biased? Or has any witness been found to be untruthful through the presentation of other evidence?
- ❑ If there is contradictory expert testimony, does one expert have greater experience or knowledge, or is one expert's testimony supported by or more consistent with other testimony or documents?

Application of Law to Facts

Step 1: What are the aspects of the law that are alleged to have been violated? Does the law in fact say what the complainant alleges it says? If the facts are as the complainant alleges, will that be sufficient to find a violation of the law? If yes, move to Step 2.

Step 2. What are your findings of fact (ie, given all the testimony, what do you believe occurred)? What happened? Who did or didn't do what when? These findings of fact can relate to process issues (what happened when?) as well as substantive issues (for example, are the family's concerns reflected in the IFSP? does the IFSP call for services to be delivered in the natural environment?). Remember: the early intervention system **must demonstrate that it has complied with all aspects of the law** - substantive and procedural - in all respects.

Step 3. Apply the legal framework (what the law requires and/or prohibits) to the facts with regard both to processes (ie, were the appropriate processes followed in a timely manner?) and substantive issues (ie, is the IFSP appropriate? Are services provided in the natural environment? Are the services on the IFSP being provided?). Then ask, are there any acceptable reasons for noncompliance? For example, did the parents request that the evaluation be delayed because they were going out of town for several weeks?

How to Analyze a Case

Page 2

Example: The law requires that the evaluation, eligibility determination, and IFSP meeting to develop the IFSP occur within 45 days of consent for evaluation. The facts show that the evaluations have not been completed even though it has been 45 days from referral. The family did not request nor agree to a delay, nor are there extenuating circumstances that justify a delay. Therefore, the law has been violated.

Step 4. Develop any necessary corrective action or orders. Are there any steps that should or could be taken to solve the problem? Are there any actions that are necessary to make up for the violation of the law, the failure to provide appropriate services, etc.?

Possible corrective actions include: an order to complete the evaluation within an expedited time frame; new evaluation; hold another IFSP meeting; revise the IFSP in a particular way, such as adding a service, extending a service, revising a service, changing where a service is delivered or who delivers it; reimbursement to a family for expenses incurred in paying for services that should have been provided at no charge to the family; ordering that services be commenced immediately; etc.

Where Can I Get More Information?

From time to time, you will probably have more questions. In addition to those agencies already described, the following organizations can provide you with information:

- **NJEIS CENTRAL DIRECTORY-RESOURCES**
Resources is a directory developed by the Department of Human Services, Division of Disability Services, to provide users with a method to easily access needed services and information.
Website: www.state.nj.us/humanservices/dds/publications/RD-07.pdf
- **NATIONAL INFORMATION CENTER FOR CHILDREN AND YOUTH WITH DISABILITIES (NICHCY): 1-800-695-0285, 1-202-884-8200 (voice/TTY)**
Provides free information to assist parents, educators, caregivers, advocates, and others in helping children and youth with disabilities become participating members of the community.
Website: www.nichcy.org
- **NEW JERSEY SELF HELP CLEARING HOUSE: 1-800-FOR-MASH, 1-201-625-9053**
Provides consultation and training to help people find or form self-help groups and maintains a long listing of information on group meetings, organizations, and telephone help lines.
- **NEW JERSEY STATE INTERAGENCY COORDINATION COUNCIL (SICC): 1-877-909-SICC (7422)**
Governor appointed council under the Individuals with Disabilities Education Act (IDEA). Advises and assists the Department of Health & Senior Services as the lead agency for the New Jersey Early Intervention System.
Website: <http://nj.gov/health/fhs/eis/sicc.shtml>
- **PROJECT CHILD FIND: 1-800-322-8174**
An information and referral service for parents of children with disabilities, birth through 21 years of age.
Website: www.state.nj.us/education/specialed/childfind/
- **REGIONAL EARLY INTERVENTION COLLABORATIVES (REICs)**
Four statewide regional offices that assist the lead agency in the implementation of the New Jersey Early Intervention System including child find, public awareness, training and family support.
Website: www.njeis.org
- **STATEWIDE PARENT ADVOCACY NETWORK (SPAN): 1-800-654-7726 or (973)642-8100**
The New Jersey Parent Training and Information Center (PTI) under The Individuals with Disabilities Education Act (IDEA), Part D, Section 671. Provides training and information for parents of children and youth with disabilities and special health care needs.
Website: www.spannj.org

NEW JERSEY EARLY INTERVENTION SYSTEM
NJ Department of Health and Senior Services

TOPIC	PROCESS
Early Intervention	The mission of the New Jersey Early Intervention System (NJEIS) is to provide quality early support and services to enhance the capacity of families to meet the developmental and health-related needs of children, birth to age three, who have delays or disabilities.
Referral	There is a single point of entry for early intervention in each NJ county. Primary referral sources are required to refer a child to Early Intervention within 2 days of identification. Those sources include hospitals, physicians, parents, child care programs, local educational agencies, public health facilities, other social service agencies, and health care providers.
Service Coordination	Service coordination assists and enables eligible children and families to receive the rights, procedural safeguards, and services within NJEIS. Service coordinators are also a single point of contact in helping families to obtain community services and assistance that they might need for themselves and their child.
Evaluation & Assessment	An early intervention evaluation will gather information about the child to see how he or she is developing. It is used to determine eligibility for early intervention services. Assessment helps to define the types and levels of services needed by the child and family.
Eligibility	A child between birth and 3 years of age is eligible with at least a <u>33% delay in one</u> and/or a <u>25% delay in two or more</u> developmental areas. Those areas include physical, cognitive, communicative, social/emotional, and adaptive.
Individualized Family Service Plan (IFSP)	Following the evaluation and assessment, an Individualized Family Service Plan (IFSP) is developed to describe the services that are needed by the child and family and how they will be implemented. The IFSP is both a plan and a process. The plan is a written document and the process is an ongoing sharing of information between the family and early intervention to meet the developmental needs of the child and the resource needs of the family.
IFSP Meeting	The IFSP is developed at a meeting with the family, service coordinator, and at least one member of the evaluation team. It is based on information collected from the family and the evaluation/assessment. The meeting is held at a time and location convenient to the family and in the language or method of communication that is used at home.
Early Intervention (EI) Services	Early Intervention services are designed to address a problem or delay in development as early as possible. They are provided by qualified personnel in <u>natural environments</u> : settings in which children without special needs ordinarily participate and that are most comfortable and convenient for the family.
IFSP Reviews	The IFSP is reviewed every 6 months, or more frequently as appropriate, to ensure the plan continues to meet the needs of the child and family. At IFSP meetings, the IFSP team, which includes family members, reviews the current outcomes and early intervention services to update as needed. A new IFSP is written at least once per year.
Transition	The goal of all transitions is to assist children and families to move from one phase to another in the most helpful way possible. Transitions can occur at any time a child and family are receiving early intervention services. When a child is 2 years old, a transition information meeting will be held with the parents, service coordinator, and others who have worked with the child to begin planning services and support that might be needed when the child turns three and leaves early intervention. This process contains several steps to transition from early intervention to other early childhood settings and support services that the child and family may need at age three.
Cost of Service	Federal law requires that specific services be provided to eligible children and families at public expense. These services include Child Find and Referral; Evaluation and Assessment; Service Coordination; IFSP Development and Review; and Procedural Safeguards (family rights). Beyond these, a family may have to assume some or all of the costs, depending on resources available and families' ability to pay. Family cost share is based on a sliding fee scale that determines the cost by a family's income and size.

This fact sheet was developed by the Statewide Parent Advocacy Network and the Map to Inclusive Child Care Team. For more information, please go to www.state.nj.us/health/fhs/eiphome.htm or call 800-322-8174. You can also receive assistance from the Statewide Parent Advocacy Network, 800-654-SPAN (7726) or www.spannj.org.

NEW JERSEY EARLY INTERVENTION SYSTEM
NJ Department of Health and Senior Services

TOPICO	PROCESO
Intervención Temprana	La misión del sistema de intervención temprana de New Jersey (NJEIS) es proveer apoyo temprano de calidad y servicios para realzar la capacidad de las familias para alcanzar el desarrollo y las necesidades de salud relativas del niño, desde el nacimiento hasta 3 años y que tenga retardos o incapacidades.
Referido	Hay solo un punto de entrada para la intervención temprana en cada condado de NJ. Referidos de recursos primarios son requeridos para referir a un niño para Intervención Temprana dentro de dos días de la identificación. Estos recursos incluyen hospitales, médicos, padres, programas de cuidado de niños, agencias locales de educación, dependencias de salud pública, otras agencias de servicios sociales, y proveedores de salud.
Coordinación de los Servicios	Servicios coordinados de asistencia y capacitación para niños y familias elegibles para recibir los derechos, procedimientos seguros y servicios con NJEIS. Coordinadores de servicios son también un único punto de contacto para ayudar a las familias obtener servicios comunitarios y de asistencia que ellos pueden necesitar para ellos mismos y su niño.
Evaluación & Valoración	Una evaluación de intervención temprana recogerá información acerca del niño para ver como el o ella esta desarrollándose. Esta es usada para determinar la elegibilidad de los servicios de intervención temprana. La valoración ayuda a definir los tipos y niveles de servicios necesitados por el niño y su familia.
Elegibilidad	Un niño entre su nacimiento y 3 años de edad es elegible con por lo menos un 33% de retraso en una o un 25% de retraso en dos o mas áreas del desarrollo. Estas áreas incluyen psíquica, cognoscitiva, comunicativa, social/emocional y de adaptación.
Plan Servicios Familiar Individualizado (IFSP)	Seguidamente de la evaluación y valoración, un Plan de Servicios Familiar Individualizado (IFSP) es desarrollado para describir los servicios que son necesarios para el niño y la familia y como ellos serán implementados. El IFSP es las dos cosas un plan y un proceso. El plan es un documento escrito y el proceso un continuo compartir de información entre la familia e intervención temprana para lograr el desarrollo de las necesidades del niño y los recursos necesarios para la familia.
Reunión del IFSP	El IFSP es desarrollado en una reunión con la familia, el coordinador de servicios y al menos un miembro del equipo de evaluación. Esta reunión esta basada en información aportada por la familia y la evaluación/valoración. La reunión es celebrada en un lugar conveniente para la familia y en el lenguaje o medio de comunicación que es usado en el hogar.
Servicios de Intervención Temprana (EI)	Los servicios de intervención temprana son designados para cubrir un problema o retraso en el desarrollo tan temprano como sea posible. Ellos son provistos por personas cualificadas en un <u>ambiente natural</u> : ubicados en donde niños sin necesidades especiales ordinariamente participan y que son más confortables y convenientes para la familia.
Revisiones del IFSP	El IFSP es revisado cada 6 meses, o más frecuentemente si es necesario, para asegurarse que el plan continúe cubriendo las necesidades del niño y la familia. En las reuniones del IFSP, el equipo de IFSP, el cual incluye los miembros familiares, revisión de los actuales resultados y los servicios de intervención temprana para actualizarlos si es necesario. Un nuevo IFSP es escrito por lo menos una vez al año.
Transición	La meta de toda transición es asistir los niños y las familias a moverse de una fase a otra en la manera mas positiva posible. Transiciones pueden ocurrir en cualquier momento en que un niño y su familia están recibiendo servicios de intervención temprana. Cuando el niño tiene 2 años, una reunión informativa de transición será celebrada con los padres, el coordinador de servicios, y otros quienes hayan trabajado con el niño para comenzar a planear los servicios y apoyos que puedan ser necesitados cuando el niño cumpla los 3 años y salga de intervención temprana. Este proceso contiene varios pasos para la transición de intervención temprana a otra ubicación de niñez temprana y servicios de apoyo que el niño y la familia pueden necesitar a la edad de tres años.
Costo de Servicios	Leyes federales requieren que servicios específicos sean provistos a los niños y las familias elegibles con expensas publicas. Estos servicios incluyen Individualización del Niño y Referido; Evaluación y Valoración, Servicios de Coordinación; Desarrollo y Revisión del IFSP, Salvaguardia de Procedimientos (derechos de las familias). Aparte de esto, la familias puede asumir alguno o todos los costos, dependiendo de los recursos disponibles y la posibilidad de pago de la familia. Costos compartidos con la familia están basados en una escala escalonada de precios que determina el costo en función de los ingresos y el tamaño de la familia.

Para mas información vaya a www.state.nj.us/health/fhs/eiphome.htm o llame al 800-322-8174, o vaya a www.spannj.org o llame al 800-654-SPAN (7726).