

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 3 eligible for early intervention services from Educational and Developmental Intervention Services. This information is your Notice of Procedural Safeguards as required under the Individuals with Disabilities Education Act.

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.

Right to confidentiality

You have the right to confidentiality of personally identifiable information. You have the right to receive written notice and give written consent to the exchange of information between the Defense Department and outside agencies.

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, and progress notes written by the provider(s).

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 written parental consent

EDIS will obtain written consent before screening, evaluation and before initiation of services.

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.

Right to understand

Information must be provided in a language understandable to you or provided via other modes of communication that you understand, to the greatest extent feasible. This information includes prior written notifications (Notice of Proposed Action) and procedural safeguards.

Contact your local EDIS program if you have any questions or concerns regarding the information in this brochure for detailed information regarding your rights, procedural safeguards and due process procedures.

For additional information contact your local EDIS program at:

For additional assistance including specialty consultations, planning tools, non-medical counseling and more, call or visit MilitaryOneSource.mil | 800-342-9647



PARENT RIGHTS AND PROCEDURAL SAFEGUARDS



Your family and EDIS working together



RESOLVING DISAGREEMENTS PROCEDURES

EDIS wants to ensure that all parents 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 a timely resolution of your complaints. The EDIS service coordinator or designee will offer 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.

If a satisfactory solution cannot be found through conferencing, you have other options for reaching a resolution:

1. Administrative complaints
2. Request mediation
3. Request a formal hearing

Administrative complaints

A complaint relating to the provision of services may be filed with the Office of the Inspector General of the military department (Army, Navy or Air Force) responsible for the EDIS program providing EIS to your child.

Mediation

Mediation is a voluntary, private informal discussion of differences. In mediation, a trained individual will help you and EDIS resolve the disagreement. If mediation does not result in an agreement, either party may request a formal hearing.

Formal due process 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 hearing, the concerned party writes a request for a petition to:

**Director of the Defense Office of
Hearing and Appeals**
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 with the director of DOHA within five days of receiving the hearing officer's finding.

Additional information about these options is available in the DoDM 1342.12, Enclosure 6: Dispute Resolution and Due Process Procedures, Implementation of Early Intervention and Special Education Services to Eligible DoD Dependents.

PARENTS ARE IMPORTANT MEMBERS OF THE EARLY INTERVENTION TEAM.



APPLICABLE LAWS AND POLICIES

EDIS early intervention programs were established within the Defense Department to fulfill the requirements of the Individuals with Disabilities Education Act.

The Department of Defense Instruction (DoDI) 1342.12, Provision of Early Intervention, Special Education and Related Services to Eligible DoD Dependents (DoDI 1342.12 <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/134212p.pdf>) directs the military medical departments to provide EDIS.

Department of Defense Manual (DoDM) 1342.12 Implementation of Early Intervention and Special Education Services to Eligible DoD Dependents (DoDM 1342.12 <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/134212m.pdf>) provides further information on the implementation of EIS.

