



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.