

Parent's Rights Under the EIP (Due Process)

As explained to you by your service coordinator and in the Parent's Guide, parents have certain rights given to them under the EIP. This brochure gave you facts about how to work with your IFSP team to get the best results, and how to resolve problems when they happen. If at any time you feel that your concerns are not being heard, or that your provider, service coordinator, or any other member of your child's IFSP team is not completing their duties as required under law or EIP regulations, you can exercise your due process rights to mediation or an impartial hearing, or file a systems complaint with the New York State Department of Health.

Helpful Contacts

If you have questions about this information, or to reach a Technical Assistance person in the Bureau of Early Intervention, please contact the:

Bureau of Early Intervention
New York State Department of Health
Phone: 518-473-7016
E-mail: beipub@health.ny.gov

To locate the phone number for the Early Intervention Official in your county, please visit:
http://www.health.ny.gov/community/infants_children/early_intervention/county_eip.htm



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Working with Your IFSP Team

IMPORTANT INFORMATION FOR PARENTS



A Program of the Department of Health



Welcome to the Early Intervention Program, a statewide program that parents can choose to take part in. It provides services to young children with disabilities and special needs, and gives families the help they need to promote and support their child's development. This brochure will give you some helpful tips as you participate in the EIP and receive services. First, let's review some Early Intervention terms and abbreviations that are often used:

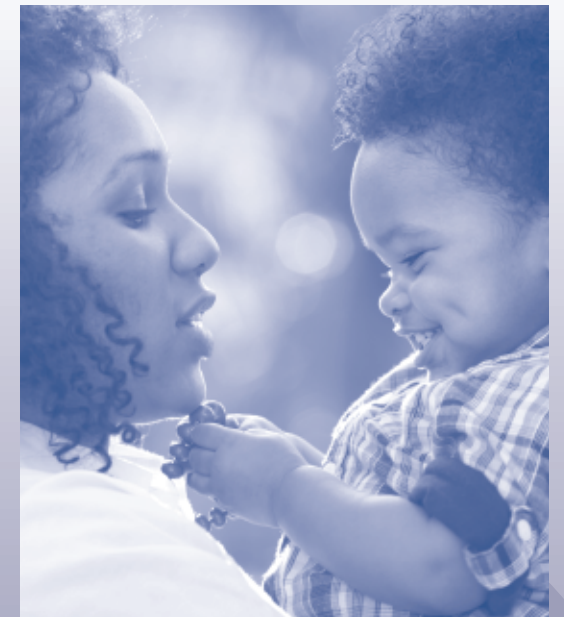
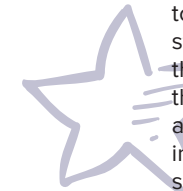
- **EIP** means Early Intervention Program,
- **IFSP** means Individualized Family Service Plan, and
- **EIO** means Early Intervention Official.

You should have already received a copy of "The Early Intervention Program – A Parent's Guide." If you don't have one, you can ask your service coordinator for a copy, or read it on-line at <http://www.health.ny.gov/publications/0532.pdf>. This Guide will help you understand more about the EIP, including all of the steps and services the program offers, and what your rights are as the parent of a child in the EIP. It will also help you understand who the people are that will be working with your child, like the members of your IFSP team, which includes:

- the EIO in charge of the EIP in the county where you live,
- the Evaluators who will assess your child,

- the Providers (therapists) who deliver services to your child and family,
- your Service Coordinator, and
- You – the parent or caregiver.

This team makes important decisions about the services your child and family will receive. That's why the EIP asks parents to be involved in their child's services and take part in the IFSP team as an equal partner. This gives you the chance to help the other members know more about the strengths and needs of your child, and ensures that you will always have a say in the decisions that are made. Building a strong working bond and talking clearly with each other is very important, and will help make sure that the EIP serves your family in the best way possible. Every member of the IFSP team plays a role in making this happen. Despite the best of intentions, conflicts can sometimes happen when they relate to something as important as your child. This brochure provides information about what you should expect from your IFSP team members, and what they should expect from you, to help each other create the best team possible for your child's success.



You and Your Evaluator

When your child is referred to the EIP, an evaluation takes place to find out if he or she can receive services. The “Evaluator” is really a team of at least two different professionals who assess your child’s development in five main areas and decide if services can be provided. The evaluator is required to:

- use evaluation methods that take into account your family’s culture and language,
- use facts from many different sources and information that only you can provide as the parent when deciding if your child can receive services,
- attend your child’s IFSP meeting after the evaluation is finished,
- help you understand the results of the evaluation, and
- give their opinion on what kind of services would benefit your child and family the most.

The IFSP meeting provides you with the chance to ask questions about your child’s development, and also ask for more information if there is anything that is unclear.

You and Your Early Intervention Official

As we already mentioned, the EIO is in charge of the EIP in your county and is a member of your IFSP team. They perform many duties that include:

- receiving all EIP referrals that are made for children in their county,
- assigning the first service coordinator to begin working with families,
- reviewing evaluations performed on children to be sure that all EIP rules are followed,
- setting up all IFSP meetings, and
- giving the okay from the county for services to begin.

The EIO will take part in the IFSP team meeting to discuss what services will be provided. At the IFSP meeting, you should:

- voice your wants and needs about what you would like the EIP to do for your child and family,
- feel at ease discussing your concerns, ideas, hopes, and goals for your child, and
- reach an agreement with the IFSP team on the services that will be given.

All IFSP team members must agree before services can begin, but agreement between you and the EIO is most important. If you don’t agree with the services that are being suggested by the IFSP team, you have the right to say that you don’t agree and tell the IFSP team what your suggestions are for the services that you would like your child and family to get. You also have the right to ask for due process to challenge what is being suggested by the IFSP team if you still don’t agree. You can get more information about due process from your service coordinator, your EIO, and from the Parent’s Guide.

You and Your Service Coordinator

Your service coordinator acts as your main contact person while your child is taking part in the EIP. He or she will help make sure that the needs of your child and family are met, and do their part to build a great working relationship with you. This includes:

- checking in with you on a regular basis to see how services are going,
- assigning providers to deliver the services that are in your child’s IFSP,
- helping you to understand the process and your rights under the EIP, and
- many other tasks.

You also play a part in making sure services run smoothly and in building a good working relationship with your service coordinator. You are expected to:

- respond to their phone calls and requests for meetings with you,
- complete all forms or paperwork they give you in a timely manner, and

- discuss any issues or concerns you have about your child’s services or providers with your service coordinator.

You should know that the EIP is required by law to keep all information about your child and family safe and secure. This is why service coordinators are required to talk with you, meaning they will either meet with you in person or call you on the phone. Using text messaging and e-mail will not keep your personal information safe, and service coordinators should not use these methods to communicate with you. However, there are some things that might prevent a parent from communicating with their service coordinator by phone, such as a hearing impairment. In this case, e-mail may be used only after the service coordinator has fully explained the security risks and the parent has given their formal written consent.

Unresolved Issues with Your Service Coordinator

There may be times when you and your service coordinator cannot agree on things even though you have discussed them together. Or, you may become concerned that your service coordinator is not contacting you regularly or is not being responsive to your phone calls. If you have any of these concerns, there are a few things you can do:

- If your service coordinator is an employee of an Early Intervention agency, you can contact the agency and speak to a person in charge,
- You can call the Early Intervention Official in your county who can give you help resolving more serious issues, or
- You can call the Bureau of Early Intervention at the New York State Department of Health and ask to speak to a Technical Assistance person. The number is 518-473-7016.

You and Your Service Providers

Your service providers set aside a specific date and time in their schedules to work with your child. As the parent, you should:

- have your child ready at that time,
- keep that time open so your child can receive their service,
- be prompt about taking phone calls from your providers,

- contact your provider as soon as possible if you need to cancel a session for any reason, and
- talk with your provider directly if you need to change the day or time that services are being given and work together on a new time that is better for you and your child. For instance, you might need to change the time of day that services are being given so that it doesn’t conflict with nap time or feeding time.

Service providers are responsible for delivering the services that are in your child’s IFSP. They will encourage you to take part in the sessions with your child whenever possible, and will answer any questions you might have about the things they are working on with your child. They are expected to:

- be on time,
- tell you if they are running late, and
- give you notice when they need to cancel a service due to illness, vacation, or other emergency.

Unresolved Issues with Your Service Provider

Sometimes there may be issues even though you and your service provider have tried to talk about them and come to an agreement. In some cases, you or your service provider may feel that another therapist should be assigned to work with your child or family. If you believe you need such a change, you must contact your service coordinator and not take any action on your own with your provider. It is part of the service coordinator’s job to assign a new provider if the change is needed. Also, you should be aware that making many requests for a change in provider could result in services being delayed. Service coordinators work very hard to match the individual needs of your child and family to the skills of a specific provider. Despite their best efforts, there may be a limit to the number of providers they can find who are able to step in and deliver the services your child and family need.