Unit 14: Due Process

Version 1.6
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# Document Revision History

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<thead>
<tr>
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<tr>
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<td>• Updated information regarding State and Municipal user role access to Mediations.</td>
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<td>• <strong>Edited</strong> Mediations and Impartial Hearings <strong>List sections with updated information regarding user access to these functions.</strong></td>
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Due Process

Unit Overview

Under federal and state law and regulations the New York State Department of Health established procedures to request mediation services and/or impartial hearing to resolve disputes regarding services as well as complaints filed by organizations or individuals, that a public agency or private provider is violating Early Intervention Regulations or Federal Part C Regulations.

This unit documents how the New York State Early Intervention System (NYEIS) assists Municipalities and the New York State Department of Health (NYSDOH) to:

- Track all of the steps required by regulation.
- Ensure that parents receive their due process rights.
- Ensure that disagreements are settled within required timeframes.
- Ensure the results of the process used to settle the disagreement (mediation or impartial hearing) are documented.

Important Information

These NYEIS functions are currently under review and will be revised in the future in order to fully capture federal requirements.
MEDIATIONS

The State Department of Health must ensure that a statewide mediation system is available to parents and early intervention officials. Mediation is a voluntary, non-adversarial process for the resolution of disputes about eligibility or the provision of early intervention services to a family. Create, Edit and Delete access to Mediation records is restricted to State user roles. Only the State Department of Health will be able to record and information. View access is enabled for some Municipal user roles.

There may be Mediations that impact on NYEIS functionality. In the example above, where there is Mediation regarding the eligibility determination, the 45-day Clock will have to be suspended by the Municipality.

Creating Mediations

A parent/guardian or early intervention official may request mediation. A parent/guardian makes a written request for mediation to their early intervention official.

Creating Mediations is used to capture information about the initial request for Mediation, and is restricted to State user roles.


2. Click Mediations from the Navigation Bar. Mediation Requests page displays.

3. Click New button. Create Mediation Request page displays.
4. **Child Details** section is automatically populated. Enter appropriate information for the following sections using Tab key to navigate from field-to-field: **Mediation Request Comments**, **Mediation Results**, **Outstanding Problems**, **Mediation Financial Information** and **Mediation Results Comments**. *Date fields must be formatted as mm/dd/yyyy format.*

   **Important Information**
   **Mediation Results** and **Mediation Results Comments** should be captured after the Mediation has occurred.

5. Click **Save** button. **Mediation Requests** page displays.

### Viewing Mediations

Viewing Mediations is restricted to State user roles and some Municipal use roles.


2. Click **Mediations** from the Navigation Bar. **Mediation Requests** page displays.

3. Click **View** link under **Action** column for Mediation to display. **View Mediation Request** page displays.
4. Review information.

5. Click Close button. **Mediation Requests** page displays.

### Editing Mediations

Editing Mediations is restricted to State user roles.


2. Click **Mediations** from the Navigation Bar. **Mediation Requests** page displays.

3. Click **Edit** link under Action column to display the **Modify Mediation Request** page.
4. Apply necessary changes.

5. Click **Save** button. **Mediation Requests** page displays.

**End-Dating Mediations**

End-Dating Mediations is restricted to State user roles.

The service coordinator must ensure that terms of services written into the mediation agreement are incorporated into the IFSP within five working days of the receipt of the written agreement. Once this occurs, the mediation is considered closed.


2. Click **Mediations** from the Navigation Bar. **Mediation Requests** page displays.

3. Click **Edit** link under **Action** column to display the **Modify Mediation Request** page.
4. Type **Mediation End Date** in **Mediation Results** section.

5. Click **Save** button. **Mediation Requests** page displays.

**IMPARTIAL HEARING LIST**

Only State user roles are able to create and view Impartial Hearings. Municipal user roles do not have access to Impartial Hearings.

**Creating Impartial Hearing Requests**

A request for an impartial hearing must be made in writing and signed by the parent/guardian. The request is sent to the New York State Health Department Bureau of Early Intervention Director by the parent.

This feature is used to capture information about the initial request for an Impartial Hearing.


2. Click **Impartial Hearings** from the Navigation Bar. **Impartial Hearings** page displays.
3. Click New button. Create Impartial Hearing Request page displays.

4. Enter appropriate information for the following section using Tab key to navigate from field-to-field: Impartial Hearing Request Comments. Enter Date Request Received and Date Request Sent to ALJ Office from Impartial Hearing Results section. Date fields must be formatted as mm/dd/yyyy format.

Child Details section is automatically populated.

Important Information
Dates should be entered as necessary to follow the flow of the case. All scheduled dates and adjournment dates should be entered as soon as they are made known to the State. The rest of the Impartial Hearing Results information and Impartial Hearing Results Comments can be captured after the Impartial Hearing has occurred.

5. Click Save button. Impartial Hearings page displays.

Viewing Impartial Hearing Requests

Only State Users with assigned access rights are able to view Impartial Hearing information and results.

2. Click **Impartial Hearings** from the Navigation Bar. **Impartial Hearings** page displays.

3. Click View link under Action column to display the **Impartial Hearing** page.

4. Review information.

5. Click **Close** button. **Impartial Hearings** page displays.

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**Editing Impartial Hearing Requests**

Only State Users with assigned access rights are able to edit Impartial Hearing data.


2. Click **Impartial Hearings** from the Navigation Bar. **Impartial Hearings** page displays.
3. Click **Edit** link under **Action** column to display the **Modify Impartial Hearing** page.

4. Apply necessary changes.

5. Click **Save** button. **Impartial Hearings** page displays.

### Entering Impartial Hearing Results

Only State Users with assigned access rights are able to edit Impartial Hearing data.


2. Click **Impartial Hearings** from the Navigation Bar. **Impartial Hearings** page displays.
3. Click **Edit** link under **Action** column to display the **Modify Impartial Hearing** page.

![Modify Impartial Hearing](image)

4. Enter Impartial Hearing results.

5. Type **Date Decision Rendered** in **Impartial Hearing Results** section.

6. Click **Save** button. **Impartial Hearings** page displays.