

Philadelphia Infant Toddler Early Intervention

Problem Resolution Process/Procedural Safeguards

Policy

This policy outlines the procedures that will be used in Philadelphia County related to OCDEL Announcement EI-11#01 “IDEA Early Intervention Complaint Procedures.” Families have a variety of options available that they may choose to resolve their concerns/issues.

Disagreements, concerns, and issues are best resolved through open communication and by working closely with the family and their Individualized Family Service Plan (IFSP) service delivery team. In Infant Toddler Early Intervention, the family is considered a part of the team and should be treated as a team member, participating in all aspects of the evaluation, service delivery and decision-making.

Procedures

During the initial home visit all families are informed of their right to due process.

Parents/caregivers are given a copy of the *“Problem Solving in Early Intervention birth to age three”* pamphlet. Families acknowledge the receipt of this document by signing the *“Consent to begin the Early Intervention Assessment Process.”* This document outline the options parents/caregivers have when they disagree with any aspect of the evaluation, IFSP development or services their child receives in Early Intervention. The service coordinator (SC) at the initial visit will facilitate a discussion of the information when it is distributed. The consent is maintained in the child’s record.

Service Coordinators will also inform families of their procedural safeguards every time the family participates in the following meeting(s): Multidisciplinary Evaluation, Individualized Family Service Plan and Addendum to the child’s IFSP by signing the *“Parent’s Right Agreement”* document [distributed to parents in their native language]. In addition, upon parent’s request for an evaluation and anytime parents request a copy the SC will give the families information about their rights and procedural safeguards.

Surrogate parents will be provided for children when needed (see surrogate parent policy) and the procedural safeguards will be shared with every surrogate parent.

There are many times when disagreements occur that fall short of the Commonwealth’s definition of a formal complaint involving due process or mediation. The Philadelphia County will consider a complaint:

1. A parent who requests a meeting with the county or makes direct contact with the county to express concerns/complaint.
2. A parent or guardian who signs the *“Parent’s Rights Agreement”* (PRA) and/or requests a due process hearing or mediation.
3. A complaint/concern expressed directly to the Commonwealth by a parent (written or verbal).

4. An advocate or lawyer contacts the County or Service coordination staff (with documentation that they are representing a family) regarding a complaint/concern of a family receiving Early Intervention.

A. When a family requests an **administrative meeting** with a representative from the County, as documented on the Parent's Rights agreement, the following steps will be followed:

1. The Service Coordinator will notify the Early Intervention Administrator or her designee and their Service coordination supervisor within 24 hours of the family's request for a conference. The Service Coordinator (with the help of their supervisor) will be prepared with all of the pertinent information and history leading up to the family's request for a conference, when they notify the county EIP Administrator.
2. On the same day that the County is informed of the family's request for a meeting, the County will assign a Program Analyst to follow up with the family's request for a meeting. The Program Analyst will make immediate contact with the family, to schedule a meeting within 7 days of their request. After speaking to the family by telephone and receiving pertinent information from the County Early Intervention Director, the program analysts may obtain additional information from members of the child's IFSP team and should then complete the County Complaint Resolution Form (attached). The compilation of these forms will serve as the County's 'log' of complaints.
3. The Program Analyst, after speaking with the family will document the nature of the conversation in a letter to them. If the concerns are resolved in the initial telephone conversation, this will be outlined in the letter. The program analysts will provide weekly updates to the county EIP Administrator regarding the status of the complaint and any resolutions. The Program Analyst will also summarize the outcome of any meeting, in a letter to the family within five working days of the meeting. Copies of the letter to the EIP director will serve as updates for that week regarding the status of the complaint.
4. In the interest of working as a team on a family's complaint, meeting with the family regarding the issues will be completed with both Service Coordination and the County present.
5. The parent/guardian will be reminded that at any time in this process they may make a formal complaint or request mediation or due process by following the steps outlined in the problem solving in Early Intervention pamphlet.

B. When a family **wants to file a complaint directly with OCDEL**, the Service Coordinator will initiate the following within 24 hours of the family's request:

1. Notify their Supervisor
2. Notify the County EIP Administrator
3. Notify OCDEL Early Intervention Advisor.

4. Contact OCDEL at 1-717-346-9320, or email ra-ocdintervention@state.pa.us to obtain a Complaint Registry Form.

C. When a family requests **mediation**, the Service Coordinator will initiate the following within 24 hours of the family's request:

1. Notify their supervisor
2. Notify the County EIP Administrator
3. Notify OCDEL Early Intervention Advisor
4. Contact the Office of Dispute Resolution at 1-800-222-3353 and can obtain a form to request a mediation meeting at <http://odr-pa.org/mediation/request-forms/>

All mediation agreements will be in writing and signed by the parents and the agency representative. The terms of the mediation agreement will remain confidential and will not be used as evidence in subsequent due process hearings or court actions. The mediation agreements will be enforceable in any court of competent jurisdiction or in federal district court.

D. When a family requests a **due process** hearing, the Service Coordinator will initiate the following within 24 hours of the family's request.

1. Notify their supervisor
2. Notify the County EIP Administrator
3. Notify OCDEL early intervention advisor
4. Contact the Office of Dispute Resolution at 1-800-222-3353 and can obtain a form to request a due process hearing at <http://odr-pa.org/mediation/request-forms/>

If an advocate on behalf of a family contacts the County or Service coordination staff, no details of a family situation may be given until the advocate obtains a release form, signed by the family, giving permission to share information with the advocate. The advocate may share information about the family with others, at their own discretion.

Philadelphia County EI staff may be contacted for **consultation** regarding difficult or questionable situations with a family that might lead to a complaint. In these cases the Service Coordinator Supervisors or Deputy Director, will contact the Early Intervention Administrator (or designee) to discuss the circumstances. The EI Administrator or her designee will support the Service coordination staff and provide guidance for decision making until the details of the particular difficulty are worked through. In this situation, it will not be necessary for the County to make direct contact with the family about the issues.

The Early Intervention Complaint Resolution Process

The Early Intervention Complaint Resolution Process and form are attachments #1 and #2 below. They were developed by OCDEL, and attached to OCDEL Announcement EI-11#01 "IDEA Early Intervention Complaint Procedures". These documents allow the complainant and the OCDEL EI advisor to resolve an issue directly before it elevates to the complaint level. This should be shared with families if they wish to contact OCDEL directly regarding their concerns.

ATTACHMENT #1

**EARLY INTERVENTION
COMPLAINT RESOLUTION PROCESS**

In order to increase communication and collaboration in assisting parents in resolving concerns at the local level, the Office of Child Development and Early Learning (OCDEL), Bureau of Early Intervention Services (BEIS), has instituted a birth to five Early Intervention Complaint Resolution Process (EICRP).

The purpose of this process is to reduce the number of formal complaints filed with the Bureau of Early Intervention Services as a result of concerns with the local Infant/Toddler Early Intervention (EI) program or Preschool Early Intervention program. This process allows complainants and BEIS EI Advisors to resolve a concern/problem directly with a local program and assist them first in resolving the issue.

Parents have the opportunity to phone, fax, or email the Infant/Toddler or Preschool EI Program and/or the EI Advisor at any time to resolve an issue before elevating it to the complaint level. That information should be sent to:

Departments of Public Welfare and Education
Office of Child Development and Early Learning
Bureau of Early Intervention Services
333 Market Street, 6th Floor
Harrisburg, PA 17126-0333
Email: ra-ocdintervention@state.pa.us
Phone: 717-346-9320
Fax: 717-346-9330

If a resolution cannot be reached after a review of the issue by the BEIS EI Advisor, the parents have the option to pursue the formal complaint process. The EICRP process is BEIS's preferred way to deal proactively with complaint issues and to remain committed in helping families resolve concerns as early and efficiently as possible.

Attachment #2

Early Intervention Complaint Registry Form

Please feel free to make copies of this form or use additional paper. Please print or type.

My preferred method of contact by the Office of Child Development and Early Learning (OCDEL) Early Intervention (EI) Advisor assigned to this complaint is:

- By phone (list numbers) _____
Best time during normal business hours to call _____
- In person at a public facility during normal business hours. The location will likely be a Infant/Toddler Early Intervention Program Office or Preschool Early Intervention Program Office.

Are you filing this complaint on behalf of a specific child? Yes _____ No _____

Please provide the name and address of the child:

Child's Name: _____ Date of Birth: _____
Address: _____

Please provide the name of the Infant/Toddler EI Program or the name of the Preschool EI Program:

Please provide your contact information and your relationship to the child.

Name: _____
Address: _____

Phone Number: _____
Home Work Cell

Relationship to child:

- Parent
- Attorney
- Advocate
- Community Organization
- Other

On or about what date did the alleged violation occur? _____
Date