

## Dispute Resolution

### DISPUTE RESOLUTION OPTIONS

If you believe the Birth to Three has violated a federal or state regulation, you may file a complaint with the Birth to Three Coordinator. Upon receiving your written complaint, an investigation will be completed.

If you disagree with an early intervention program consultant and/or agency on the

- (1) identification,
- (2) evaluation,
- (3) placement of your child, or
- (4) provision of appropriate early intervention services to your child or family, you have the right to a timely administrative resolution of your concerns.

The administrative resolution process for your concerns may proceed as a complaint, mediation, or impartial due process hearing. Each process to resolve a disagreement has individual procedures that are followed. Please review the procedures and decide which one would work best for your situation.

#### COMPLAINT

A complaint is a written signed statement by an individual or organization, including a complaint filed by an individual or organization from another state, containing a statement that the state Birth to Three program or a local Birth to Three program has violated a requirement of federal or state statutes or regulations that apply to a program and a statement of the facts on which the complaint is based.

**Complaint Form:** <http://doe.sd.gov/Birthto3/documents/B3Complaint.pdf>

**Complaint Investigation Process:** <http://doe.sd.gov/Birthto3/documents/investiga.pdf>

#### MEDIATION

Mediation is an effective way to resolve differences between you and the Birth to Three program. Mediation is free and conducted by someone who is not employed by the program.

Mediation may not be used to deny or delay the parent's right to a due process hearing or to deny any other rights afforded under Birth to Three.

**Mediation Request** <http://doe.sd.gov/Birthto3/documents/B3Mediatn.pdf>

## **DUE PROCESS HEARINGS**

You may initiate a hearing on any matters relating to the identification, evaluation or placement of your child or the provision of appropriate early intervention services to your child and family.

You must request an impartial hearing on their due process complaint within two years of the date the parent or program knew or should have known about the alleged action that forms the basis of the due process complaint.

**Due Process Form by Parent** <http://doe.sd.gov/Birthto3/documents/B3DueproP.pdf>

**Due Process Form by District** <http://doe.sd.gov/Birthto3/documents/B3DueproD.pdf>

**Local Resolution Tracking Form** <http://doe.sd.gov/Birthto3/documents/B3LocalRe.pdf>

**LEA Resolution Tracking From** <http://doe.sd.gov/Birthto3/documents/LEAResTrac.pdf>