
	EFFECTIVE DATE 7/1/2024	DOCUMENT NUMBER [Document Number]	
	LEVEL OF USE DESIGNATION Information Use	REVISION [Rev. #]	Page 1 of 10
DOCUMENT TITLE Dispute Resolution: Mediations and Hearings Procedure			

Table of Contents

Subsection	Title	Page
1.0	PURPOSE AND SCOPE	2
2.0	REFERENCES	2
3.0	INSTRUCTIONS	3
3.1	Families Rights for Dispute Resolution.....	3
3.2	Mediation	4
3.3	Hearing	7
3.4	Responsibility of Programs Prior to and During a Hearing.....	9
4.0	REVISION HISTORY	9

	EFFECTIVE DATE 7/1/2024	DOCUMENT NUMBER [Document Number]	
	LEVEL OF USE DESIGNATION Information Use	REVISION [Rev. #]	Page 2 of 10
DOCUMENT TITLE Dispute Resolution: Mediations and Hearings Procedure			

1.0 PURPOSE AND SCOPE

1.1.1. This procedure provides instruction to resolve any families disputes, who disagree with a decision many by a Connecticut Birth to Three Program or Birth to Birth System including, either or both:

- Mediation
- Hearings

1.1.2. These formal avenues are in addition to filing a written complaint.

2.0 REFERENCES

2.1 Associated Documents

2.1.1. Individualized Family Service Plan Procedure

2.1.2. Document Control and Records Procedure

2.1.3. Early Intervention Record

2.1.4. Formal Written Hearing Decision

2.1.5. Formal Written Request for Mediation for Hearing from Parent

2.1.6. Form 3-1, Individualized Family Service Plan (IFSP)


2.1.7. Mediation Statement Agreement

2.1.8. Parents Rights Under Individuals with Disabilities Education Act (IDEA), Part C, Brochure

2.1.9. The Principles of Mediation Brochure

2.2 Source Information

2.2.1. Connecticut Birth to Three Dispute Resolution: Mediation And Hearing Procedure, Revised June 16, 2021


	EFFECTIVE DATE 7/1/2024	DOCUMENT NUMBER [Document Number]	
	LEVEL OF USE DESIGNATION Information Use	REVISION [Rev. #]	Page 3 of 10
DOCUMENT TITLE Dispute Resolution: Mediations and Hearings Procedure			

3.0 INSTRUCTIONS

3.1 Families Rights for Dispute Resolution

3.1.1. Service Coordinator (s) **PERFORM** the following prior to evaluation of child to determine eligibility for Birth to Three System (and annually thereafter for eligible children):

1. **PROVIDE** parents with a copy of Parents Rights Under Individuals with Disabilities Education Act (IDEA), Part C, Brochure including the right to request mediation or request a hearing:
 - Prior to the evaluation of a child determining eligibility for the Birth to Three System.
 - Annually for eligible children.
 - In family's preferred language or mode of communication.
 - a. **REFER TO** Birth to Three Individualized Family Service Plan Procedure.
2. **DISCUSS** with families the processes to dispute decisions made by Connecticut Birth to Three System or Program regarding their child's:
 - Birth to Three System or Program eligibility.
 - Individualized Family Service Plan (IFSP).
 - Service delivery within Birth to Three System or Program.
3. **INFORM** families of all available formal avenues to resolve a dispute regarding the Connecticut Birth to Three System or Program:
 - Written complaint
 - Mediation
 - Hearing
 - Combination Thereof

	EFFECTIVE DATE 7/1/2024	DOCUMENT NUMBER [Document Number]	
	LEVEL OF USE DESIGNATION Information Use	REVISION [Rev. #]	Page 4 of 10
DOCUMENT TITLE Dispute Resolution: Mediations and Hearings Procedure			

3.2 Mediation

NOTE


Mediation is an informal way of resolving differences through understanding and compromise of the differing viewpoints.

- 3.2.1. Service Coordinator (s) **DISCUSS** with parents their right to request mediation regarding:
1. A proposal to initiate or change the identification, evaluation, or early intervention services of their child.
 2. Refusal to initiate or change the child's identification, evaluation, or early intervention services of their child.
- 3.2.2. Family Liaison **OFFER** mediation to any parent when a parent has been unable to reach agreement with their Birth to Three Program regarding identification or Early Intervention Services (EIS).
1. **INSTRUCT** family to make request in writing.
 2. **PROVIDE** family with brochure titled: The Principles of Mediation.
 3. **IF** parent selects mediation,

THEN ENSURE the families Birth to Three Program participates in the mediation, as well as a representative from the Lead Agency may also participate.

 - a. **ENSURE** program identifies an agency representative for mediation permitted to:
 - Make decisions on all issues.
 - Sign agreements.
 - b. **IF** any party other than parent requests mediation,

THEN INITIATE only with consent of the parent(s).
- 3.2.3. Family Liaison **INFORM** Birth to Three Director of mediation request.
1. **ENSURE** parents understand the mediator's role and potential results of mediation. **SEE** Step 3.2.7.
- 3.2.4. Connecticut Birth to Three Director **ASSIGN** an impartial mediator.

	EFFECTIVE DATE 7/1/2024	DOCUMENT NUMBER [Document Number]	
	LEVEL OF USE DESIGNATION Information Use	REVISION [Rev. #]	Page 5 of 10
DOCUMENT TITLE Dispute Resolution: Mediations and Hearings Procedure			

3.2.5. Prior to mediation, all parties **ADHERE** to the following:


1. **ENSURE** a legally binding agreement is completed stating that all discussions occurring during mediation process:
 - Are confidential.
 - May **NOT** be used as evidence in any subsequent due process hearing or civil proceeding.
2. **ENSURE** the following parties sign the agreement:
 - Parent
 - Representative of the Birth to Three Program who has the authority to bind their agency.

3.2.6. Prior to and during mediation, all parties **ADHERE** to the following:

1. **MAINTAIN** confidentiality of mediation process discussions.
 - a. **UNDERSTAND** mediation process discussions are NOT permitted to be used as evidence in any subsequent due process hearing or civil proceeding of any Federal or State court of a State receiving assistance under this part.

3.2.7. **UNDERSTAND** role of the mediator **AND** potential results of mediation are as follows:

1. **KNOW** the Assigned Mediator performs the following:
 - Contacts both parties (parent(s) and program) as soon as possible.
 - Determines a convenient time and location to schedule mediation for.
 - Assists both sides (program and family) to decide mediation participants, including service coordinator(s) or direct service, if necessary.
 - Ensures additional individuals, such as agency director or legal counsel, are available by telephone for caucus during the mediation session.
 - Assists both sides (program and family) to discuss their differences to help find points they agree on and see other choices they may have.
 - May hold private discussions with either party during the course of the mediation.
 - Receives all pertinent documents and records that are shared at the mediation session. Each party may bring any information they feel will be relevant in reaching a resolution. No material needs to be sent to mediator.

	EFFECTIVE DATE 7/1/2024	DOCUMENT NUMBER [Document Number]	
	LEVEL OF USE DESIGNATION Information Use	REVISION [Rev. #]	Page 6 of 10
DOCUMENT TITLE Dispute Resolution: Mediations and Hearings Procedure			

3.2.7 (continued)

2. **KNOW** the following potential results of mediation process:

- Agreement
- Non-agreement
- Partial agreement

a. **IF** an agreement is reached,

THEN all parties **SIGN** mediated statement committing all parties to terms of agreement.

(1) **ENSURE** a copy of signed mediated statement is sent to the Connecticut Birth to Three Director.

b. **IF** parties fail to reach an agreement within 30 days of the request,

THEN KNOW Mediator certifies in writing that mediation was unsuccessful (non-agreement).

(1) **ENSURE** all parties know they are permitted to request a hearing.


c. **IF** parties are unable to resolve all issues,

THEN WRITE a partial agreement with consent of parties.

(1) **ENSURE** all parties are notified they are permitted to request a hearing to resolve remaining issues.

3.2.8. **ENSURE** any changes in services resulting from mediation are documented in revised IFSP.

3.2.9. Connecticut Birth to Three System or Lead Agency **ENSURE** implementation of mediation.

	EFFECTIVE DATE 7/1/2024	DOCUMENT NUMBER [Document Number]	
	LEVEL OF USE DESIGNATION Information Use	REVISION [Rev. #]	Page 7 of 10
DOCUMENT TITLE Dispute Resolution: Mediations and Hearings Procedure			

3.3 Hearing

NOTE

A hearing is a formal review of the problem identified by the parent, all data related to the problem and testimony from the parties concerned.

3.3.1. Service Coordinator (s) **PERFORM** the following:


1. **DISCUSS** with parents their right to request hearing regarding:
 - a. A proposal to initiate or change the identification, evaluation, or early intervention services of their child.
 - b. Refusal to initiate or change the child's identification, evaluation, or early intervention services of their child.
 - c. Information in their child's record be amended and program refuses to amend the record in accordance with the request.
 - (1) **REFER TO** Document Control and Records Procedure.
2. **INSTRUCT** parents to request a hearing in writing on these issues to Family Liaison.

3.3.2. Family Liaison **PERFORM** the following upon receipt of the signed written request:

1. **NOTIFY** Connecticut Birth to Three Director of request.
2. **SEND** Connecticut Birth to Three Director the written request.
3. **ENSURE** parents understand the hearing officer's role and potential results of hearing. **SEE** Step 3.3.4.

3.3.3. Birth to Three Director **APPOINT** an impartial hearing officer upon receipt of written request for a hearing.


1. **ENSURE** appointed hearing officer is:
 - a. Knowledgeable about provisions of the Birth to Three regulations and needs and services available for eligible children and their families.
 - b. **NOT** an employee of any public or private agency or program involved in the provision of early intervention services or care of the child. (A person who is paid to serve as a hearing officer is not deemed to be an employee of a public agency).
 - c. Does **NOT** have a personal or professional interest conflicting with their objectivity in implementing the process.

	EFFECTIVE DATE 7/1/2024	DOCUMENT NUMBER [Document Number]	
	LEVEL OF USE DESIGNATION Information Use	REVISION [Rev. #]	Page 8 of 10
DOCUMENT TITLE Dispute Resolution: Mediations and Hearings Procedure			

3.3.4. **UNDERSTAND** role of the hearing officer, parents rights **AND** potential results of hearing are as follows:

1. **KNOW** the Assigned Hearing Officer performs the following:
 - a. Schedules hearing at a time and location convenient to the parents.
 - b. Issues written decision within 30 days of the written request.
 - c. Extends 30-day timeline at the request of either party.
 - d. Listens to presentation of viewpoints concerning the matter under review.
 - e. Examines relevant information of issues.
 - f. Attempts a timely resolution of the matter.
 - g. Holds a preliminary conference by telephone to:
 - Clarify any issues.
 - Reviews rights and procedures.
 - Confirms issues not in dispute.

2. **KNOW** the following rights of the parents:
 - a. To receive written notice at least 10 days prior to hearing including date, time, and location of the hearing.
 - b. Agreeing or not agreeing to a preliminary conference with the hearing officer.
 - c. Being accompanied and advised by counsel and individuals with special knowledge or training with respect to early intervention services for eligible children.
 - d. Presenting evidence and confronting, cross-examining, and compelling the attendance of witnesses.
 - e. Prohibiting introduction of any evidence at the hearing not disclosed to them at least five days before the proceeding.
 - f. Obtaining written or electronic verbatim transcription of the proceedings.
 - g. Obtaining written findings of fact, conclusions of law and decisions.
 - h. Having child present at the hearing.

	EFFECTIVE DATE 7/1/2024	DOCUMENT NUMBER [Document Number]	
	LEVEL OF USE DESIGNATION Information Use	REVISION [Rev. #]	Page 9 of 10
DOCUMENT TITLE Dispute Resolution: Mediations and Hearings Procedure			

3.3.4 (continued)

3. **KNOW** the following potential results of hearing process:
 - a. Hearing officer informs parents or guardians and lead agency of their decision in writing within 30 days of request.
 - b. Appeals from the decisions of the hearing are to the superior court in the child's district of residence within 30 days after mailing of the notice of the final decision of hearing. An alternative is to appeal to federal district court.

3.3.5. **ENSURE** any changes in services resulting from hearing are documented in revised IFSP.

3.3.6. Connecticut Birth to Three System or Lead Agency **ENSURE** implementation of hearing results.

3.3.7. **ENSURE** child remains in their current program pending a hearing unless parent and Lead Agency agree otherwise.

1. **IF** hearing involves agreement on initial IFSP,
THEN PROVIDE child with agreed upon services.
2. **DO NOT PROVIDE** children ineligible for Connecticut Birth to Three support and services with services while a hearing with Birth to Three or the Lead Education Agency (LEA) is being adjudicated.

3.4 Responsibility of Programs Prior to and During a Hearing

3.4.1. **IF** a parent of a child enrolled in the Connecticut Birth to Three System has requested an impartial hearing,

THEN program providing support and services **SUBMIT** two copies of child's entire Early Intervention (EI) record and confer within two working days of request to Lead Agency.

1. **PROVIDE** EI record in a format required by attorney for Lead Agency.

3.4.2. **UNDERSTAND** program directors, staff, or both may be subpoenaed to testify at hearing.

END of Instructions

4.0 REVISION HISTORY

Location	Description of Change
All	New Human Factored Procedure in New Template.



EFFECTIVE DATE 7/1/2024	DOCUMENT NUMBER [Document Number]
LEVEL OF USE DESIGNATION Information Use	REVISION [Rev. #]
Page 10 of 10	
DOCUMENT TITLE Dispute Resolution: Mediations and Hearings Procedure	