

**Formal Hearing:** If mediation does not resolve the conflict, or if mediation is refused in writing, either you or EDIS may request a formal hearing. Refusing mediation or unsuccessful mediation does not deny or delay the to a formal hearing. To initiate a Due Process Hearing, the concerned part writes a request in the form of a petition and submits the petition to:

**Director of the Defense Office of Hearing and Appeals (DOHA)**

**P.O. Box 3656**

**Arlington, VA. 22203**

**Appeal:** Either party may file an appeal to the hearing officer's finding. This is done by filing a written notice of appeal, within 5 days of receiving the finding, with the Director, DOHA.

**How to Proceed with These Options:**

If you want to pursue any of these options resolve disagreements, the EDIS service coordinator or designee will:

Help you to complete the needed forms;

Provide you with additional information necessary to complete the process;

Provide information about whom to contact for more information and assistance.

**Your Right to Continued Services:**

While any of these due process proceedings are taking place, the child and family may continue to receive the early intervention services currently being provided. If applying for initial service, the child and family shall receive the

Early intervention services not under dispute. All documents concerning the dispute will be kept in the child's EDIS record.

**Applicable Laws and Policies**

*EDIS programs were established within the Department of Defense (DOD) to fulfill the requirement of the Individuals with Disabilities Education Act (IDEA).*

The Department of Defense Manual (DODM) 1342.12 Provision of Early Intervention, Special Education and Related Services to Eligible DOD Dependents, direct the military medical department to provide EDIS.

BUMED Regulation 1755.1 Education and Developmental Intervention Services: Early Intervention Services provide implementing guidance for the early intervention services provided by Navy EDIS programs.

Contact your local EDIS program if you have any questions or concerns regarding the information in this brochure.

**Your local EDIS program can be reached at:**

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**Additional Resources:**

Department of Defense Manual (DODM) 1342.12  
[www.dod.mil/dodgc/doha/1342p.pdf](http://www.dod.mil/dodgc/doha/1342p.pdf)

# Department of the Navy Bureau of Medicine

## Education and Developmental Intervention Services (EDIS)



## PARENTS RIGHTS & Procedural Safeguards

*Your Family and EDIS Working  
together*

*Procedural Safeguards under the Individual  
with Disabilities Education Act (IDEA)*

*Part C: Early Intervention Services*

# Parents Have Rights

This brochure provides an overview of the right and procedural safeguard afforded to parents and legal guardians who have children under age three eligible for Early Intervention Service (EDIS) in the Navy Medical Department. This information is your Notice of Procedural Safeguards as required under the Individual with Disabilities Act (IDEA).

- ◆ **Right to Privacy:** You have the right to confidentiality of information. EDIS will safeguard all personally identifiable family information.
- ◆ **Right to Consent:** Personally identifiable information concerning anyone in your family cannot be released outside the Department of Defense (DOD) without your written approval. If the requesting agency is also a DOD agency, and there is a rightful need for the requested information, the information may be released.
- ◆ **Right to Examine Records:** You have the right to examine records concerning the early intervention services your child and family receive. These records include screening, assessment, eligibility, the development and implementation of the Individual Family Service Plan (IFSP).
- ◆ **Right to Prior Written Notice:** EDIS must provide you with written notification (Notice of Proposed Action) whenever EDIS proposes to initiate or change the identification, evaluation, or any aspect of the early intervention services.

- ◆ **Right to Understand:** Information must be provided in a language understandable to you or provided via other modes of communication that you understand. This information includes prior written notifications (Notice of Proposed Action) and procedural safeguards.
- ◆ **Right to Accept or Decline:** You can accept or decline any or all early intervention services. Choosing not to participate in one service will not affect the delivery of others services you have chosen to accept.
- ◆ **Right to Disagree:** You have the right to file a complaint about any aspect of the early intervention services your child and family receive. This brochure provides more information on addressing complaints (see “Resolving Disagreements through Due Process Procedures”).
- ◆ **Right to Continuation of Services:** During any action involving a complaint, you and your child will continue to receive the early intervention services currently being provided, unless otherwise agreed upon between you and EDIS.



Parents are important member of the early intervention team.

## Resolving Disagreements through Due Process Procedures:

*EDIS wants to ensure that all parents understand and agree with their child's services.*

If you disagree with the identification, evaluation, placement or provision of appropriate services for your child and your family, you have the right to timely resolve your complaints. EDIS offers the following steps to resolve disagreements.

- ◆ **Conferences:** EDIS believes in resolving concerns at the lowest level possible and using the chain of command. This means if there are disagreements between you and any EDIS staff member, the first step should be to attempt to resolve the issue through a conference between you and the EDIS Division Head or designee. You are welcome to invite others to participate in conferences, including other professional involved in your child's care, hospital administrators who oversee EDIS, other family members, or an advocate for your family. If a satisfactory solution cannot be found through conferencing, you have two options:
  1. To request **mediation**.
  2. Sign a mediation waiver and request a
- ◆ **Mediation:** Mediation is a voluntary, private, informal discussion or differences. In mediation, a trained individual will help you and EDIS resolve the disagreement. Mediation will help you and EDIS to work toward a resolution through facilitated discussion. If mediation does not result in an agreement, either party may request a **formal hearing**.