

State Complaint Resolution System Infant-Toddler Program

Introduction

The Infant-Toddler Program has adopted written procedures for resolving any complaints filed by an individual or an organization (including from another state) that alleges that an agency of the state, a local agency, or an individual practitioner has violated a federal or state Infant-Toddler Program requirement. The complaint must be in writing, signed and include a statement of the alleged violation and the facts on which the complaint is based.

The Infant-Toddler Program has also adopted procedures for addressing interagency dispute resolution, mediation and administrative due process hearings (*For additional information, see Policy Bulletin #17 - Mediation and Administrative Due Process Hearings and #32 - Complaint Resolution-Interagency Disputes.*)

Timelines for Filing a Complaint

The alleged violation must have occurred no more than one year before the date that the complaint is received by the Early Intervention Branch of the Division of Public Health, unless a longer period is reasonable because:

1. The alleged violation continues for that child or other children; or
2. The complainant is requesting reimbursement or corrective action for a violation that occurred not more than three years before the date on which the complaint is received by the Early Intervention Branch of the Division of Public Health.

Complaint Resolution Procedures

The complaint must be resolved within sixty (60) calendar days from the receipt of a signed written complaint by the Early Intervention Branch of the Division of Public Health. An extension must be permitted if exceptional circumstances exist with respect to the complaint. An extension cannot be for administrative convenience.

Steps in this process include:

1. If the complainant is the parent of a child enrolled in the Infant-Toddler Program, the family's Service Coordinator should assist the parent in filing the complaint, if needed.
2. The complainant files a written, signed complaint with the Division of Public Health as the state lead agency. The complainant must state the violation and provide any facts that support the complaint. The complaint is addressed to the Early Intervention Branch Head, Division of Public Health, 1916 Mail Service Center, Raleigh, NC 27699-1916. Telephone: (919) 707-5520.

3. The Early Intervention Branch of the Division of Public Health shall determine if the complaint is a matter included under Part C regulations. If the matter does not involve a Part C requirement, the Early Intervention Branch of the Division of Public Health shall notify the complainant in writing.
4. If the Early Intervention Branch of the Division of Public Health determines that an independent on-site investigation is necessary, one will be completed.
5. The Early Intervention Branch of the Division of Public Health shall:
 - a. contact relevant parties concerning the complaint and conducts interviews as necessary; and
 - b. give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.
6. The Early Intervention Branch of the Division of Public Health shall review all relevant information and make an independent determination as to whether a violation of a federal or state requirement of the Infant-Toddler Program has occurred.
7. The Early Intervention Branch of the Division of Public Health shall issue a written decision to the complainant that addresses each allegation in the complaint and contains:
 - a. findings of fact and conclusions; and
 - b. the reasons for the final decision.
8. The Early Intervention Branch of the Division of Public Health shall implement procedures for effective implementation of the final decision, if needed, including:
 - a. technical assistance activities;
 - b. negotiations; and
 - c. corrective actions to achieve compliance.
9. In resolving a complaint in which there was a failure to provide appropriate services, the Early Intervention Branch of the Division of Public Health must address:
 - a. how to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and the child's family; and
 - b. appropriate future provision of services for all infants and toddlers with disabilities and their families.
10. If a written complaint is received that is also the subject of an administrative due process hearing (see Policy Bulletin #17 Mediation and Administrative Due Process Hearings) or contains multiple issues of which one or more are part of that hearing, the Early Intervention Branch of the Division of Public Health must set aside any part of the complaint that is being addressed in the administrative due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved within the sixty (60) calendar day timeline using the complaint procedures described in this Policy Bulletin.

11. If an issue is raised in a complaint that has previously been decided in an administrative due process hearing involving the same parties:
 - a. the hearing decision is binding; and
 - b. the Early Intervention Branch of the Division of Public Health must inform the complainant to that effect.
12. A complaint alleging a public agency's or private service provider's failure to implement an administrative due process hearing decision must be resolved by the Early Intervention Branch of the Division of Public Health.
13. The final decision with all relevant documentation is kept on file by the Early Intervention Branch of the Division of Public Health.