

## **Resolving Disagreements**

The following explains how you can pursue a complaint or disagreement with ECI. This process can be used at any time you and the ECI team working with your family cannot agree. It is also available if you are not satisfied with some experience you have had in ECI that you think violated your rights. You have a right to have your disagreement addressed by filing a complaint with HHSC ECI. You also have the right to request mediation or an administrative due process hearing. These are important rights and ones you have throughout your time in ECI. Refer to this section of the handbook at any time to review the process for resolving disputes or ask your ECI staff member to explain the process to you.

## **Resolving Problems Locally**

Most disagreements between families and ECI programs can be resolved locally without going through the formal complaint process. Suggestions for resolving problems or concerns locally include:

- Contact the program director of your local ECI program to discuss your concerns and ask for a resolution.
- Call the HHSC Office of the Ombudsman at 877-787-8999 to ask to speak with someone at the HHSC ECI state office who will help resolve a problem or concern locally.

## **Filing a Complaint with HHSC**

If you are unable or do not want to resolve the issue locally, you have the right to file a complaint with HHSC ECI. You can file a complaint about an issue involving your child or about any aspect of the ECI system that you believe violates legal requirements. The complaint must be in writing and include:

- A statement describing the complaint.
- The facts on which the statement is based.
- The signature and contact information of the person filing the complaint.
- If the complaint involves a specific child:

The name and address of the child.

The name of the ECI program serving the child.

A description of the problem.

A proposed resolution of the problem.

The complaint must be received by HHSC ECI not more than one year after the issue occurs. Send a letter, fax or email of the written and signed complaint to the HHSC ECI office to request an investigation. State the facts on which your complaint is based. You do not have to contact or discuss a complaint with your local ECI program before filing a complaint with HHSC ECI. However, a copy of your complaint will be provided to them. HHSC ECI must resolve the complaint within 60 days from the time they receive it. Their findings and decisions will be sent to you in writing.

## **Mediation**

When HHSC ECI receives your complaint, they will contact you to offer mediation services. If you choose to try mediation, HHSC ECI will assign a neutral mediator (at HHSC ECI's expense) to see if they can resolve the problem between you and your ECI program. Both you and the program will have to agree to use mediation. It is your choice whether to accept the offer of mediation or to proceed with your complaint. You can request mediation without first filing a complaint or an administrative due process hearing. However, you still need to provide a written statement of the issues you want resolved. Contact the HHSC ECI office to make your request for mediation

The request for mediation must:

- Be in writing and signed by the requesting party.
- State the dispute to be mediated and specify if the matter concerns a particular child or concerns a potential or actual violation of legal requirements.
- Name the opposing party and include their signature if they also agree to mediation.
- Contain contact information for all parties if known.
- Document whether a request for mediation has been sent to all parties.

If you and the program come to an agreement through mediation, the mediator will help you and the program put the agreement in writing. A copy of the written agreement will be given to both you and the program. Mediation agreements are confidential.

## **Administrative Due Process Hearing**

You have the right to ask for an administrative due process hearing conducted by a hearing officer if you disagree with decisions made by your ECI team. Your request must be in writing. This includes decisions about eligibility, evaluation and/or services. You can, but are not required to, ask for a hearing after trying one or more of the previous methods first (resolving problems locally, filing a complaint, mediation).

An administrative due process hearing is a more formal process than a complaint or mediation. Though you are not required to have an attorney, some parents choose to hire one because the hearing process uses legal procedures most parents are not familiar with. If you hire an attorney, it is at your expense. You can also be represented or accompanied by someone who is not an attorney, but who has knowledge and training in early childhood intervention services. You have the right to present evidence and confront, cross-examine, and compel the attendance of witnesses. You may find some helpful resources in the "Parent Support" section of the ECI Resource Guide located on the HHSC ECI web site.

You have the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to you at least five days before the hearing. You have the right to obtain a written electronic verbatim transcription of the hearing at no cost to you. You have the right to receive a written copy of the findings and decisions at no cost to you.

The hearing officer must schedule a hearing and make a decision within 30 days from the date a hearing request is filed. The hearing will take place at a time and place that is reasonably convenient to you. The

hearing officer may agree to extend the time beyond the 30 days if needed. While the hearing is in process, your child, if enrolled in ECI, can continue to receive services, including those that may be in dispute.

If you do not agree with the findings and decisions issued from the administrative due process hearing, you have the right to bring civil action in state or federal court.

To file a complaint with HHSC ECI, to request mediation, or to request an administrative due process hearing, send your request or complaint by mail or fax to:

ECI Director  
Health and Human Services Commission Early Childhood Intervention  
1100 West 49th Street, 4th Floor  
MC3029  
Austin, TX 78756  
Fax: 512-776-4340

OR

Call the HHS Office of the Ombudsman toll-free at 877-787-8999 for help with inquiries or complaints about ECI. You can also submit your request online at

<https://hhs.texas.gov/about-hhs/your-rights/hhs-office-ombudsman>