

What is the Birth to 3 Program?

The Birth to 3 Program is Wisconsin's early intervention program for infant and toddlers with developmental delays or disabilities and their families. A federal law, the Individuals with Disabilities Education Act (IDEA), provides the framework for a comprehensive program for coordinating developmental, health and social services within the family's community. The Wisconsin Department of Health Services oversees the Birth to 3 Program in Wisconsin.

To be eligible for the Birth to 3 Program, your child must have a 25 percent delay in development or have a diagnosed condition that results in developmental delays. A team of professionals with input from parents will determine eligibility for the Birth to 3 Program.

If your child is eligible, an **Individualized Family Service Plan (IFSP)** is developed to plan what will be provided to meet your child's needs.

A service coordinator will support you to:

- develop a plan for services (IFSP) that meets your child and family's needs;
- find services that meet you and your child's individual needs, and help ensure the services continue to meet your needs; and
- understand your rights and what to do if you disagree with the service(s) you are receiving. These rights are called *Procedural Safeguards*.

YOUR RIGHTS DURING THE CONFLICT RESOLUTION PROCESS

Services will be provided during the dispute resolution process if you agree. Your child will continue to receive the services provided before the dispute was filed. If the dispute involves initial services, your child will receive any services that are not in dispute.

Confidentiality will be maintained during the resolution process. Information will not be disclosed without your written consent. Only people who have a legitimate need for information related to your dispute will have access to information.



Wisconsin
Department of Health Services

BIRTH TO 3 PROGRAM

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<http://www.dhs.wisconsin.gov/birthto3/index.htm>



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PARENT & CHILD RIGHTS

WISCONSIN'S BIRTH TO 3 PROGRAM



BIRTH TO 3

Parent and Child Rights



Your parental rights include:

- **Having** your child's eligibility determined and, if eligible, receiving assessments to help develop a plan to support your family and child.
- **Receiving** information about the program and decisions made to support your child and family.
- **Accessing**, if eligible, services that are appropriate to support your child and family.
- **Giving** informed consent for any evaluations, assessments, services or releasing of information to others.
- **Refusing** any services, evaluations or assessments, while keeping the services you do want.
- **Expecting** confidentiality of personally identifiable information.
- **Reviewing** or requesting corrections to your child's and family's records.
- **Receiving** information about your rights and where to get help if you feel your rights are violated.

- **Inviting** a friend or advocate to assist you at meetings if needed.

Contact your county Birth to 3 Program for a copy of your Parent and Child Rights in full.

Resolution of Disputes

As a parent, you have the right to disagree with decisions regarding your child's eligibility or the provision of appropriate services to your child and family.

You have several options to assist in resolving the disagreement:

Negotiation

If you have a dispute, you may first want to talk informally with the staff member with whom you disagree. If that does not work, you can speak to the coordinator of your child's Birth to 3 Program.

You may contact or write a letter to your local Birth to 3 Program. The letter should describe the action or inaction that you disagree with and your reasons for disagreeing.

However, you do not have to do this to use any of the other options under your parental rights.

Mediation

Mediation involves a neutral and impartial third party called an impartial mediator who helps the two parties (you and the Birth to 3 Program) to resolve the conflict.

See www.WIB3MS.us for a form to file a request for mediation.



Due Process Hearings

Due Process Hearings involve an impartial hearing officer who listens to both parties and makes a decision regarding the dispute. A decision is made within 30 days of receipt of the due process request.

Both parties (you and the county) in the dispute and any witnesses will present evidence. You are entitled to have an attorney and advisors present. The hearing is provided at no cost to you except for any professionals that you hire to represent you.

Visit

<http://www.dhs.wisconsin.gov/birthto3/hearings.htm>

for a form to file a request for a due process hearing.



IDEA Complaints

IDEA Complaints involve alleging the Birth to 3 Program has violated a law governing the program. An IDEA complaint can be made with respect to any matter relating to the identification, evaluation, or placement of the child or provisions of services. An IDEA complaint may be filed with the Dept. of Health Services (DHS) regarding a violation that occurred not more than one year earlier. The DHS complaint officer will gather information and make a decision within 60 days. Visit: Birth to 3 Program IDEA complaint website

<http://www.dhs.wisconsin.gov/birthto3/complaints.htm>

to file an IDEA complaint.

