

Administrative Complaints

In addition to mediation and due process hearing procedures, an individual or organization including those from another state may file a written signed complaint against any participating agency/provider that is violating a requirement of the Part C program.

Administrative Complaints

A complaint must include the following information:

- A statement that the lead agency, public agency, or early intervention services provider has violated a requirement of Part C.
- The facts on which the statement is based.
- The signature and contact information for the person filing the complaint.
- If alleging violations with respect to a specific child:
 - The child's name and address where the child resides.
 - The name of the child's early intervention services contract or early intervention services provider.
 - A description of the nature of the child's problem including facts relating to the problem.
 - A proposed resolution of the problem to the extent known and available at the time the complaint is filed.

Administrative complaints must be filed and received by the state lead agency within 1 year of the alleged violation.

The individual or agency filing the complaint must forward a copy of the complaint to the participating agency/provider serving the child at the same time the complaint is filed with the state lead agency.

Once the state lead agency has received the complaint, it has 60 calendar days (unless an extension is agreed upon by all parties, exceptional circumstances exist, or all parties agree to an extended timeline for engaging in mediation) to complete the following:

- Carry out an independent, on-site investigation, if the lead agency determines that an investigation is necessary.
- Give the individual or organization filing the complaint an opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.
- Provide the agencies/providers with an opportunity to respond to the complaint, including at the discretion of the lead agency, a proposal to resolve the complaint and an opportunity for the all parties voluntarily to engage in mediation.
- Review all relevant information and make an independent determination as to whether or not a violation of a Part C requirement has occurred.
- Issue a written decision to the person filing the complaint that addresses each allegation in the complaint and contains the findings of facts and conclusions as well as the reasons for the lead agency's final decision.

If the final decision indicates that appropriate services were not/are not being provided, the state lead agency must address the following:

- 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. This must include procedures for effective implementation of the decision, if needed, including technical assistance activities, negotiations, and corrective actions to achieve compliance.
- Appropriate future provision of services for all infants and toddlers with disabilities and their families.

The state lead agency has procedures for effective implementation of the decision, if needed, including technical assistance activities, negotiations and corrective actions to achieve compliance.

If a written complaint is received that is also the subject of a due process hearing, or contains multiple issues, of which one or more are part of that hearing, the state lead agency must set aside any part of the complaint that is being addressed in the 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 60 calendar day timeline and complaint procedures described in this document.

Complaints that have already been decided in an impartial due process hearing involving the same parties cannot be considered under this procedure. The state lead agency must notify the complainant that the hearing decision is binding.

A complaint alleging a public agency's or private service provider's (including an early intervention services contractor or early intervention services provider) failure to implement a due process decision must be resolved by the Idaho's lead agency.