

**Los Ninos Del Valle Transition Team  
Memorandum of Understanding**

**Concerning the transition of children between Las Cumbres Community Services, Inc., New Mexico School for the Deaf, New Mexico School for the Blind and Visually Impaired, Espanola Public Schools, Los Alamos Public Schools, and Pojoaque Valley School District, Ohkay Owingeh Early Head Start/Head Start, and Youth Development Inc. Early Head Start/Head Start.**

**Effective Date July 1, 2021  
(Updated January 11, 2021)**

## Transition MOU Partner Members/Contact Information

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- I. **PURPOSE:** The purpose of this Memorandum of Understanding (MOU) is to establish working procedures for the collaborative efforts in supporting the identification, referral, evaluation, and transition of young children with suspected or diagnosed disabilities under the Individuals with Disabilities Education Act (IDEA of 2004) and the New Mexico Administrative Code (NMAC). This includes formalizing procedures and delineating roles and responsibilities of all member agencies.
- II. **CONFIDENTIALITY:** All members of this MOU agree to comply with the confidentiality requirements and policies of their individual agencies and funding sources which may include policies set forth by the Office of Special Education and Rehabilitative Services (OSERS), New Mexico Department of Health, New Mexico Public Education Department, Family Education Rights and Privacy Act (FERPA), and Health Insurance Portability and Accountability Act (HIPAA). This includes, but is not limited to:
- Obtaining written parental consent prior to sharing confidential information with a partnering agency;
  - Informing parents of all confidentiality policies.
- III. **NOTIFICATION:** The transition process is developed with acknowledgement that the process proceeds within the timeframes developed through guidance and regulations. For the purposes of this agreement NOTICE is given when presented in writing with all legal notice requirements documented.
- IV. **REQUIREMENTS IMPACTING THIS AGREEMENT**

**Notification:**

NMAC 7.30.8.13

NMAC 6.31.2.11 (A) (5) (a)

**Transition Planning:**

NMAC 7.30.8.13 (C)

NMAC 6.31.2.11(A)(4)

NMAC 6.31.2.11(A)(5)

**Referral to LEA:**

NMAC 7.30.8.13 D (1)

NMAC 7.30.8.13 D (2) – in writing to Espanola Public Schools

NMAC 7.30.8.7 K

**Preplanning for Transition Conference:**

NMAC 7.30.8.13 E

NMAC 7.30.8.13 F

NMAC 7.30.8.13 G

NMAC 6.31.2.11 A. (3) (b)

NMAC 6.31.2.11.A (4)

**Transition Conference:**

NMAC 7.30.8.13 (G) (7)

NMAC 6.31.2.11 (A) (5)(e)

**Initial Comprehensive Evaluation for Part B**

NMAC 6.31.2.10

NMAC 6.31.2.11 (A) (3)

**Eligibility Determination Meeting:**

NMAC 6.31.2.11(A)(5)(f)

NMAC 6.31.2.10

NMAC 6.31.2.7(B)(2) "Child with a disability"

NMAC (6.31.2.7(B) (19) NMAC

**Evaluation Report and Documentation of Eligibility Sent to Parent**

NMAC 6.31.2.10

**Individualized Education Program (IEP) Developed**

NMAC 6.31.2.11 A (5) (g)

NMAC 7.30.8.13 I (1)

**V. DEFINITIONS OF TERMS**

**FERPA:** Family Education Rights and Privacy Act

**FIT:** Family Infant Toddler Program (Las Cumbres Community Services, Inc.)

**HIPAA:** Health Insurance Portability and Accountability Act

**IDEA:** Individuals with Disabilities Education Act

**IEP:** Individualized Education Program

**IFSP:** Individualized Family Services Plan

**LEA:** Local Education Agency (Española Public Schools, Los Alamos Public Schools, and Pojoaque Valley Schools)

**MOU:** Memorandum of Understanding

**NMAC:** New Mexico Administrative Code

**NMSBVI:** New Mexico School for the Blind and Visually Impaired

**NMSD:** New Mexico School for the Deaf

**OSERS:** Office of Special Education and Rehabilitative Services

**Part B:** Birth to 3 years' service provider (Las Cumbres Community Services, Inc.)

**Part C:** 3 to 5 years' service provider (Española Public Schools, Los Alamos Public Schools, and Pojoaque Valley Schools)

**PED:** Public Education Department

#### **IV. IMPLEMENTATION OF AGREEMENT**

All Members of this MOU, Espanola Public Schools (**ESP**), Los Alamos Public Schools (**LAPS**), Pojoaque Valley School District (**PVSD**), Las Cumbres Community Services, Inc. (**Las Cumbres**), New Mexico School for the Blind and Visually Impaired (**NMSBVI**), and New Mexico School for the Deaf (**NMSD**) agree to:

- Provide education and training within their agencies to personnel regarding the terms of this agreement
- Make available upon request to participating agencies any training and in-service opportunities for staff development
- Make the process of moving from one service provider (Part C Early Intervention) to another (Part B Preschool Special Education) a seamless process for children and families. Further, Members agree to support, empower, and encourage families to be equal partners and informed decision makers in the education and transition process.

#### **VI. MONITORING AND EVALUATION OF THE AGREEMENT**

All parties to this agreement will discuss its effectiveness; make changes necessary to clarify roles and responsibilities, and streamline communication regarding this agreement at annual meetings.

#### **VI. INTERAGENCY DISPUTE PROCESS**

In the event of a dispute or concern relating to the MOU and/or transition process, all cooperating agencies agree to contact specific agency in which the concern arises in attempt to resolve concerns. If concerns cannot be resolved in this way, or if concerns affect the larger group, concerns will be addressed during the Los Niños del Valle transition meeting.

Each party shall be solely responsible for fiscal or other sanctions, penalties, or fines occasioned as a result of its own violation or alleged violation of requirements applicable to performance of this agreement. Each party shall be liable for its acts or failure to act in accordance with this agreement, subject to the immunities of the New Mexico Tort Claims Act.

**VII. DURATION**

This agreement will begin on the date that all parties have signed it and will be valid for one year. It will be reviewed and updated as needed annually.

**VII. WORKING PROCEDURES, TIMELINES AND RESPONSIBILITIES IN TRANSITION PROCESS**

<b>NOTIFICATION</b>	
<ul style="list-style-type: none"> <li>• Data on potentially eligible children sent to LEA.</li> <li>• Local level data shared</li> </ul>	<p><b>NMAC 7.30.8.13 TRANSITION (B) (1) 7.30.8.13 TRANSITION (B)(1)</b> The FIT program shall provide notification to the public education department, special education bureau, of all potentially eligible children statewide who will be turning three years old in the following twelve month period. (2) The early intervention provider agency shall notify the LEA of all potentially eligible children residing in their district who will turn three years old in the following twelve month period. This will allow the LEA to conduct effective program planning.</p> <p>(3) The notification from the early intervention provider agency to the LEA shall:</p> <p>(a) include children who are potentially eligible for preschool special education services under the Individuals with Disabilities Education Act (IDEA) Part B; potentially eligible children are those children who are eligible under the developmental delay or established condition categories;</p> <p>(b) include the child’s name, date of birth, and contact information for the parent(s);</p> <p>(c) be provided at least quarterly in accordance with the process determined in the local transition agreement; and (d) be provided not fewer than 90 days before the third birthday of each child who is potentially eligible for IDEA Part B.</p> <p><b>NMAC 6.31.2.11 (A) (5) (a)</b> Each LEA shall survey Part C programs within its <b>educational</b> jurisdiction in its child find. Efforts to identify children who will be eligible to enter the LEA’s Part B preschool program in future years.</p>

FIT PROVIDER	LEA	HEAD START	OTHER
<p>Las Cumbres Family Service Coordinators (FSC) and/or New Mexico School for the Deaf (NMSD), Parent Infant Child Program (EIDS) Regional Supervisor will provide monthly notifications for Espanola by the 15<sup>th</sup> and quarterly for Pojoaque and Los Alamos to LEA Special Education Directors/Designee via secure fax, email or hand deliver.</p> <p>For late referrals FIT will provide immediate (within 10 calendar days) written notification to the LEA of any child referred to the FIT program within 90 days of the child's 3<sup>rd</sup> birthday: notification will occur immediately, before initial eligibility for FIT has been determined.</p>	<p>LEA designated representatives will acknowledge receipt of monthly list by responding to assigned LCCS FIT FSC via e-mail.</p> <p>If LEA does not receive list within a timely fashion (within 5 calendar days) LEA will contact LCCS FIT Director and/or NMSD Regional Supervisor.</p> <p>LEA will acknowledge receipt of late referred list by e-mail.</p>		



## TRANSITION PLANNING

- Individualized steps and services added to IFSP

### **NMAC 7.30.8.13 (C)**

- (1) A transition plan shall be developed with the parent(s) for each eligible child and family that addresses supports and services after the child leaves the FIT program.
- (2) The transition plan shall be included as part of the child's IFSP and shall be updated, revised and added as needed.
- (3) The following is the timeline for developing the transition plan:
  - (a) at the child's initial IFSP meeting, the transition plan shall be initiated and shall include documentation that the family service coordinator has informed the parent(s) regarding the timelines for their child's transition;
  - (b) by the time child is 24 months old, the transition plan will be updated to include documentation that the family service coordinator has informed the parent(s) of the early childhood transition options for their child and any plans to visit those settings; and
  - (c) at least 90 days, and not more than nine months before the child's third birthday, the transition plan shall be finalized at an annual IFSP or transition conference meeting that meets the attendance requirements of this rule.

### **6.31.2.11(A)(4)**

Each public agency shall develop and implement appropriate policies and procedures to ensure a smooth and effective transition from Part C to Part B programs for preschool children with disabilities within the agency's educational jurisdiction, in compliance with 34 CFR Sec. 300.124. Each LEA and other public agencies as appropriate shall make reasonable efforts to establish productive working relations with local Part C programs and when given reasonable notice shall participate in the transition planning conferences arranged by local Part C providers.

### **6.31.2.11(A)(5)**

- (b) Each LEA shall promote parent and family involvement in transition planning with Part C programs, community programs and related services providers at least six months before the child is eligible to enter the LEA's Part B preschool program.
- (c) Each LEA shall establish and implement procedures to support successful transitions including parent training, professional development for special educators and general educators, and student and parent self-advocacy training and education.
- (d) Each LEA shall assist parents in becoming their child's advocates as the child makes the transition through systems.

FIT PROVIDER	LEA	HEAD START	OTHER
<p>At initial IFSP meeting the FSC will notify families of timelines for the child's transition.</p> <p>By 24 months of age Part 2 of the IFSP Transition Plan will be completed. For children enrolled after 24 months Part 2 of the IFSP Transition Plan will be completed at initial IFSP</p> <p>FSC shall ensure that the family is fully aware of the array of services and program options available under Part B including home, child care centers, Head Start, Pre-K programs, state schools, community-based settings.</p> <p>The FSC will consider the parent(s) needs for child care in the transition process.</p> <p>FSC meets with the family to identify and document the specific steps and actions that will support the child and family through the transition process. These individualized steps and actions are documented on the transition plan section of the ISFP.</p>	<p>LEA will coordinate efforts with early intervention providers to support parent and family involvement in the transition planning process.</p> <p>LEA will coordinate with early intervention providers to facilitate visits by families to classrooms and/or learn about services provided by the school district.</p> <p>LEA will provide Early Intervention agencies with available dates for transition conference on a quarterly basis.</p>	<p>Will participate in transition planning as requested to the IFSP &amp; IEP processes.</p> <p>Provide program information to agencies for distribution of education for parents and families.</p> <p>Coordinate with early intervention providers to facilitate visits by families to classrooms and/or learn about services provided.</p>	<p><b>NMSD and NMSBVI will:</b></p> <p>Work together with other local FIT providers, Early Head Start, Head Start, and/or LEAs to best meet the needs of children who are deaf or hard of hearing or visually impaired in the community and support attainment of outcomes and goals contained in the IFSP/IEP.</p> <p>Support each family in acquiring a comprehensive and current evaluation including audiological and/or ophthalmological prior to transition.</p> <p>Provide a comprehensive overview of the transition process and provide information on services to families, including eligibility and enrollment information</p> <p><b>PRO will:</b></p> <p>Be available as requested to provide support and information to families about the transition process.</p> <p>Develop a family supports plan in collaboration with the local Early Intervention agency as requested by the agency.</p> <p>Offer families opportunities to connect with other families who have had children transition to</p>

			share experiences.  Support families in understanding the difference between IDEA, Part B and Part C.
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**REFERRAL TO LEA**

- Referral form sent to LEA with parent consent

**7.30.8.13 D (1)**  
A transition referral shall be submitted by the family service coordinator with parental consent, to the LEA at least 60 days prior to the transition conference. The transition referral shall include at a minimum the child’s name, the child’s date of birth, the child’s address of residence, and the contact information for the parent(s) including name(s), address (es), and phone number(s).

**7.30.8.13 D (2)**  
For children who enter the FIT program less than 90 days before their third birthday, the family service coordinator shall submit a referral, with parental consent, as soon as possible to the LEA. This referral shall serve as the notification for the child. No further notification to the LEA shall be required for the child. (3) For children referred to the FIT program less than 45 days before the child’s third birthday, the family service coordinator shall submit a referral to the LEA, with parental consent, but the early intervention provider agency will not conduct an evaluation to determine eligibility in accordance with the referral and intake provisions of this rule.

**7.30.8.7 K**  
“**Consent**” means informed written prior authorization by the parent(s) to participate in the early intervention system. The parent has been fully informed of all information relevant to the activity for which consent is sought in the parent’s native language and mode(s) of communication and agrees to the activity for which consent is sought. The parent(s) shall be informed that the granting of consent is voluntary and can be revoked at any time. The revocation of consent is not retroactive.

<b>FIT PROVIDER</b>	<b>LEA</b>	<b>HEAD START</b>	<b>OTHER</b>
FSC will submit a Transition Referral Form to the Local Education Agency (LEA) and/or NMSD ECE Principal if NMSD Part B services are a consideration.at least 60 days prior to the Transition Conference, and if	LEA will accept referral information via secure fax, pick up from FIT agency’s secure location, or hand delivery. LEA will acknowledge receipt of referral via email, signature or use of date stamp on	Head Start will participate in the transition process as requested by parents.	UNM Northern Technical and Training Assistance Program (TTAP) Childcare Inclusion Consultant services are available to provide help and support to parents and early childhood educators develop the skills and acquire the

<p>possible 6 months prior to the child's third birthday with parent consent. Receipt of Submission will be signed by LEA.</p> <p>If parent refuses the referral to be made to Part B the FSC will provide the parent(s) with prior written notice that Part C services will end at the time of their child's third birthday. The FSC will also provide the family a copy of their procedural safeguards at this time. FSC will provide Part B with written documentation of parent referral refusal.</p> <p><b>For Late referrals:</b></p> <p>For children who enter the FIT program less than 90 days before their third birthday, the FSC will submit a referral, with parental consent, as soon as possible to the LEA. This referral shall serve as the notification for the child. No further notification to the LEA shall be required for the child.</p> <p>For children referred to the FIT program less than 45 days before the child's third birthday, the FSC shall submit a referral to the LEA, with parental consent, but the early intervention provider agency will</p>	<p>fax cover sheet.</p>		<p>information needed to play an active role in the transition process.</p> <p>If NMSD Part B Services are a consideration, the NMSD ECE Principal will acknowledge receipt of the transition referral.</p>
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<p>not conduct an evaluation to determine eligibility in accordance with the referral and intake provisions of this rule.</p> <p>The FSC begins the process for transition and is responsible for keeping the LEA informed of the ongoing status of Part C's process.</p>			
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**PRE-PLANNING FOR TRANSITION CONFERENCE**

- Coordinate among parents, FIT, LEA on conference date.
- Provide written invitation to Transition Conference to LEA and all parties.
- Send Transition Assessment Summary Form to LEA.
- LEA reviews materials and determines who will attend.

**7.30.8.13 E.** Invitation to the transition conference:

The family service coordinator shall submit an invitation to the Transition Conference to the LEA and other preschool programs at least 30 days prior to the Transition Conference.

**7.30.8.13 F.** Transition assessment summary:

(1) The family service coordinator shall submit a completed transition assessment summary form to the LEA at least 30 days prior to the Transition Conference.

(2) Assessment results, including present levels of development, must be current within six months of the Transition Conference.

**7.30.8.13 G.** Transition Conference: The Transition Conference shall:

(1) be held with the approval of the parent(s);

(2) be held at least 90 days and no more than nine months prior to the child’s third birthday;

(3) meet the IFSP meeting attendance requirements of this rule;

(4) take place in a setting and at a time that is convenient to the family;

(5) be conducted in the native language of the family, or other mode of communication used by the family, unless it is clearly not feasible to do so;

(6) with permission of the parent(s), include other early childhood providers (early head start/Head Start, child care, private preschools, New Mexico School for the Deaf, New Mexico School for the Blind and Visually Impaired, etc.).

**6.31.2.11 A. (3) (b)**

The Part B eligibility determination team shall review current assessments and shall determine the additional data and assessments needed for the comprehensive evaluation. Current assessments are defined as assessments, other than medical assessments, conducted no more than six months prior to the date of the meeting of the Part B eligibility determination team.

**6.31.2.11.A (4)**

Each public agency shall develop and implement appropriate policies and procedures to ensure a smooth and effective transition from Part C to Part B programs for preschool children with disabilities within the agency’s educational jurisdiction, in compliance with 34 CFR Sec. 300.124. Each LEA and other public agencies, as appropriate, shall make reasonable efforts to establish productive working relations with local Part C programs and, when given reasonable notice, shall participate in the transition planning conferences arranged by local Part C providers.

FIT PROVIDER	LEA	HEAD START	OTHER
With the family, FSC will send notification/invitation to the transition conference 30 days prior to the conference and invite all members needed for families to explore available options.	LEA will acknowledge receipt of referral via email or date stamp when hand delivered.  SPED director/designee will review information to determine if	Upon request With approval of the parents Head Start, other relevant service providers will should attend when invited. (Head Start, child care providers, etc.)	<b>NMSD and NMSBVI will:</b>  Participate in EI team meetings to complete the hearing/vision portion of the transition assessment summary form.

<p>With parent consent, FSC will complete and submit the Transition Assessment Summary form and all supporting documents including an invitation to Transition Conference to the LEA and NMSD Early Childhood Principle (if NMSD Part B services are being considered). Assessment results will not be older than 6 months.</p> <p>FSC will ensure that receipt of submission will be signed by LEA.</p> <p>In the case of a child who is deaf or hard-of-hearing, and in accordance with DOH procedure and with parent consent, contact an NMSD EIDS Regional Supervisor for technical assistance to the transition team in discussing communication considerations and the continuum of educational options.</p> <p>If the child is potentially eligible for Part B preschool services through the local education agency (LEA), then the LEA representatives must be invited to participate in the Transition Conference. The invitation will be sent at least 30 days prior to the Transition Conference.</p> <p>Children without a 25% delay will receive a transition conference; however, Part B is not required to</p>	<p>additional assessments are needed in preparation for Transition Conference.</p>		<p><b>NMSD will:</b></p> <p>If NMSD Part B services are a consideration, the NMSD Early Childhood Principal will acknowledge receipt of the invitation and Transition Assessment Summary form</p> <p><b>NMSBVI will:</b></p> <p>NMSBVI will support each family's efforts to have a current ophthalmologic report prior to transition.</p> <p>NMSBVI will provide current assessment information, recommendations and consultation as needed to the receiving program. Prepare the Transition Functional Vision Evaluation for meetings when given sufficient notice by the child's family service coordinator.</p>
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<p>attend. Potential peer models will be provided with LEA contact information and FSC's will follow up with the LEA.</p> <p>With approval of the parents, other relevant service providers should also be invited (Head Start, child care providers, etc.)</p> <p>The Transition Conference will be scheduled at the convenience of the parents and take place in a location that is most convenient for the parent.</p>			
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## TRANSITION CONFERENCE

- Explain Part B and C procedures and safeguards.
- Provide prior written notice.
- Review if all current evaluations and/or assessments have been given to the LEA.
- Obtain consent for evaluation.
- Complete IFSP Transition Conference page; discuss program options and next steps with LEA



**7.30.8.13 (G) (7)**

Transition conference: The transition conference shall be facilitated by the family service coordinator to include:

- (a) a review of the parent(s)'s preschool and other service options for their child;
- (b) a review of and, if needed, a finalization of the transition plan;
- (c) a review of the current IFSP, the assessment summary and any other relevant information;
- (d) the transmittal of the IFSP, evaluation and assessments and other pertinent information with parental consent;
- (e) an explanation by an LEA representative of the IDEA Part B procedural safeguards and the eligibility determination process, including consent for the evaluation;
- (f) as appropriate, discussion of communication considerations (if the child is deaf or hard of hearing) and Braille determination (if the child has a diagnosis of a visual impairment), autism considerations, and considerations for children for whom English is not their primary language.
- (g) discussion of issues, including enrollment of the child, transportation, dietary needs, medication needs, etc.
- (h) documentation of the decisions made on the transition page and signatures on the Transition Conference signature page, which shall be included as part of the IFSP. Copies of the Transition Conference page and signature page shall be sent to all participants.

**6.31.2.11 (A) (5)(e)**

Each LEA shall participate in transition planning conferences arranged by the designated Part C lead agency no less than 90 days prior to the anticipated transition or the child's third birthday, whichever occurs first, to facilitate informed choices for all families.

<b>FIT PROVIDER</b>	<b>LEA</b>	<b>HEAD START</b>	<b>OTHER</b>
<p>With parent consent, the FSC will convene and facilitate a Transition Conference at least 90 days prior and, at the discretion of all parties, but not more than nine months prior to the child's third birthday.</p> <p>In the case of a child with hearing loss, and in accordance with DOH procedure and parent consent, contact an NMSD Early Intervention and Developmental</p>	<p>LEA will participate in Transition Conference convened and facilitated by the designated early intervention provider.</p> <p>The LEA will share with the transition team the results of the transition conference summary and will indicate what evaluations are/are not necessary to consider eligibility for Part B services.</p>	<p>Head Start will attend the Transition Conference if Head Start is being considered as an option.</p> <p>Review eligibility information and process requirements with family.</p> <p>Provide family with information about the Head Start program. Encourage parents to visit local Head Start center prior to</p>	<p>Children's Medical Services (CMVS) will:</p> <p>Provide family with information about CMS program services including case management.</p> <p>Review program eligibility for Children's Medical Services;</p> <p>Schedule appointment with family to determine eligibility and complete registration for CMS</p>

<p>Services Department Regional Supervisors for technical assistance during the transition conference in discussing communication considerations and the continuum of educational options.</p> <p>The FSC will facilitate this meeting to ensure the following:</p> <ul style="list-style-type: none"> <li>• Review the child’s service and program options.</li> <li>• Review the IFSP, evaluation, assessment, information, and other relevant and current data/information.</li> </ul> <p>The FSC will document all outcomes and decisions of the Transition Conference in the IFSP.</p> <p>If a parent does not consent to the Part B evaluation and eligibility determination the FSC will provide them with prior written notice that Part C services will end at the time of their child’s third birthday. The FSC will also provide the family a copy of their procedural safeguards at this time.</p> <p>FSC will notify LEA of upcoming reviews and and/or assessments.</p>	<p>LEA will hold an EDT Team meeting prior to the child’s third birthday, to determine possible eligibility under Part B of the IDEA. Late referrals will follow the same procedure; however the timeline will be adjusted due to the late referral.</p> <p>NMSD Center for Educational Consultation and Training (CECT) is available to provide consultation to the LEA regarding appropriate assessment/evaluation for children with hearing loss.</p>	<p>application process.</p> <p>Will provide present levels of performance for all children attending Early Head Start.</p>	<p>services.</p> <p>NMSD Center for Educational Consultation and Training (CECT) is available to provide consultation to the LEA regarding appropriate assessment/evaluation for children with hearing loss.</p> <p>NMSD will: EIDS staff will participate, when invited, in the Transition Conference and, if acting as FIT Service Coordinator, facilitate that conference per FIT regulations.</p> <p>EIDS staff will support the team by providing consultation around Communication Considerations</p> <p>When NMSD Part B services are a consideration, the NMSD EC Principal will contact the LEA regarding its Joint Powers Agreement to collaboratively consider placement options</p> <p>New Mexico School for the Blind &amp; Visually Impaired will:</p> <p>NMSBVI will be invited to attend transition conferences and will assist with consideration of placement options and adaptations that may be needed.</p>
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			<p>NMSBVI will provide current assessment information and present levels of performance in a timely manner when given sufficient notice to prepare reports.</p> <p>The NMSBVI staff will assist with determining the child's future needs for instruction in Braille or the use of Braille. NMSBVI staff is responsible for determining the Literacy Learning Mode of each transitioning child: Auditory, Tactile, Visual, and for making recommendations about the recommended literacy mode for the child to the IEP team upon transition.</p>
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## INITIAL COMPREHENSIVE EVALUATION FOR PART B

- Part B team reviews current available assessment data (including Part C assessments)
- Part B team determines additional data and assessments needed.
- Part B team conducts initial comprehensive evaluation process in all areas of suspected disability

### 6.31.2.10

#### E. Procedural requirements for the assessment and evaluation of culturally and linguistically diverse children.

1. Each public agency must ensure that tests and other evaluation materials used to assess children are selected, provided and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the child's native language or other mode of communication, such as American sign language, and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to select, provide or administer pursuant to 34 CFR Sec. 300.304(c)(1).
2. Each public agency must ensure that selected assessments and measures are valid and reliable and are administered in accordance with instructions provided by the assessment producer and are administered by trained and knowledgeable personnel.
3. Each public agency must consider information about a child's language proficiency in determining how to conduct the evaluation of the child to prevent misidentification. A child may not be determined to be a child with a disability if the determinant factor for that eligibility determination is limited English proficiency. Comparing academic achievement results with grade level peers in the public agency with similar cultural and linguistic backgrounds should guide this determination process and ensure that the child is exhibiting the characteristics of a disability and not merely language difference in accordance with 34 CFR Sec. 300.306(b)(1).
4. Each public agency must ensure that the child is assessed in all areas related to the suspected disability.
5. Policies for public agency selection of assessment instruments include:
  - (a) assessment and evaluation materials that are tailored to assess specific areas of educational need; and
  - (b) assessments that are selected ensure that results accurately reflect the child's aptitude or achievement level.
6. Public agencies in New Mexico shall devote particular attention to the foregoing requirements in light of the state's cultural and linguistic diversity. Persons assessing culturally or linguistically diverse children shall consult appropriate professional standards to ensure that their evaluations are not discriminatory and should include appropriate references to such standards and concerns in their written reports.

### 6.31.2.11 (A) (3)

To ensure effective transitioning from IDEA Part C programs to IDEA Part B programs, each public agency must conduct a full and individual initial comprehensive evaluation at no cost to the parent and in compliance with requirements of 34 CFR Secs. 300.300, 300.301, 300.302, 300.304 and 300.305 and other department rules and standards before the initial provision of Part B special education and related services to a child with a disability. (a) The initial comprehensive evaluation process shall be conducted in all areas of suspected disability.

FIT PROVIDER	LEA	HEAD START	OTHER
<p>As current assessment information becomes available, it will be immediately (within 5 calendar days) provided to LEA.</p> <p>If a parent does not consent to the Part B evaluation and eligibility determination the FSC will provide them with prior written notice that Part C services will end at the time of their child’s third birthday. The FSC will also provide the family a copy of their procedural safeguards at this time.</p> <p>FSC will provide Part B contact information for the LEA in which they reside to parents who decide not to proceed with eligibility determination. It should be made clear that after they exit the FIT program, they may contact the LEA in the future and request an initial evaluation.</p>	<p>LEA will provide and explain to the parent(s) in their native language or other mode of communication used by the parent(s) the Procedural Safeguards including prior written notice prior to the evaluation.</p> <p>LEA will conduct the initial evaluation within 60 days of the Consent Form for Preschool Evaluation signed by the parents.</p> <p>LEA will conduct the initial evaluation in accordance with 34 CFR 300.304 to include a variety of measures and sources, including functional, aptitude, and achievement tests, and parent input, as well as information about the child’s physical condition, social or cultural background.</p> <p>LEA will schedule an EDT date for a group of qualified professionals from the LEA and the parent(s) to review any existing data, including the IFSP, evaluations and information provided by parents or other data as allowed, as part of the process for determining eligibility for IDEA Part B.</p> <p>NMSD CECT is available to provide consultation regarding</p>		<p>NMSD will:</p> <p>NMSD CECT is available to provide consultation regarding appropriate assessment and evaluation for children with hearing loss.</p> <p>NMSBVI will:</p> <p>Provide current information regarding present levels of performance and relevant assessment information to be used in eligibility determination and programming design.</p> <p>Attend the IEP meeting and provide a current functional vision assessment or determine if further vision assessment is needed for children NMSBVI is serving in birth to three program, assist in setting goals and objectives, provide suggestion for environmental modifications, and provide recommendations for level of service.</p> <p>Complete the consideration of Special Factors (from IDEA-97): consideration of the child’s future needs and appropriate reading and writing media (including an</p>

	<p>appropriate assessment and evaluation for children with hearing loss.</p>		<p>evaluation of the child’s future needs for instruction in Braille.) NMSBVI staff are responsible for determining the Literacy Mode (auditory, visual, tactile) of each transitioning child who we are serving in our infant toddler program, completing the Consideration of Special Factors Form, and for making recommendations concerning the literacy mode for the child to the IEP team upon transition.</p>
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## ELIGIBILITY DETERMINATION MEETING

### 6.31.2.11(A)(5)(f)

Each LEA shall designate a team, including parents and qualified professionals, to review existing evaluation data for each child entering the LEA’s preschool program in compliance with 34 CFR Sec. 300.305 and, based on that review, identify what additional data, if any, are needed to determine the child’s eligibility for Part B services or develop an appropriate program.

### 6.31.2.10

F. Eligibility determinations.

#### (1) General rules regarding eligibility determinations

- (a) Upon completing the administration of tests and other evaluation materials, a group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in 34 CFR Sec. 300.8 and Paragraph (2) of Subsection B of 6.31.2.7 NMAC. The determination shall be made in compliance with all applicable requirements of 34 CFR Sec. 300.306.
- (b) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

### 6.31.2.7(B)(2) “Child with a disability”

means a child who meets all requirements of 34 CFR Sec. 300.8 and who:

- (a) is aged 3 through 21 or will turn 3 at any time during the school year;
- (b) has been evaluated in accordance with 34 CFR Secs. 300.304-300.311 and any additional requirements of these or other public education department rules and standards and as having one or more of the disabilities specified in 34 CFR Sec. 300.8 including intellectual disability; a hearing impairment including deafness; a speech or language impairment; a visual impairment including blindness; emotional disturbance; orthopedic impairment; autism; traumatic brain injury and other health impairment; a specific learning disability; deaf-blindness; or being developmentally delayed as defined in 6.31.2.7(B)(4) NMAC and who has not received a high school diploma; and
- (c) at the discretion of each local educational agency and subject to the additional requirements of Subsection 2 of Paragraph F of 6.31.2.10 NMAC, the term “child with a disability” may include a child aged 3 through 9 who is evaluated as being developmentally delayed and who, because of that condition, needs special education and related services.

**(6.31.2.7(B) (19) NMAC**

as authorized by 34 CFR §§ 300.8 and 300.39, “special education” in New Mexico may include speech-language pathology services.)

FIT PROVIDER	LEA	HEAD START	OTHER
<p>The FIT provider will participate in the EDT when invited.</p>	<p>LEA will assure that a group of qualified professionals including the parent of the child will determine whether the child is a child with a disability in accordance with state and Federal regulations.</p> <p>LEA will invite Part C to Eligibility Determination Meeting with parent permission.</p> <p>LEA will determine eligibility for Part B services that includes the review and use of existing Part C evaluations and assessments and the ISFP information as part of the initial evaluation.</p> <p>LEA shall provide a copy of the evaluation report and the documentation of the eligibility determination to the parent(s). With parental consent, a copy of the evaluation report will be provided to the Part C provider within 5 days following the EDT. LEA SPED secretary will forward copies of all evaluations to Part C provider.</p>		<p>New Mexico School for the Blind &amp; Visually Impaired will:</p> <p>Participate, with parent permission on the IFSP/IEP team.</p> <p>Provide current assessment information and present levels of performance in a timely manner when given sufficient notice, to be used in eligibility determination and program design.</p> <p>New Mexico School for the Deaf:</p> <p>NMSD Early Intervention and Development Services Department (EIDS) staff attends when the child has been receiving those services under Part C.</p> <p>The NMSD Center for Educational Consultation and Training (CECT) Consultant is available for consultation regarding Part B eligibility for any child who has a hearing loss.</p>



## EVALUATION REPORT AND DOCUMENTATION OF ELIGIBILITY SENT TO PARENT

**6.31.2.10**

F. Eligibility determinations.

(1) General rules regarding eligibility determinations

- (a) Upon completing the administration of tests and other evaluation materials, a group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in 34 CFR Sec. 300.8 and Paragraph (2) of Subsection B of 6.31.2.7 NMAC. The determination shall be made in compliance with all applicable requirements of 34 CFR Sec. 300.306.
- (b) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

FIT PROVIDER	LEA	HEAD START	OTHER
Once the child transitions to Part B programs the FSC will contact the LEA for verification of eligibility and document in the child file.	LEA will provide family with Eligibility Determination documentation and procedural safeguards. With parent consent, LEA will provide documentation to supporting agencies.		

## INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPED

**6.31.2.11 A (5) (g)** Development of IFSP, IEP or IFSP-IEP.

(i) The IFSP, IEP, or IFSP-IEP will be developed by a team constituted in compliance with 34 CFR Sec. 300.321 that includes the parents. For children transitioning from Part C programs to Part B programs, the team must also include one or more early intervention providers who are knowledgeable about the child. "Early intervention providers" are defined as Part C service coordinators or other representatives of the Part C system.

**7.30.8.13 I (1)**

The family service coordinator and other early intervention personnel shall participate in a meeting to develop the IEP (or IFSP-IEP) with parent approval. (2) the family service coordinator, with parent consent, shall provide any new or updated documents to the LEA in order to develop the IEP.

FIT PROVIDER	LEA	HEAD START	OTHER
<p>With parent consent, Part C will participate in the IEP meeting.</p> <p>FSC and IFSP team will provide 4 hours of post transition “follow-up” services up to 30 days after the child’s third birthday with parents’ permission. FSC is responsible for ensuring that parents are aware of follow-up and creating follow-up plan with IFSP team. If the parent(s) request this service, it must be provided in accordance with the Family Infant Toddler Program’s service standards.</p> <p>Post transition service coordination may involve visits with the family, consultation to staff of the receiving agency/agencies, an evaluation of the effectiveness of the transition process.</p> <p>Post transition FSC activities must be documented in the IFSP.</p>	<p>If the child qualifies for special education, the LEA will conduct Individualized Educational Plan prior to the child’s 3<sup>rd</sup> birthday (unless referred late).</p> <p>With parental consent Part C will be invited to attend the IEP.</p> <p>If a child has a diagnosis related to a hearing or vision loss, the LEA will provide information about the educational programs offered by NMSD or NMSBVI.</p> <p>In the case of a child with a hearing loss, even if the hearing loss is not the child’s primary condition, the Communication Considerations for Children with a Hearing Loss IEP addendum MUST be completed by the IEP team to facilitate discussion around the child’s communication needs. NMSD CECT staff are available to IEP teams for support and consultation around the communication considerations, as well as IEP goals, strategies, and accommodations/modifications for children with a hearing loss.</p> <p>If the child is eligible for NMSD Part B program, NMSD EC principal will coordinate the IEP</p>	<p>With parent consent, Head Start will participate in the IEP meeting.</p>	<p><b>NMSBVI’s role in school-based programming statewide:</b></p> <p>Recommended process if district has their own TVI/O&amp;M or contracts for those services:</p> <p>Contact the district’s TVI; share FVE, LMA, O&amp;M assessment, Ophthalmology Medical Report</p> <p>Identify needs of the student for TVI</p> <p>Work with TVI, if requested, to complete paperwork for IEP</p> <p>Districts’ TVI/O&amp;M contact information attached</p> <p><b>Recommended approach for district with no VI services:</b></p> <p>Contact SPED director to notify district of student who will need services</p> <p>Contact school or individual from district who will hold the IEP</p> <p>Follow the lead of the district.</p> <p>PLEASE, make sure you let NMSBVI know if this student needs but will not receive services.</p> <p>NMSBVI will complete functional vision/learning media assessments in districts that have no VI</p>

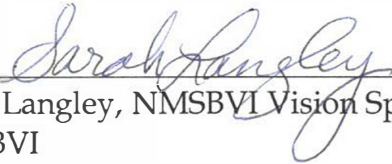
	with the LEA.	<p>personnel; additional services:</p> <p>Complete the assessment of the student and provide a written report and attend IEP if needed.</p> <p>Complete a district wide needs assessment. This is a type of file review that helps a district identify all of the students in the district that have a vi diagnosis; identifies which services each student receives, date of the last FVE/LMA; meets with sped director to review.</p> <p>Support the district's efforts to secure highly qualified staff for students in district.</p> <p>NMSBVI does not provide direct services to a school district's students with visual impairments.</p> <p>There is a statewide database for students who are blind/visually impaired as a way to follow students and help ensure services are/become available to them.</p> <p>Please make sure you get information to the outreach department (Julie Johnson: 575-430-7806) about all students around the state that you transition.</p>
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			<p>NMSBVI infant toddler staff or NMSBVI outreach staff will attend the IFSP/IEP meeting and provide a current functional vision assessment or determine if further vision assessment is needed, assist in setting goals and objectives, provide suggestions for environmental modifications and provide recommendations for level of service.</p> <p>NMSBVI will complete the consideration of special factors form (from idea-2004): consideration of the child's future needs and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in braille or the use of braille). NMSBVI staff are responsible for determining the literacy mode (auditory, visual, tactile) of each transitioning child who we are serving in our infant toddler program, completing the consideration for special factors form, and for making recommendations concerning the literacy mode for the child to the IEP team upon transition.</p> <p>New Mexico School for the Deaf:</p> <p>The EIDS provider will participate</p>
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			<p>with parent permission.</p> <p>CECT staff is available to participate on the IEP team and assistance setting goals and objectives, provide suggestions for environmental modifications and provide recommendations for level of service</p> <p>CECT staff is available to support the IEP team regarding the Communication Considerations for children with a hearing loss IEP addendum even if the hearing loss is not the child's primary disability.</p> <p>If the child is eligible for NMSD Part B program, NMSD EC principal will coordinate the IEP with the LEA.</p>
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IN WITNESS WHEREOF, the following signatures are affixed:

SIGNATURES/ DATES

A handwritten signature in cursive script that reads "Sarah Langley". The signature is written in black ink and is positioned above a horizontal line.

Sarah Langley, NMSBVI Vision Specialist  
NMSBVI

4/8/2021

Date

IN WITNESS WHEREOF, the following are affixed:

*Karla Crane*

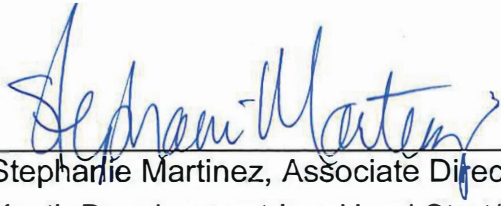
Karla Crane, Coordinator of Student Services  
Los Alamos Public School

4/6/21

Date

IN WITNESS WHEREOF, the following signatures are affixed:

SIGNATURES / DATES



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Stephanie Martinez, Associate Director  
Youth Development Inc. Head Start/Early Head Start

Date 4/12/21

IN WITNESS WHEREOF, the following signatures are affixed:

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IN WITNESS WHEREOF, the following signatures are affixed:

SIGNATURES/ DATES

*Kristi Halus, MA*

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Kristi Halus, Early Intervention and  
Developmental Services Department  
Regional Supervisor  
NMSD

4/7/2021

Date