

**MEMORANDUM OF UNDERSTANDING
CONCERNING
EARLY CHILDHOOD TRANSITION
BETWEEN
NEW MEXICO EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT
AND
NEW MEXICO PUBLIC EDUCATION DEPARTMENT**

This Memorandum of Understanding is made and entered into between the New Mexico Public Education Department, hereinafter referred to as the "PED" and the New Mexico Early Childhood Education and Care Department, hereinafter referred to as the "ECECD".

Mission: To ensure a smooth and effective transition for all eligible children and families from IDEA (Individuals with Disabilities Education Act) Part C early intervention to IDEA Part B Preschool Special Education in compliance with federal regulations and state rules, through collaboration between the PED Special Education Bureau (PED) and the ECECD Family Infant Toddler (FIT) Program.

WHEREAS, the State of New Mexico participates in the Individuals with Disabilities Education Act (IDEA), hereinafter referred to as the "Act";

WHEREAS, the PED is responsible for the implementation of Part B under the Act and ensuring that a Free Appropriate Public Education (FAPE) is available to all IDEA eligible students with disabilities age three years through twenty one years;

WHEREAS, the ECECD is the lead agency for implementing Part C under the Act and ensuring access to early intervention services for all eligible children birth to age three and their families;

WHEREAS, the federal regulations for Part B, "Assistance to States for the Education of Children with Disabilities" 34 Code of Federal Regulation (CFR) Part 300, Final Regulations dated August 14, 2006, require in section 300.124:

- Transition of children from Part C to preschool programs.*
"The State must have in effect policies and procedures to ensure that-
- (a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act.*
 - (b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with 300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with 300.101(b); and*
 - (c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act".*

WHEREAS, the Federal Regulations of Part C, 34 CFR § 303.209 state that

(1) A description of the policies and procedures it will use to ensure a smooth transition for infants and toddlers with disabilities under the age of three and their families from receiving early intervention services under this part to —

(i) Preschool or other appropriate services (for toddlers with disabilities); or

(ii) Exiting the program for infants and toddlers with disabilities.

(2) A description of how the State will meet each of the requirements in paragraphs (b) through (f) of this section.

(3)(i)(A) If the lead agency is not the SEA, an interagency agreement between the lead agency and the SEA; (ii) To ensure a seamless transition between services under this part and under part B of the Act, an interagency agreement under paragraph (a)(3)(i)(A) of this section or an intra-agency agreement under paragraph (a)(3)(i)(B) of this section must address how the lead agency and the SEA will meet the requirements of paragraphs (b) through (f) of this section (including any policies adopted by the lead agency under §303.401(d) and (e)), §303.344(h), and 34 CFR 300.101(b), 300.124, 300.321(f), and 300.323(b).

WHEREAS, Senate Bill 330 eliminates the option of parents whose eligible child turns three (3) years of age during the public school year of either: i) having the child complete the remainder of the school year in Family Infant Toddler (FIT) Program early intervention services or the Public Education Department's preschool special education services covered under the Individuals with Disabilities Act (IDEA); or ii) enrolling their eligible child in the public school's preschool special education services from the beginning of that public school year.

Since 2012, NMAC has required that:

NMAC 7.30.8.13 TRANSITION:

H. Transition date:

(1) The child shall transition from the FIT program when he or she turns three years old.

NOW, THEREFORE, the PED and ECECD in consideration of the mutual covenants and agreements herein contained, do hereby agree to the purpose, terms, and conditions of this Memorandum of Understanding.

I. PURPOSE OF AGREEMENT

The purpose of this agreement is to ensure the coordinated, smooth and effective transition of children and families as they move from early intervention services under IDEA Part C into IDEA Part B preschool special education services for the benefit of children and families residing in the State of New Mexico. These special education services can benefit all potentially eligible children statewide who will be turning three years old in the following twelve-month period

II. TERMS OF AGREEMENT

To carry out the purpose of this agreement, the parties agree to the following:

A. REGULATIONS, POLICIES AND PROCEDURES

ECECD and PED shall establish respective rules, policies and procedures, aligned with IDEA 2004, that ensure the coordinated, seamless and effective transition of children and families participating in the Part C early intervention program who are eligible for

participation in preschool programs under Part B, within the required timelines established by IDEA.

The parties shall collaborate on training and guidance given to Part C and Part B in order to provide a clear understanding of IDEA Regulations, Policies, and Procedures.

B. THE TRANSITION PROCESS AND RESPONSIBILITIES

The parties agree to the following responsibilities in each of the following steps of the transition process:

1. NOTIFICATION

ECECD:

NMAC 7.30.8 13. B. Notifications to the public education department and local education agency (LEA) requires:

(1) 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 12 month period. This will allow the LEA to conduct effective program planning.

(3) The notification from the early intervention provider agency to the LEA shall:

(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;

(b) include the child's name, date of birth, and contact information for the parent(s);

(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.

Notification to the PED SEB shall be made quarterly through the transfer of an electronic file.

PED:

The PED - SEB will follow up with the LEA to ensure proper notification of all potentially eligible children within their educational jurisdiction has been provided by the FIT provider agency.

NMAC 6.31.2.11 A (5) requires:

(a) Each LEA shall survey Part C programs within its educational 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.

2. TRANSITION PLANNING

ECECD:

NMAC 7.30.8.13 C Transition Plan:

- (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.
- (4) The transition plan shall include:
 - (a) steps, activities and services to promote a smooth and effective transition for the child and family;
 - (b) a review of program and service options, including Part B preschool special education, head start, New Mexico school for the deaf, New Mexico school for the blind and visually impaired, private preschool, child care settings and available options for Native American tribal communities; or home if no other options are available;
 - (c) documentation of when the child will transition;
 - (d) the parent(s)' needs for childcare if they are working or in school, in an effort to avoid the child having to move between preschool settings;
 - (e) how the child will participate in inclusive settings with typically developing peers;
 - (f) evidence that the parent(s) have been informed of the requirement to send notification to the LEA;
 - (g) discussions with and training of the parent(s) regarding future placements and other matters related the child's transition;
 - (h) procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in a new setting; and
 - (i) a confirmation that referral information has been transmitted, including the assessment summary form and most recent IFSP.

PED:

NMAC 6.31.2.11 A. (5) requires:

- (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.

NMAC 6.31.2.13

(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.

The PED will assure that the LEA will coordinate with early intervention providers to facilitate visits by families to classrooms and/or learn about services provided by the school district.

3. REFERRAL

ECECD:

NMAC 7.30.8 13. D Referral to the LEA and other Preschool Programs requires:

(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).

(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 parent 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.

PED:

4. PRE-PLANNING FOR TRANSITION CONFERENCE

ECECD:

NMAC 7.30.8.13 Transition assessment summary requires:

(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.

PED:

NMAC 6.31.2.11 A EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES requires:

(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.

LEA reviews Part C transition documents and determines who will attend. It is important that the **LEA review all the information** sent by the Part C family service coordinator prior to the transition conference in order to determine who will attend the transition conference from Part B.

5. THE TRANSITION CONFERENCE

ECECD:

NMAC 7.30.8 1. E Invitation to the Transition Conference requires:

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.

NMAC 7.30.8 13 G. The transition conference shall:

- (1) be held with the approval of the parent(s);
- (2) 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.);
- (7) 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 parent 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.

PED:

NMAC 6.31.2.11 A (4) requires:

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.

NMAC 6.31.2.11 A (5) requires:

(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.

6. ELIGIBILITY DETERMINATION FOR PART B SERVICES/EVALUATION

ECECD:

NMAC 7.30.8 1. F. Transition Assessment Summary requires:

(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.

PED:

NMAC 6.31.2.13 F. Parental consent requires:

Informed parental consent as defined in 34 CFR Sec. 300.9 must be obtained in compliance with 34 CFR Sec. 300.300 before (a) conducting an initial evaluation or reevaluation; and (b) initial provision of special education and related services to a child with a disability. Consent for initial evaluation must not be construed as consent for initial provision of special education and related services. If parental consent is not provided for the initial evaluation or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by utilizing the due process and mediation procedures in Subsection I of 6.31.2.13 NMAC.

7. ELIGIBILITY DETERMINATION FOR PART B SERVICES

NMAC 6.31.2.11 A (3) requires:

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.

(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.

(c) The Part B eligibility determination team must consider educationally relevant medical assessments as part of the review of existing evaluation data. The determination of eligibility may not be made solely on the basis of medical assessments. If the team considers medical assessments conducted more than six months prior to the date of the meeting, the team must document the appropriateness of considering such medical assessments.

NMAC 6.31.2.11 A (5) (f) requires:

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 to identify what additional data, if any, are needed to determine the child's eligibility for Part B services or develop an appropriate program in a manner that is consistent with Paragraph (3) of Subsection A of this section.

NMAC 6.31.2.10 D (1) (c) Procedures for initial evaluation requires:

(i) The initial evaluation must be conducted within 60 calendar days of receiving parental consent for evaluation.

(ii) Each public agency must follow evaluation procedures in compliance with applicable requirements of 34 CFR Sec. 300.304 and other department rules and standards to determine: (1) if the child is a child with a disability under 34 CFR Sec. 300.8; and (2) if the child requires special education and related services to benefit from their education program.

NMAC 6.31.2.13 D (3) requires:

Notice of procedural safeguards. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, only one time a school year, except that a copy must be given to the parents, (a) upon initial referral for evaluation; (b) upon receipt of the first state complaint under 34 CFR Secs. 300.151-300.153; (c) upon receipt of the first due process complaint under 34 CFR Sec. 300.507 of the school year; (d) in accordance with the discipline procedures in 34 CFR Sec. 300.530(h); and (e) upon request of the parents. The notice must meet all requirements of 34 CFR Sec. 300.504, including the requirement to inform the parents of their obligation under 34 CFR Sec. 300.148 to notify the public agency if they intend to enroll the child in a private school or facility and seek reimbursement from the public agency.

NMAC 6.31.2.10 D (1) (f) requires:

The parents of a child with a disability who disagree with an evaluation obtained by the public agency have the right to obtain an independent educational evaluation of the child at public expense pursuant to 34 CFR Sec. 300.502.

Concerning both parties regarding refusal of consent for evaluation and provision of services:

New Mexico Guidance: Children Transitioning from IDEA Part C to Part B, 2019

Parents have a right to refuse to sign consent if they decide not to proceed with the Part B initial evaluation and eligibility determination process.

If the parent does not consent to proceeding with the Part B evaluation and eligibility determination process, they are choosing to not receive services under Part B of IDEA.

Parents who decide not to proceed with the Part B evaluation and eligibility determination process should be given contact information for the LEA in which they reside. 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. The LEA is responsible for documenting the status of the child and tracking that information in STARS. Documentation of refusal to provide consent is also in the Parent Consent for Evaluation Form (Appendix E).

Parents may revoke consent.

6.31.2.13 F (6) Pursuant to 34 CFR Sec. 300.300(b)(4), parents may revoke consent for the continued provision of all special education and related services for their child. The revocation of consent must be in writing. After providing prior written notice in accordance with 34 CFR Sec. 300.503, the public agency must cease the provision of special education and related services for that child. The public agency may not use the due process and mediation procedures in Subsection I of 6.31.2.13 NMAC in order to obtain agreement or a ruling that services may be provided to the child. The public agency will not be considered to be in violation of the requirement to make FAPE available to the child once consent has been revoked. The public agency will also not be required to convene an IEP team meeting or develop an IEP for the child for further provision of special education and related services.

8. THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) PROCESS

ECECD:

NMAC 7.30.8 13. I The individualized education program (IEP) requires:

- (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.

PED:

NMAC 6.31.2.11 A (5) (g) Development of IFSP, IEP or IFSP-IEP requires:

- (i) The IFSP, IEP, or IFSP-IEP will be developed by a team constituted in compliance with 34 CFR Sec. 300.321 that includes 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.
- (ii) For each child transitioning from a Part C program to a Part B preschool program, the LEA will initiate meeting to develop the eligible child's IFSP, IEP or IFSP-IEP, in accordance with 34 CFR Sec. 300.124. The IFSP, IEP, or IFSP-IEP must be developed and implemented no later than the child's third birthday, consistent with 34 CFR Sec.300.101(b).

9. TRANSITION DATE:

ECECD:

NMAC 7.30.8 13. H requires:

- (1) The child shall transition from the FIT program when he or she turns three years old.

(2) For a child determined to be eligible by the LEA for preschool special education (IDEA Part B):

- (a) if the child's third birthday occurs during the school year, transition shall occur by the first school day after the child turns three; or
- (b) if the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP (or IFSP-IEP) will begin.

PED:

NMAC 6.31.2.11 A. Preschool programs for children aged 3 through 5 requires:

(1) Each public agency shall ensure that a free appropriate public education is available for each preschool child with a disability within its educational jurisdiction no later than the child's third birthday and that an individualized education program (IEP) under Part B or an individual family services plan (IFSP) under Part C of the IDEA is in effect by that date in compliance with 34 CFR Secs. 300.101, 300.124 and 300.323(b).

NMAC 6.31.2.11 A. (2) Eligibility to enroll in Part B preschool program requires:

(a) If a child turns three at any time during the school year and is determined to be eligible under Part B, the child may enroll in a Part B preschool program when the child turns three if the parent so chooses, whether or not the child has previously been receiving Part C services.

NMAC 6.31.2.11 A. (5) (h)

In compliance with 34 CFR Sec. 300.101(b)(2), if a child's birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin. Each public agency must engage in appropriate planning with the Part C lead agency so that the eligible child will be prepared to receive Part B special education and related services when the IEP team determines that the services under the IEP or IFSP will begin.

9. POST TRANSITION SERVICE COORDINATION

ECECD:

NMAC 7.30.8 13. J. Follow-up family service coordination:

At the request of the parents, and in accordance with New Mexico Part C Early Intervention policy, family service coordination shall be provided after the child exits from early intervention services for the purpose of facilitating a smooth and effective transition.

C. FINANCIAL RESPONSIBILITIES

ECECD:

The FIT Program shall assume financial responsibility for early intervention services until the child's third birthday and in accordance with NMAC 7.30.8 13 H regarding when an eligible child must transition.

PED:

The LEA shall assume financial responsibility for children who are determined eligible for IDEA Part B and who transition to the LEA by their third birthday.

D. TRAINING AND TECHNICAL ASSISTANCE

The parties shall provide ongoing training and technical assistance to parents, early intervention providers, public school personnel, and Head Start personnel regarding transition requirements and guidance.

E. ACCOUNTABILITY

- PED and ECECD shall provide representation to the Interagency Coordinating Council (ICC).
- The parties shall ensure the coordination of transition matters at the local level by fostering the development of local level, community based interagency agreements.
- The parties shall demonstrate accountability related to the indicators in the Part C and Part B State Performance Plans (SPP) and Annual Performance Reports (APR) that address early childhood transition.
- Communications between PED designate and ECECD designate shall be responded to within three business days via email and/or phone call to support addressing transition concerns in a timely manner and such communication shall be documented appropriately.

III. Administering Agencies

The parties to this Memorandum of Understanding shall jointly administer this agreement and be responsible for evaluation and a timely and full review every four years. An interim review may be conducted as needed.

IV. Payment and Property

No payment or property will be exchanged between or among the parties as a result of this Memorandum of Understanding.

V. Effective Date, Amendment, and Termination of Memorandum of Understanding

The Memorandum of Understanding shall be effective when signed by the respective agency heads as parties. Agreed upon changes shall be executed in writing by the parties. This Memorandum of Understanding shall be ongoing and shall not be terminated unless a party gives forty-five (45) days advance written notice to the other party of its intent to terminate its participation in the Memorandum of Understanding.

VI. Provisions

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 and limitations of the New Mexico Tort Claims Act.

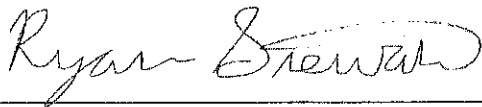
VII. Dispute Resolution

The dispute resolution process for both intra- and interagency disputes about payments for services or other matters related to New Mexico's Part C program will be fulfilled in compliance with 34 CFR §303.511 (c) This dispute resolution process does not replace the procedural safeguards—due process, mediation, and state-level complaint—available to families.

Both ECECD and PED are responsible for resolving intra- and interagency disputes regarding financial responsibility for services or other matters related to New Mexico's Part C program according to the following procedures:

1. Staff of the involved agenc(ies) attempt to resolve the dispute within 30 days.
2. If it appears by the 30th day that the involved agenc(ies) will not be able to resolve the dispute, the following will occur:
 - (1) The early intervention service provider, LEA representative or agency representative will submit a written explanation of the dispute to the Deputy Secretary of ECECD and the Deputy Secretary of Academic Engagement for PED.
 - (2) Within 15 days, the deputy secretaries shall meet in person or by phone to resolve the dispute consistent with this Memorandum of Understanding and related federal and state statutes and regulations.
 - (3) Within 5 days of reaching the resolution, written notification of the resolution will be provided to the parties, as well as the chairperson of the Interagency Coordinating Council and the chairperson of the IDEA Advisory Panel,
 - (4) If the deputy secretaries are unable to agree on a resolution or if either party to the complaint disagrees with the resolution, the dispute may be appealed to the Secretary of ECECD and Secretary of PED. Appeals must be brought to the Secretaries and no later than 45 days from the date of the decision rendered in subsection (B).
 - (5) The Secretaries may resolve the issues on appeal and render a written decision or may arrange for a hearing conducted by a hearing officer. If a hearing is held, it shall be conducted by a hearing officer appointed by the Secretaries. The Secretaries may affirm, reverse, or modify the proposals of the hearing officer.
 - (6) During the pendency of an interagency dispute, the early intervention service provider is responsible to provide the services required by the approved IFSP for eligible children and their families.
 - (7) Nothing in this agreement shall be construed to limit any existing substantive or procedural protections of state or federal law or regulations.

IN WITNESS WHEREOF, the PED and ECECD have caused this Memorandum of Understanding to be executed.



Ryan Stewart Ed.L.D.
Cabinet Secretary
NM Public Education Department

6/30/20

Date



Elizabeth Groginsky
Cabinet Secretary
NM Early Childhood Education and Care Department

4/30/20
Date

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Office of General Counsel, PED

Date

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Sarah Pilch
2020.06.30 10:38:06 -06'00'
Office of General Counsel, ECECD

Date