

# METRO AREA TRANSITION

## MEMORANDUM OF UNDERSTANDING (MOU)

Between and Amongst the Following Programs:

### FIT Provider Agencies

University of New Mexico FOCUS Program  
University of New Mexico Developmental Care Program  
Alta Mira Specialized Family Services  
Native American Professional Parent Resources (NAPPR)

### State Supported Schools

New Mexico School for the Deaf  
New Mexico School for the Blind and Visually Impaired

### Other

NAPPR Tribal Home Visiting Program (0-5)  
UNM Parents As Teachers (PAT) Home Visiting Program (0-5)  
Education for Parents of Indian Children with Special Needs (EPICS)

### Local Head Start/ Early Head Starts

YDI Head Start/ Early Head Start Program  
Pueblo of Isleta Head Start Early Head Start and Child Care  
Santo Domingo Early Childhood Learning Center  
Five Sandoval Indian Pueblo Head Start  
San Felipe Head Start

### Local Education Agencies

Albuquerque Public Schools  
Bernalillo Public Schools  
Rio Rancho Public Schools  
City of Albuquerque Early Head Start  
NAPPR Early Head Start  
PMS  
The Navajo Nation/ Early Childhood Development

## **MISSION**

To facilitate smooth and effective transition for eligible children and families. The intent of this agreement is to integrate the activities that promote the delivery of services in a timely manner in compliance with federal and state laws and regulations.

## **PURPOSE**

The purpose of this agreement is to facilitate the integration and coordination of services to children (ages birth to 5) who are at risk for a developmental delay or have been identified as having a disability. Further, it is the purpose of this agreement to create a service system flexible enough to meet the needs of children and families within available resources. Through interagency planning and family involvement, it is our goal to help children and families transition, adjust to, and experience success in all settings.

## **OBJECTIVES**

1. Assure that any children with suspected disabilities and children with, or at risk, for developmental delays are identified as early as possible and refer to the appropriate agency(ies).
2. Assure that children with disabilities and children with, or at risk, for developmental delays as defined by the Individuals with Disabilities Education Act (IDEA) and the Head Start Disability Services Performance Standards receive appropriate and necessary services.
3. Maximize education, health, and developmental outcomes for families whose children have special needs.
4. Support families to be equal partners and informed decision makers in the education and transition process.
5. Provide successful transitions between, among, and within agencies.
6. Provide services that are culturally relevant and linguistically appropriate.
7. Assure that the privacy requirements for handling confidential and private child and family information contained in HIPPA (Health Insurance Portability and Accountability Act) and FERPA (Family Educational Rights and Privacy Act) are followed.

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

### NOTIFICATION

- Data on potentially eligible children sent to LEA
- Local level data shared

**NMAC 7.30.8.13 TRANSITION (B)** (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 twelve-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 no fewer than 90 days before the third birthday of each child who is potentially eligible for IDEA Part B.

**NMAC 6.31.11 (A) (5)** (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.

### FIT PROVIDER

By the 15<sup>th</sup> of January, April, July, and October, the representative of the FIT Provider will send via secured email, mail, or fax, a cumulative list- (LEA Notification list) of children including the child's name, DOB, parent/guardian name, and mailing address to the Special Education Directors (or designee) of LEA

- If the child is in the custody of Children Youth and Family Department (CYFD), information will

### LEA

Special Education Directors (or designee) will verify receipt of the LEA Notification list by sending an email to the FIT Provider.

- If the list has not been received at the appropriate time, the LEA representative (or designee) will notify the FIT Provider within one week (7

### HEAD START and Home Visiting

Head Start will be proactive in maintaining ongoing communication with parents, Part C providers, and the LEA to support uninterrupted services.

### OTHER

Agencies will follow HIPPA or FERPA confidentiality requirements for the release of information according to each agency's policy.

<ul style="list-style-type: none"><li>• include only the CYFD representative and CYFD address. If no children are transitioning to the district, the EI representative will send a statement indicating such.</li><li>• For a late referral the FIT Family Service Coordinator (FSC) will notify the LEA at the time the Transition Referral Form is sent to the LEA, by indicating so on the Referral Form itself.</li></ul>	days) of the 15 <sup>th</sup> day of the month.		
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**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 the child’s transition;
  - (b) by the time the 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 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 advocate as the child makes the transition through systems.

**FIT PROVIDER**

**LEA**

**HEAD START and Home Visiting**

**OTHER**

The FIT Family Service Coordinator (FSC) will ensure that the family is aware of the array of service and program options available within their community including home, childcare centers, Home Visiting (0-5), Head Start programs, preschools, community-

Special Education Directors (or designee) will coordinate efforts with early intervention providers to support parents and family involvement in the transition planning process.

**Head Start** will provide a comprehensive overview of the transition process and provide information about services to families, including Early Head Start/ Head Start eligibility and enrollment information.

**NMSD** will work together with other local FIT providers, Early Head Start, Head Start, and/or LEAs to best meet needs of children who are deaf or hard of hearing and support attainment of outcomes and goals contained in the IFSP/ IEP.

<p>based settings, including NMSD, NMBSVI, and/or PEI if appropriate, and the continuum of services within Part B.</p> <p>The FIT Family Service Coordinator (FSC) will meet with the family to identify and document the specific steps and actions that will support the child and family through the transition process including childcare needs.</p> <p>These individualized steps and actions are documented on the transition plan and are included in the IFSP, according to the appropriate transition timelines, and shared with all service providers working with the child and family.</p>		<p><b>Head Start</b> will follow the Early Head Start and Head Start transition plan as it pertains to staff responsibilities.</p> <p><b>Home visiting</b> will support the family and collaborate with the FIT provider through all transition planning activities.</p>	<p>Provide a comprehensive overview of the transition process and provide information on services to families, including eligibility and enrollment.</p> <p><b>NMBSVI</b> will provide information to parents/ guardians of children who are eligible to transition regarding options for services. Coordinate transition information/efforts with other service providers.</p> <p>Provide a comprehensive overview of the transition process and provide information on services to families, including eligibility, and enrollment.</p> <p><b>PEI</b> will provide information to parents/ guardians of children who are eligible to transition regarding options for services. Coordinate transition information/efforts with other service providers, to best meet the needs of children who are deaf and/or hard of hearing.</p>
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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 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.

**FIT PROVIDER**

The FIT Family Service Coordinator will use fax, secured email, or mail (using confidentiality assurance) a Transition Referral Form to the Special Education Directors (or designee) at least 60 days prior to the Transition Conference, and if possible, 6 months prior to the child's 3 birthday.

The FIT Family Service Coordinator (FSC) will contact the LEA to confirm receipt of referral and to discuss potential dates for the Transition Conference.

**LEA**

Special education Directors (or designee) will verify receipt of Transition Referral Form by email to the FIT Provider.

If the LEA attempts to contact FSC to schedule a conference and/or follow up on a referral and does not receive a response within 7 business days, the LEA will contact the director of the FIT provider agency to inform them of the issue and determine next steps so that the family has a smooth

**HEAD START and Home Visiting**

**Head Start and Home Visiting** will refer, with family's permission, a child found to be at risk for or to have possible developmental delays to the appropriate LEA (3-5 years) for evaluations in accordance with IDEA regulations.

**Head Start and Home Visiting** will participate in the development of the IFSP/IEP, including FIT Transition Conferences and transition to kindergarten meeting, when appropriate.

**COMMENTS/ Other Agencies**

For a **late referral** the FIT provider has 2 options

1. Send referral to LEA as soon as possible after Part C eligibility has been determined.
2. At the discretion of the FIT provider (i.e. based on known information, if the FIT provider believes the child may be a required to Part B) and with parent consent, the FIT provider will send the LEA **prior** to determining Part C eligibility.

If parent refuses the referral to be made to Part B, the FIT Family Service Coordinator 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 FIT Family Service Coordinator (FSC) will also provide the family a copy of their Part C parental rights and procedural safeguards at this time. The Family Service Coordinator will notify the LEA that the family is no longer interested in pursuing services through LEA.

If the child's third birthday falls within the summer months, transition activities need to occur early enough to allow sufficient time for all transition activities to take place when school personnel are available.

transition process and the timelines are met to the greatest extent possible.



The FIT provider will follow up on referrals and update each child's status in the transition process. For any child whom a referral was sent to the LEA and for whom there are changes that must be communicated to the LEA:

- The FIT provider will notify the LEA within 7 business days if a child has formally exited the FIT Program.
- The FIT provider will notify the LEA if there is a change in the family's status that impacts the transition process as soon as the change is known to the FIT provider, (i.e.- the family moves to another LEA district)
- The FIT provider will notify the LEA within 7 business days if he FSC assigned to the child leaves the agency (including any extended leave of absence) and provide a contact within the agency to the LEA.

## PRE-PLANNING FOR TRANSITION CONFERENCE

- Coordinate among parents, FIT, and 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 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.

**FIT PROVIDER****LEA****HEAD START and COMMENTS/ Other  
Home Visiting Agencies**

In order to support completion of the Transition Assessment Summary (TAS) form, the FIT Family Service Coordinator (FSC) will request updated assessment information (including, but not limited to: observations and qualitative information as it pertains to the nature of the child's needs, relationships with others, and/or impact on educational experiences; information from assessment tools, including scores and percentages of delay as applicable; ECEP reports, etc.) and/or reports from the child's IFSP team including NMSD and NMSBVI, and/or PEI (when they are part of the IFSP team and providing ongoing services to the child) and/or other caregivers and community partners, e.g. – relatives, child care, Home Visiting, etc.

The Transition Assessment Summary form will be completed by the FIT Family Service Coordinator (FSC) and IFSP team, to include the most current assessment information (must be current within six months of the Transition Conference). Information should be as current as possible to the date of completion of the Transition Assessment Summary Form and should include information from the IDA, and ongoing assessment tools. FIT ongoing assessment tools can include:

- The HELP
- The AEPS
- The Oregon (for children with Visual Impairments)

Special Education Directors (or designee) will verify receipt of Transition Assessment Summary Form by email to the FIT Provider. LEA reviews documentation, begins the Review of Existing Evaluation Data (REED) process, and determines who will attend the Transition Conference. LEA will coordinate a Transition Conference date with FIT Family Service Coordinator.

**Home Visiting** will provide information (observational, qualitative, and quantitative) to support the completion of the Transition Assessment Summary Form.

NMSD, NMSBVI and PEI will provide information (observational, qualitative, and quantitative) to support the completion of the Transition Assessment Summary Form.

<p>If applicable, any current information from domain-specific tools should also be included.</p> <p>With parent consent, the FIT Family Service Coordinator (FSC) will facilitate the submission of completed Transition Assessment Summary form through fax, secured email, or mail (with confidentiality assurance) to the Special Education Directors (or designee) at least 30 days prior to the Transition Conference. Data will not be older than 6 months, will be as current as possible, and will include observational and qualitative information in addition to performance on assessment tools.</p>			
<p>If the child is potentially eligible for Part B preschool services through the LEA, then the LEA representatives must be invited to participate in the Transition Conference. The invitation, with the Transition Conference date (agreed upon with the LEA), will be sent at least 30 days prior to the Transition Conference.</p>			
<p>With consent of the parents, a written invitation will be sent to other relevant, current and potential future service providers (Head Start, NMSBVI, NMSD, PEI, Home Visiting, childcare providers, preschools, etc.).</p> <p>In the case of a child with a hearing loss, and in accordance with FIT procedure and with parent consent, the FIT Service Coordinator (FSC) will contact an NMSD Regional Supervisor to provide technical assistance during the transition conference in discussing communication</p>			

<p>considerations and the continuum of educational options within Part B services. The FSC will also share information regarding the private school option of PEI.</p> <p>In the case of a child with a documented visual impairment, the FIT Family Service Coordinator (FSC) will contact NMSBVI to provide technical assistance during the Transition Conference to discuss the Consideration of Special Factors (IDEA-2004) consideration of the child's 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).</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.

**FIT PROVIDER****LEA****HEAD START and Home Visiting****COMMENTS/ Other Agencies**

The FIT Family Service Coordinator (FSC) will (with the consent of the parent(s)) convene and facilitate a Transition Conference at least 90 days and, at the discretion of all parties, but no more than nine months prior to the child's third birthday.

The FIT Family Service Coordinator (FSC) will facilitate this meeting to ensure the following:

- Review the child's service and program options.
- Review the IFSP, evaluation, assessment information, and other relevant data/information. Including informing the LEA if any other assessments have been requested, e.g.- ECEP, and the potential timeline for completion of that assessment.
- Review whether all current evaluation and/or assessments have been given to the LEA.
- With parental consent, refer child for an initial Part B evaluation.

Special Education Directors (or designee) will participate in the Transition Conference arranged by the designated FIT Provider.

Additional information gathered during the Transition Conference will be added to the REED.

In order to support determination of eligibility and the child's transition on his or her third birthday, the LEA representative must provide prior written notice regarding consent to evaluate. The contents of the prior written notice must include:

- A description of the actions proposed by the LEA,
- A description of each evaluation or assessment to be used, and
- A statement regarding Part B Parent and Students Rights and a copy of the Part B Procedural Safeguards.

With parental consent, Special Education Directors (or designee) will obtain consent from the parent(s) to conduct the Initial Evaluation for Part B.

If parent consent is not obtained at the transition conference, the LEA in collaboration with the FIT Provider will make reasonable attempts to obtain consent in order to determine eligibility by the child's third birthday.

With parental consent, will participate in the development of the IFSP/IEP, including FIT Transition Conferences and transition to kindergarten meeting, when appropriate.

**NMSD** will participate in the Transition Conference and, if acting as FIT Service Coordinator, facilitate that conference per FIT regulations.

Support each family in acquiring a comprehensive and current evaluation, including audiological information. Prior to transition- by providing evaluation options including use of the NMSD evaluation services for a child attending the NMSD preschool.

**PEI** will participate in the Transition Conference and support each family in acquiring a comprehensive and current evaluation, including audiological information. Prior to transition- by providing evaluation options including use of the PEI evaluation services for a child attending the PEI preschool.

**NMSBVI** will participate, when invited, in transition conferences/meetings and help the team and family consider potential placement settings and adaptations that may be needed, all to be determined by the IEP team.

<p>If a parent does not consent to the Part B evaluation and eligibility determination, the FIT Family Service Coordination will provide them with Prior Written Notice that Part C services will end at the time of their child's third birthday. The FIT Family Service Coordinator will also provide the family a copy of their procedural safeguards at this time. The Family Service Coordinator will notify the LEA that the family is no longer interested in pursuing services through the LEA.</p>	<p>Special Education Director (or designee) will coordinate with early intervention providers and/or parent(s) to facilitate visits by families to programs and/or learn about services provided by the school district if requested.</p>	<p>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> <p><b>NOTES:</b> Collaboration between FIT Family Service Coordinator and the LEA designee will facilitate a smooth and effective transition including communicating frequently with LEA personnel to coordinate the scheduling of conferences.</p> <p>Collaboration and communication will ensure the timely submission of all relevant documents.</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 modes 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 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>If a parent does not consent to the Part B evaluation and eligibility determination, the EI Service Coordinator will provide them with Prior Written Notice that Part C services will end at the time of their child's third birthday.</p> <p>The FIT Family Service Coordinator will also provide the family a copy of their procedural safeguards at this time.</p>	<p>The Special Education Director (or designee) 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>The Special Education Director (or designee) will schedule a date for initial evaluation.</p> <p>The Special Education Director (or designee) will coordinate the completion of the initial evaluation within 60 days of the signed Consent Form for Preschool Evaluation.</p> <p>The Special Education Director (or designee) 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, parent input, as well as information about the child's physical condition, social, or cultural background.</p>		<p><b>NMSD</b> will provide current information regarding present levels of performance and relevant assessment information to be used in eligibility determination and programming design.</p> <p>Provide consultation regarding appropriate assessment/evaluation for children with hearing loss.</p> <p><b>PEI</b> will provide current information regarding present levels of performance and relevant assessment information to be used in eligibility determination and programming design.</p> <p>Provide consultation regarding appropriate assessment/evaluation for children with hearing loss.</p> <p><b>NMSBVI</b> will provide current information regarding present levels of performance and relevant assessment information to be used in eligibility determination and programming design.</p> <p>In the event that a child has a vision impairment or hearing loss, the LEA may contact NMSD, and/or PEI, and/or NMSBVI for consultation and assistance with evaluations.</p>

## **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 300.9, "special education" in New Mexico may include speech-language pathology services.

<b>FIT PROVIDER</b>	<b>LEA</b>	<b>HEAD START and Home Visiting</b>	<b>OTHER</b>
<p>With parental consent, the FIT Provider personnel will attend the MET/EDT and/or IEP meetings.</p> <p>Parents who decide not to proceed with Part B eligibility determination will be informed by the FIT Family Service Coordinator (FSC) that they may contact the Special Education Director (or designee), at the LEA that serves the area in which they reside, should the parents have any concerns about their child in the future.</p> <p>The family can then request a screening to determine if there is a need for further evaluation to consider Part B services. The FIT Family Service Coordinator (FSC) will provide the family with the contact information for the LEA in writing.</p>	<p>The Special Education Director (or designee) will assure that a group of qualified professionals and the parent of the child determine whether the child is a child with a disability in accordance with State and Federal regulations.</p> <p>The Special Education Director (or designee) will assure that a group of qualified professionals and the parent of the child determine eligibility (prior to the child's third birthday) for Part B services that includes the review and use of existing Part C evaluations and assessments and the IFSP information as part of the initial evaluation. Tests must have been administered within the previous six months in order to be considered valid.</p> <p>For a child who is Deaf or Hard of Hearing, visually impaired, and/or Deaf-Blind, appropriate LEA staff must be included in the review.</p>	<p>With parental consent and when appropriate, Head Start and Home Visiting staff will attend MET/EDT and/or IEP meetings.</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 eligibility to the parent.

**FIT PROVIDER**

**LEA**

**HEAD START**

**OTHER**

The Special Education Director (or designee) will provide a copy of the evaluation report and the documentation of the eligibility determination to the parent(s) and, with parent consent, a copy of this documentation to the FIT Family Service Coordinator if in attendance at the meeting.

If the FIT Family Service Coordinator is not able to attend the eligibility determination meeting, the eligibility determination team documentation will be sent to the FIT Provider within seven (7) calendar days.

**INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPED**

**6.31.2.11 A (5) 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**

Participate, with the parent/guardian permission, in the development of IEPs (Individualized Education Plan)

Early intervention services will be provided in accordance with the IFSP to children and families until the date specified on the IFSP.

Any time after the Transition Conference and prior to when the FIT provider is invited to the IEP meeting, Part C will provide LEA with information on any changes in the developmental status of the child, including, but not limited to, new medical issues and/or diagnoses, loss or increased of specific skills, qualitative information related to the child's

**LEA**

The Special Education Director (or designee) will conduct the initial IEP meeting prior to the child's third birthday. The Special Education Director (or designee) must send an invitation to NMSBVI, and/or NMSD, if appropriate.

The special Education Director (or designee), at the request of the parent, will extend an invitation to the FIT Family Service Coordinator or other representatives of the Part C system and any other potential preschool program (e.g.- PEI, Head Start, child care) to assist with the smooth transition services.

**HEAD START and Home Visiting**

Will participate in IEP meetings when invited and with parent consent.

**Head Start:** Through collaboration with community agencies, will ensure appropriate services for Head Start children who are NOT eligible for Part B services.

**Home Visiting:** Through discussion with the family and collaboration with community agencies, Home Visiting will ensure appropriate services and/or next steps are defined for children who are exiting Part C services.

**OTHER**

**NMSBVI** will participate, with parent permission, on IEP team.

**NMSD** will participate on the IEP team as invited by the parent, LEA, or FIT provider, to collaboratively consider placement options and participate in IEP meetings.

Support the IEP team by providing consultation related to Special Considerations for children who are Deaf or Hard-of-Hearing as mandated by IDEA at the IEP meeting.

Clarify the process for completion and the timeline(s) that are expected to be withheld.

<p>needs and/or level of success in educational settings.</p> <p>Once the FSC has been informed of the date of the IEP, the FSC will share the information with the team members that the family wishes to invite and/or request that the LEA share the invite with the specific team members as needed (e.g. - to support the LEA in planning (conference room space; invites to virtual conferences, etc.))</p> <p>Post transition services will be offered to the family as an option. If the parent(s) requests this service, it must be provided in accordance with the Family Infant Toddler Program's service standards and documented in the IFSP.</p> <p>The FSC will document, in the IFSP, next steps for any requested follow up with any "continuing" service providers such as: Home Visiting (0-5), CMS, Medically Fragile, ABA providers, Deaf-Blind Project, etc.</p>	<p>In the case of a child with a hearing loss and/or visual impairment, the IEP team MUST complete the appropriate Special Factor(s) attachment page. A teacher of the visually impaired MUST present the Special Factor(s) attachment for vision impaired to the IEP team.</p> <p>Preschool services will begin on the first school day following the third birthday unless otherwise stated on the IEP.</p>	<p>Provide referral to the NMSD Outreach School Age Consultation Program to the receiving LEA, Head Start, or another placement agency if placement is other than NMSD Preschool.</p> <p>In the case of a child with a hearing loss, NMSD Regional Consultants are available to IEP teams for support and consultation.</p> <p><b>PEI</b> will, with parental consent, participate on the IFSP/IEP teams as invited by the parent, LEA, or FIT provider.</p>
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## **ALL AGENCIES AGREE TO**

1. Share information about available resources and collaborate on the development of needed resources.
2. Plan and conduct collaborative Child Find/ identification and screening activities.
3. Work collaboratively to coordinate evaluation and assessment activities.
4. Inform families about options for services available that are appropriate to the unique needs of each child and family
5. Provide education and training within their agencies to personnel regarding the terms of this agreement.
6. Sponsor, conduct, and inform participating agencies of training and in-service opportunities for staff development.
7. Work together to advocate for resources that address the needs of families and children in the communities that we serve.
8. Inform the team, via the list serve, when an individual agency changes an internal process that affects the team. This communication will occur at least two weeks prior to the changes taking effect so that team members can plan accordingly. If needed, a detailed description of the process will be provided in writing along with contact information for those members who may need additional clarification.
9. When questions and/or issues arise, communicate and share with each partner (e.g. - FSC and diagnostician). If clarification cannot be obtained between the partners, the need/issue will be communicated to the directors of the partners immediately to seek additional support/clarification if necessary. If additional support/clarification is needed to further support the discussion, the directors will contact the Transition Team Coach for further assistance.
10. Participate in review, evaluation, and effectiveness of this MOU and the process of transition and coordination of services at least annually. This will be sent out for signatures only when changes are made.

## **CONFIDENTIALITY**

Confidentiality of information is required for the protection of children and families. Information shared between agencies will need a signed release by the parent/guardian. Consent to release information may be revoked at any time by the parent/legal guardian. Agencies that are known as Covered Entities will be compliant within the guidelines and regulations set by the Health Insurance Portability and Accountability Act (HIPPA) and Family Educational Rights and Privacy Act (FERPA).

## **EFFECTIVE DATE AND TERMINATION**

This agreement shall take effect when signed by all parties and shall remain in effect until terminated or revised. Any party may terminate its participation in this agreement by providing written notice to all other participating parties.



## **IMPLEMENTATION OF AGREEMENT**

A copy of this agreement will be provided to each listen stakeholder and will be available online at <http://www.cdd.unm.edu/early-childhood-programs/early-childhood-learning-network/early-childhood-transition-initiative/index.html>. Each participating agency involved in the development of this agreement will assure, either through policy and procedure and/or staff training, all individuals implementing or participating in the requirements to meet the required activities of this MOU understand their role and responsibility.

## **INTERAGENCY DISPUTE PROCESS**

The event of a dispute or concerns relating to the MOU and/or transition process, all cooperating agencies agree to contact the specific agency in which the concern arises in an attempt to resolve the concerns. If the concerns cannot be resolved in this way, or if the concerns affect the larger group, concerns will be addressed during the quarterly Transition Team Meetings.

## **DEFINITION OF TERMS**

FERPA: Family Educational Rights and Privacy Act

FIT: Family Infant Toddler (FIT) Early Intervention Service Programs

Part B: Assistance for education of all school age children with disabilities

Part C: Services for infants and toddlers with disabilities (birth-3) or risk for developmental delay in their families FIT

LEA: Local Education Agency

IEP: Individualized Education Program

IFSP: Individualized Family Service Plan

EDT: Eligibility Determination Team

IDEA: Individuals with Disabilities Education Act

NSMD: New Mexico School for the Deaf/PIC: Parent Infant Child Program serves children statewide

NMSBVI: New Mexico School for the Blind and Visually Impaired serves children statewide

PEI: Presbyterian Ear Institute provides FIT Services and tuition based limited Part B Services (through Kindergarten). For children with hearing loss seeking the listening and spoken language option.

Potentially Eligible: Those children eligible under Part C's "established condition" or "developmental delay" category.

## **PARTICIPATING AGENCIES**

The following agencies have participated in the development of this agreement and agree to sign this agreement indicating their willingness and commitment to participate

### **FIT Provider Agencies**

University of New Mexico FOCUS Program  
University of New Mexico Developmental Care Program  
Alta Mira Specialized Family Services  
Native American Professional Parent Resources (NAPPR)

PB & J Family Services Inc.

LifeROOTS, Inc.

Abrazos Family Support Services

Inspirations Early Intervention

Presbyterian Ear Institute (PEI)

BMSI Best for Kids

### **State Supported Schools**

New Mexico School for the Deaf  
New Mexico School for the Blind and Visually Impaired

### **Other**

NAPPR Tribal Home Visiting Program (0-5)  
UNM Parents As Teachers (PAT) Home Visiting Program (0-5)  
Education for Parents of Indian Children with Special Needs (EPICS)

### **Local Head Start/ Early Head Starts**

YDI Head Start/ Early Head Start Program  
Pueblo of Isleta Head Start Early Head Start and Child Care  
Santo Domingo Early Childhood Learning Center  
Five Sandoval Indian Pueblo Head Start  
San Felipe Head Start  
City of Albuquerque Early Head Start  
NAPPR Early Head Start  
PMS  
The Navajo Nation/ Early Childhood Development

### **Local Education Agencies**

Albuquerque Public Schools  
Bernalillo Public Schools  
Rio Rancho Public Schools

## **Attachment to Transition Team MOU**

NAPPR Tribal Home Visiting Program and NM Parents As Teachers (PAT) Program

### **What is Home Visiting?**

The Maternal, Infant, and Early Childhood Home Visiting Program gives pregnant women and families, particularly those considered at-risk, necessary resources, and skills to raise children who are physically, socially, and emotionally healthy and ready to learn.

### **What are the goals of the program?**

From birth to kindergarten entry, MCHB, in partnership with the Administration for Children and Families (ACF), funds states, territories, and tribal entities to develop and implement evidence-based, voluntary programs that best meet the needs of their communities. Goals for every program are to:

- Improve maternal and child health
- Prevent child abuse and neglect
- Encourage positive parenting
- Promote child development and school readiness

### **What does the program do for participants?**

By electing to participate in local home visiting programs, families receive help from health, social service, and child development professionals. Through regular, planned home visits, parents learn how to improve their family's health and provide better opportunities for their children. Home visits may include:

- Supporting preventative health and prenatal practices
- Assisting mothers on how best to breastfeed and care for their babies
- Helping parents understand child development milestones and behaviors
- Promoting parents' use of praise and other positive parenting techniques
- Working with mothers to set goals for the future, continue their education, and find employment and child care solutions.

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Raymond Garcia

Signature: 

Title: Executive Director

Agency: PB&J Family Services, Inc.

Date: September 27, 2021

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): April Spaulding  
Signature: *April Spaulding*  
Title: Executive Director  
Agency: Abrazos Family Support Services  
Date: 9-27-2021

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Karen Luera

Signature: Karen Luera

Title: President/CEO

Agency: Inspirations Early Intervention, Inc.

Date: 10/1/21

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Sema LaCree  
Signature: *Sema LaCree*  
Title: Executive Director  
Agency: Presbyterian Ear Institute  
Date: 1/25/2022

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Carla Hendricks

Signature: 

Title: Director

Agency: BMSI-Best for Kids

Date: 9.27.21



By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Stephanie Fascitelli

Signature: 

Title: Associate Superintendent, Special Ed


Agency: Albuquerque Public Schools

Date: 12/3/21


By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): BALR DEL ROSA  
Signature:   
Title: DIRECTOR OF SPECIAL EDUCATION  
Agency: BERNALILLO PUBLIC SCHOOL  
Date: SEPTEMBER 27, 2021

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Jerry Reeder  
Signature:   
Title: Exec Dir of Special Services  
Agency: Rio Rancho Public Schools  
Date: 10/25/2021

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Kathleen Lee  
Signature:   
Title: Regional Supervisor  
Agency: NMNSD  
Date: 12-11-2021

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Julie Maner  
Signature: Julie Maner  
Title: B-B Program Coordinator  
Agency: NMSBVI  
Date: 10.5.21

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Venessa Bennett  
Signature: Venessa Bennett  
Title: Special Education manager  
Agency: Youth Development Inc.  
Date: 10-4-21

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Andrea Pesina

Signature: Andrea Pesina

Title: Executive Director

Agency: Pueblo of Isleta Head Start

Date: Child care

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Heather Armijo

Signature: 

Title: Disabilities Coordinator

Agency: Pueblo of Isleta Head Start + Child Care

Date: 9/27/2021



By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Kathleen Sando

Signature: Kathleen Sando

Title: San Felipe Pueblo Head Start Director

Agency: Pueblo of San Felipe

Date: 10/7/21

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Dr. Dawnita Blackmon-Mosely

Signature: 

Title: Child & Family Development Division Manager


Agency: City of Albuquerque Division of Child & Family Development

Date: 10/7/21

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Elaine Sanchez  
Signature: E. Sanchez  
Title: Executive Director  
Agency: NAPPP, Inc.  
Date: 1/18/22

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Angela Ortega  
Signature:   
Title: Director of Community Services  
Agency: Lake Roberts, NC  
Date: 10/11/21

By attaching my signature to this document, I attest that I am familiar with the contents of the agreement and commit this agency to adhering to the contents of the MOU.

Name (Print): Angelique Tafoya

Signature: 

Title: Executive Director

Agency: Alta Mira Specialized Family Services, Inc.

Date: 9/28/2021