

MEMORANDUM OF UNDERSTANDING (MOU)

SOUTHEASTERN TRANSITION TEAM:

October 23, 2021

Purpose: The purpose of this memorandum of understanding (MOU) is to facilitate smooth & effective transition for eligible children & their family, resulting in uninterrupted services as well as to assist providers to communicate, be knowledgeable & consistent in the transition process, and be in compliance with federal & state laws and regulations.

TEAM MEMBERS

Local Education Agencies-Part B

Clovis Municipal Schools
Vaughn Municipal Schools
Portales Municipal Schools
Santa Rosa Consolidated Schools

FIT Agencies-Part C

ENMRSH
MECA

State Supported Schools

New Mexico School for the Deaf (NMSD) & Parent-Child Program
New Mexico School for the Blind & Visually Impaired (NMSBVI)

Other Partners

Eastern Plains Early Head Start & Head Start
Early Childhood Learning Network

- **DESCRIPTION OF THE INVOLVED AGENCIES (See Appendix A)**
- **DEFINITION OF TERMS**

CAPTA/Child Abuse Prevention Treatment Act- Is the “Keeping Children Safe” Act of 2003. This law requires that NM develop provisions & procedures for referral of a child under the age of 3 who is involved in substantiated child abuse or neglect to early intervention services funded

under FIT Part C of the Individuals with Disabilities Education Act/IDEA. The Disabilities Education Improvement Act of 2004 also identifies children who are affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure. IDEA's intent is not to require state early intervention programs to provide a multidisciplinary evaluation for all children referred to FIT Part C as the result of being the subject of a substantiated case of child abuse or neglect or affected by illegal substance abuse. Rather the intent is to ensure that these children are screened, either by a designated primary referral source or FIT Part C provider to determine whether a referral for an evaluation for early intervention services is warranted.

Children Youth & Families/Department of Protective Services (CYFD/CPS)- a NM Program that protects children from neglect and abuse and works with parents, families, and caregivers to strengthen the child, parenting and the family unit. They provide investigation, treatment, foster care, adoptive, and home visiting services.

Child Care- Home and public childcare providers that care for children to meet their needs and work with them on development, behavior, and self-help skills, etc.

Comprehensive Multidisciplinary Evaluation (CME)-Part C Early Intervention Services- the process of determining a child's eligibility for early intervention services. It involves a review of pertinent records related to the child's current health status and medical history; a determination of strengths, needs, quality of performance, and level of functioning of the child in each developmental area; and an explanation of how the status in each of the developmental areas affects the child's overall functioning. A written report summarizing findings completes the evaluation.

Early Childhood Learning Network (ECLN)- a department at the University of New Mexico's Center for Development and Disability (CDD), comprised of the two programs that are contracted with the state to provide training and technical assistance to the Part C programs and the Part B programs throughout the state.

Early Head Start (EHS)- a program that provides low-income pregnant women and families with children from birth to age 3 with family-centered services that facilitate child development, support parental roles, and promote self-sufficiency.

Early Intervention Provider- an organization or individual that provides any service(s) covered under state regulations, meets the requirements established for early intervention services, and has either been certified as a provider of early intervention services by the Department of Health or provides services through an intra-agency agreement with that Department.

Early Childhood Outcomes (ECO)- a federal system established to assess the progress of young children (birth to five) in the areas of 1. Positive social and emotional skills, 2. Acquisition of knowledge and skills, 3. Taking appropriate action to meet child's needs.

Eligible Child-Part B-Preschool Special Education/Related Services- any child ages 3, 4, or 5 who resided in the state and is determined to have delays in development which are at least two standard deviations below the mean on a standardized test instrument or 30 percent below

chronological age in one or more areas of development and meets the Part B eligibility criteria for one of the 14 areas of eligibility inclusive of “Developmental Delay.”

Evaluation-Part B-Preschool Special Education/Related Services- the process through which a child is determined to have a disability and be eligible for special education and related services. This involves review of current information about the child provided by the parents, teachers, early interventionists, related services personnel, and other individuals knowledgeable about the child’s abilities and present levels of performance. This may include, but by no means is limited to, formal assessments of the child’s functional abilities in each developmental domain. A written report summarizing findings completes the evaluation.

FAPE-Part B- the term Free Appropriate Public Education or FAPE means special education and related services that: a) are provided at public expense, under public supervision and direction, and without charge; b) meet the standards of the SEA including the requirements of 34 CFR Part 300; c) include preschool, elementary school, or secondary school education in the state; and d) are provided in conformity with an individualized education program (IEP) that meets the requirements of 34 CFR Part 300.340-300.350.

Family Infant Program (FIT)- New Mexico’s Part C state agency responsible for overseeing local early intervention providers. The FIT program is under the state Department of Health (DOH). DOH is known as the Part C Lead Agency.

Head Start- a program, funded under Title V of the Economic Opportunity Act of 1964, as amended, and carried out by a Head Start agency or delegate agency, that provides ongoing comprehensive child development services. The program serves children ages 3 to 5, which include children with developmental needs.

Individuals with Disabilities Education Act (IDEA)- a federal law that contains requirements for serving eligible children. Part C of IDEA refers to The Early Intervention Program for Infants and Toddlers with Disabilities. Part B of IDEA refers to Assistance to States for the Education of Children with Disabilities ages 3-21.

Individualized Education Program (IEP)- a written plan for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with requirements of IDEA, Part B. Suggestions to make parents attend an IEP regardless of whether or not they are transitioning. IEPs are supposed to be completed by the child’s first day of school.

Individualized Family Service Plan (IFSP)- the written plan for providing early intervention services to an eligible child and the child’s family. The plan must be developed jointly by the family and appropriate qualified personnel involved in the provision of early intervention services and include the identification of supports and services necessary to enhance the family’s capacity to meet the developmental needs of the eligible infant or toddler. The plan must be developed in accordance with the requirements of IDEA Part C.

Intra-agency Agreement- a document signed by authorized representatives of at least two agencies outlining mutually agreed upon responsibilities to perform certain duties under specified conditions. Intra-agency agreements include Joint Powers Agreements, Memoranda of Understanding, and Memoranda of Agreement.

Learning Coach- a neutral party from either ECLN or one of the REC's, who is assigned to a community-based transition team to assist the team in their efforts to work together collaboratively and to provide information to and from the state level agencies as needed.

Local Education Agency (LEA) Preschool- local public school district that is subject to statutes, regulations, and policies administered by the State Department of Education.

Parent- a natural or adoptive parent of a child; a guardian; a person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives or a person who is legally responsible for the child's welfare); or a surrogate parent who has been assigned in accordance with state regulations. A foster parent may act as a parent under the Act if the natural parents' authority to make the decisions required of parents has been terminated under state law; and the foster parent has an ongoing, long-term parental relationship with the child; is willing to make decisions required of parents under the Act; and has no interest that would conflict with the interests of the child.

Professional Judgement- a process in which a multidisciplinary evaluation team organizes and weighs information about a child. This information includes impressions regarding skills, abilities, and weaknesses in developmental processes, emotional and temperamental patterns, as well as more traditional testing information. While individual judgments are part of the team's decision-making process, no single person can determine eligibility via professional judgment. It is a team decision. A team consensus may be one way to determine a preschool-aged child's eligibility for special education and related services in any of the eligibility categories, including "Developmentally Delayed."

Regional Educational Cooperative/Center (REC)- an educational facility that provides services and technical assistance to rural school districts.

School Year- the dates established by each district/LEA for its schools to be in session during a given academic year.

Service Coordination/Part C- services and activities performed by a designated individual to assist and enable the families of children from birth through age three to access and receive early intervention services.

Family Service Coordinator/Part C- the person responsible for the coordination of all services and supports listed on the IFSP and ensuring the delivery of services in a timely manner. The service coordinator facilitates periodic reviews of the IFSP and ensures that a transition plan is developed at the appropriate time. The service coordinator facilitates the transition process to ensure a smooth and effective transition.

State-Supported Schools- a state-supported public program confirmed as such by the State Constitution. State-supported schools are State Universities, the CYFD Programs, the New Mexico Military Institute, the New Mexico School for the Blind and Visually Impaired (NMSBVI), and the New Mexico School for the Deaf (NMSD).

Transition Team Leader- a person or persons designated by each local transition team to function as the coordinator of logistics for the team. This may include scheduling meeting times and locations, developing an agenda, and, if determined by the team, acting as facilitator for each meeting.

Transition- the process for a family and eligible child of moving from one service, location, or program to another. This process includes discussions with, and training of, parents regarding future placements and other matters related to the child's transition; 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 with parental consent, the transmission of information about the child to a program into which the child might transition to ensure continuity of services, including evaluation/assessment/Present Levels of Performance information and IFSP's and other information as needed.

Transition Conference- the required FIT Conference convenes at least 90 days prior to the child's third birthday. The child may transition from early intervention services to Part B Preschool/Head Start/Childcare/Remain Home/Other Program/etc. The purpose of the conference is to provide information to the family in order to make placement decisions and to ensure a smooth and effective transition from FIT Service. The FIT SC schedules the Transition Conference and documents it on the IFSP Transition Plan per parent and team decisions. If the child MIGHT *be* eligible for Part B Preschool Services, the LEA MUST *be* invited to the conference.

- **TERMS OF THE AGREEMENT**

Upon completion and/or revision of the MOU, team members will inform any party involved in the transition process in their local areas of the contents/changes in the MOU within a maximum of thirty (30) days through any of the following methods as appropriate: phone calls, emails, handouts, meetings, or trainings.

- **MONITORING AND EVALUATION OF THE AGREEMENT**

In order to evaluate the effectiveness of the agreement, the team members will discuss effectiveness of the agreement during team meetings. Issues to discuss (both successes and challenges) will *be* submitted to the team leader and/or coach prior to the meeting during the call for agenda items.

Signatories agree to the following:

- Make the process of moving from one service provider or service system to another as family friendly and seamless as possible.
- Provide information and support to assist the family in clarifying their hopes, dreams, and preferences, and participating effectively in the transition process.
- Follow program visitation processes.
- Develop common terms, forms, protocols, testing, and procedures to lessen duplication and aid in meeting eligibility and enrollment requirements, when possible.

- Maximize community education, child identification, service availability, resources, Child Find, and public awareness activities through regular meetings and coordination of health fairs and a system of information sharing and referral.
- Collaborate on training or technical assistance opportunities available for staff and parents in preschool and public-school settings.
- Attend Transition Team Meetings or send a representative if necessary.
- We will adhere to COVID-19 practices and will follow the guidelines that are provided for each agency that are a part of this MOU.

NOTIFICATION

- **Date on potentially eligible children sent to LEA.**
- **Local level data shared.**

NMAC 7.30.8.13 TRANSITION (B)(1) 7.30.813 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. 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. The notification from the early intervention provider agency to the LEA shall:

- 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.
- Include the child’s name, date of birth, and contact information for the parent(s).
- Be provided at least quarterly in accordance with the process determined in the local transition agreement; and be provided not fewer than 90 days before the third birthday of each child who is potentially eligible for IDEA Part B.

NMAC 6.31.2.11 (A)(S)(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 | LEA | HEAD START | OTHER |
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| <ul style="list-style-type: none"> • Will provide quarterly notifications to individual school district via mail, encrypted email and/or fax (by the 15th of the following months: March, June, September, and December) • Provide the following information on each child for each of the respective LEAs: <ul style="list-style-type: none"> ○ Last Name, First Name, Middle Initial ○ DOB ○ LEA in which child resides | <ul style="list-style-type: none"> • Will notify FIT provider Program Coordinator if notification list not received within 15 days of the specified deadline. | | |

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| <ul style="list-style-type: none"> ○ Contact information for parents/guardians <p>Even if there are no children on the listing for a particular quarter. Part C will send this information to Part B providers.</p> <p>If referred more than 45 days, but less than 90 days prior to a child's 3rd birthday, transition options will be discussed during the initial IFSP meeting. The referral to the LEA will indicate late referral to Part C.</p> | | | |
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TRANSITION PLANNING

- **Individualized steps and services added to IFSP (Individual Family Service Plan).**

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)

- 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 LEAs Part B preschool program.

- 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.

| FIT PROVIDER | LEA | HEAD START | OTHER |
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| <ul style="list-style-type: none"> • At the initial IFSP meeting, the service coordinator shall ensure that the family is fully aware of: (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 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 | <ul style="list-style-type: none"> • Will coordinate with early intervention providers to facilitate visits by families to classrooms and/or learn about services provided by the school district or other agencies as appropriate. | <ul style="list-style-type: none"> • Will coordinate with early intervention providers to facilitate visits by families to classrooms and/or learn about services provided. | <ul style="list-style-type: none"> • The following agencies NMSBVI and NMSD will provide information and support to families and providers regarding transition options as requested. |

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| <p>meets the attendance requirements of this rule.</p> <ul style="list-style-type: none"> • The service coordinator will ensure that the family is fully aware of the array of service and program options available after transition, such as Part B preschool programs, state supported schools (NMSBVI or NMSD) or community-based settings. • The service coordinator will work with other entities based on parent’s choice. Such as, but not limited to, Head Start, Inclusion Specialist and PRO. | | | |
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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. 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.

| FIT PROVIDER | LEA | HEAD START | OTHER |
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| <ul style="list-style-type: none"> • The service coordinator will submit, via fax, a Transition Referral Form to | <ul style="list-style-type: none"> • In the event of a late referral | | |

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| <p>the Local Education Agency (LEA) at least 60 days prior to the Transition Conference, and if possible 6 months prior to the child's third birthday.</p> <ul style="list-style-type: none"> • If the child's third birthday falls within the summer months, transition activities need to occur early enough to allow sufficient time for all activities to take place so that the LEA is prepared to provide Part B needed special education and related services. The transition team participants will consider meeting earlier to meet all timelines. Transition activities include referral to the LEA (60 days prior to conference), coordinating the conference, sending written invitations and the Transition Summary Form to the LEA (30 days prior to the Transition Conferences (at least 90 days prior to the child's 3rd birthday, but not more than 9 months prior) and the initial Evaluation for Part B (within 60 days of parental consent and prior to the child's 3rd birthday). • If referred more than 45 days, but less than 90 days, prior to a child's 3rd birthday, transition options will be discussed during the initial IFSP meeting. The referral to the LEA will indicate late referral to Part C. If the FIT provider determines that the child is potentially eligible for Part B services, the referral may be made | <p>received after the first week of May through the first day of school, the LEA will advise the appropriate staff and the process will resume after the first day of school for staff. The LEA will verify the receipt of the referral via email.</p> <ul style="list-style-type: none"> • Before the end of the school year, the LEA will provide contact information to the FIT Providers in the event of a summer Transition Conference. • The LEA will communicate with the FIT Providers to establish a plan for accommodating transition meeting needs during the summer months for children who | | |
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| <p>prior to FIT eligibility determination and the development of an IFSP and transition plan, again with the parent’s consent. The family service coordinator should check the box “90-day timeline for this meeting cannot be met due to child not being enrolled in the FIT Program at that time” on the Transition Referral Form.</p> | <p>are late referrals after the school year has ended.</p> <ul style="list-style-type: none"> • The LEA will provide FIT with a school calendar every year. | | |
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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 to the Transition Conference.

7.30.8.13 (F) Transition Assessment Summary:

- (1) The family services 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, Childcare, private preschools, New Mexico School for the Deaf, New Mexico School for the Blind and Visually Impaired, etc.)

6.31.11 (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.

| FIT PROVIDER | LEA | HEAD START | OTHER |
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| <ul style="list-style-type: none"> • The service coordinator will request updated assessment information and/or reports from IFSP team members, including NMSBVI and NMSD (if appropriate). | <ul style="list-style-type: none"> • The LEA representative will review information and distribute it to the appropriate | | <ul style="list-style-type: none"> • NMSD and NMSBVI provide information as needed. |

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| <ul style="list-style-type: none"> • With parent consent, the Service Coordinator will coordinate the completion of the Transition Assessment Summary Form with the IFSP team, including NMSD and NMSBVI (if appropriate), and submit to the LEA, at least 30 days prior to the Transition Conference. The Service Coordinator will ensure specific percent of delay are included on the Transition Assessment Summary Form. • The Service Coordinator will consider the parent(s) needs for childcare in the transition planning process. • In the case of a child with a documented visual impairment, the FIT Service Coordinator will contact NMSBVI for technical assistance during the transition conference to discuss the continuum of educational options. • In the case of a child that was referred during the months of May through July, the FIT Provider will mail the Referral and Transition Assessment Summary Forms during the third week of July to the appropriate LEA, should the LEA not be fully staffed during the summer months. <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</p> | <p>personnel and determine if further information is needed.</p> <ul style="list-style-type: none"> • In the event of a summer referral, the LEA representative will contact service coordinator to verify the transition status of the child and to determine next steps. | | |
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| <p>invitation will be sent at least 30 days prior to the Transition Conference.</p> <p>With approval of the parents, other relevant service providers will also receive a written invitation (NMSD, NMSBVI, Head Start, Childcare Providers, etc.)</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) 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 def 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 | OTHER |
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| <ul style="list-style-type: none"> • The child’s IFSP team will attend the transition conference. | <ul style="list-style-type: none"> • LEA will participate in the Transition Conference | <ul style="list-style-type: none"> • Head Start will attend and participate in the Transition | <p>NM School for the Deaf will:</p> <ul style="list-style-type: none"> • In the case of a child with a hearing loss, and in accordance with DOH |

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| <ul style="list-style-type: none"> • The family’s service coordinator shall facilitate this meeting to ensure the following: <ul style="list-style-type: none"> ○ Review the child’s service and program options. ○ Review the IFSP, evaluation, assessment information, and other relevant data/information. ○ 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. • The service coordinator shall document all outcomes and decisions of the Transition Conference in the IFSP. • If a parent does not consent to the Part B evaluation and eligibility determination, the service coordinator should provide them with prior written notice that Part C services will end at the time of their child’s third birthday. The service coordinator will also provide the family a copy of their Part C procedural safeguards at this time. • Parents who decide not to proceed with eligibility determination for Part B should be given contact information for the LEA in which they reside. | <p>arranged by the designated early intervention provider.</p> <ul style="list-style-type: none"> • LEA will obtain the consent from the parent(s) to conduct the initial evaluation for Part B either at Transition Conference or prior to evaluation. • LEA may schedule a 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. • LEA will make recommendations regarding the | <p>Conference with parent permission.</p> <ul style="list-style-type: none"> • Head Start will support and participate in transition activities to assist in the transition process as defined in the IFSP. | <p>procedure and with parent consent, contact an NMSD Early Intervention and Involvement Regional Supervisors for technical assistance during the transition conference in discussing communication considerations and the continuum of educational options.</p> <ul style="list-style-type: none"> • Provide a comprehensive overview of the transition process and provide information on services to families, including eligibility and enrollment information. • Contacts the local LEA through its Joint Power’s Agreements to collaboratively consider placement options and participate in and conduct IFSP/IEP meetings. • 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 prior to transition. • Support the team by providing consultation related to Special Considerations for children |
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| <ul style="list-style-type: none"> • FIT Provide will notify the LEA of current designated individual (see most recent contact list attached). | <p>need for additional evaluation, assessment, and information. This will be documented as part of the review of existing evaluation data (REED)</p> <ul style="list-style-type: none"> • LEA will provide the parents a copy of the procedural safeguards under the IDEA and may obtain parental consent to conduct an initial evaluation and to invite other agencies to the IEP (i.e., NMSD, NMSBVI, Part C, Head Start, etc.). • If LEA does not request consent to evaluate at the time of the Transition Conference, the LEA will contact the family, obtain consent, complete the | | <p>who are Deaf or Hard of Hearing as mandated by IDEA at the Transition Conference and IEP meeting.</p> <ul style="list-style-type: none"> • Provide referral to the NMSD Outreach School Age Consultation Program to the receiving LEA, Head Start, or other placement agency if placement is other than NMSD Preschool. • Work together with other local FIT providers, Early Head Start, Head Start, and/or LEA's to best meet the needs of children who are deaf or hard of hearing in the community and support attainment of outcomes and goals contained in the IFSP/IEP. <p>NM School for the Blind & Visually Impaired will:</p> <ul style="list-style-type: none"> • Provide information to parents/guardian of children who are eligible to transition regarding options for services. • Coordinate transition information in efforts with other service providers. • Support each family's efforts to have a current ophthalmologic report prior to transition. • Provide current assessment information, recommendations, and |
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| | <p>evaluation and eligibility determination prior to the child's third birthday. When the LEA obtains consent to evaluate, the LEA will notify the designated individual at each agency.</p> | | <p>consultation as needed to the receiving program.</p> <ul style="list-style-type: none"> • Participate, when invited in transition conferences/meetings and help the team and family consider placement options and adaptations that may be needed. • Participate with parent permission and provide current functional vision assessment or determine if further vision assessment is needed. |
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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.

1. The initial comprehensive evaluation process shall be conducted in all areas of suspected disability.

| FIT PROVIDER | LEA | HEAD START | OTHER |
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| <ul style="list-style-type: none"> The service coordinator will provide parents prior written notice that documents the parent’s decision regarding consent for evaluation for Part B and remind the family that Part C services end at age three. The service coordinator will also provide the family a copy of their procedural safeguards at this time. Parents who decide not to proceed with eligibility determination for Part B 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. | <ul style="list-style-type: none"> LEA will provide and explain to the parent(s) in their native language or other mode of communication used by the parent(se) the Procedural Safeguards including prior written notice prior to the evaluation. LEA will schedule a date for initial evaluation. LEA will conduct the initial evaluation within 60 days of the Parent Consent Form for | <ul style="list-style-type: none"> | <p>NM School for the Deaf will:</p> <ul style="list-style-type: none"> 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 Early Intervention and Involvement Division Regional Supervisors for technical assistance to the transition team in discussing communication considerations and the continuum of educational options. Provide consultation regarding appropriate assessment/evaluation for child with hearing loss. <p>NM School for the Blind & Visually Impaired will:</p> <ul style="list-style-type: none"> Provide current information regarding present levels of performance and relevant |

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| | <p>Preschool Evaluation signed by the parent(s).</p> <ul style="list-style-type: none"> • 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. Part C information will also be considered throughout the evaluation. | | <p>assessment information to be used in eligibility determination and programming design.</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 (8) (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. 300.304.311 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; 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 (8) (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 (8) (19) NMAC

As authorized by 34 CFR 300.8 and 300.39, “special education” in New Mexico may include speed-language pathology services.

| FIT PROVIDER | LEA | HEAD START | OTHER |
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| <ul style="list-style-type: none"> • Service coordinators and/or IFSP team members will attend the Eligibility Determination Meeting with the consent of the parent(s). | <ul style="list-style-type: none"> • LEA will assure that a group of qualified professionals and the parent of the child must determine whether the child is a child with a disability in accordance with state and Federal regulations. | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • |

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| | <ul style="list-style-type: none">• LEA will determine eligibility 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. Evaluations must have been administered within six months in order to be considered valid.• LEA will, with the consent of parent(s), invite service coordinators and/or IFSP team members including state supported schools or other partners to Eligibility Determination Meeting. | | |
| EVALUATION REPORT AND DOCUMENTATION OF ELIGIBILITY SENT TO PARENT | | | |

6.31.2.10 (F) Eligibility determinations.

2. 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 |
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| <ul style="list-style-type: none"> • If eligibility is unknown to FIT Provider, then FIT Provider will contact the LEA to determine if the child was found eligible. | <ul style="list-style-type: none"> • LEA shall provide a copy of the evaluation report and the documentation of the eligibility determination to the parent(s) and, with parental consent, a copy of this documentation to the referring FIT Provider and other partners. | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • |

INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPMENT

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

3. General rules regarding eligibility determinations

- a. 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.

7.30.8.131.(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. 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 |
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| <ul style="list-style-type: none"> Upon parental consent, the FIT provider will attend the IEP meeting. | <ul style="list-style-type: none"> The initial IEP meeting for a preschool child with a disability must occur within thirty calendar days from the determination that the child is a child with a disability and eligible for special education and related services. If the parent consents, the LEA will invite the FIT service providers, state schools, Head Start, and other partners to the initial IEP meeting. LEA at the request of the parent must send an invitation to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services. LEA will provide a copy of the Procedural safeguards to the parents. | <ul style="list-style-type: none"> Head Start with the consent of the parent(s) may attend the IEP. | <p>If invited, and with parent permission:</p> <p>NM School for the Deaf will:</p> <ul style="list-style-type: none"> 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 Outreach staff are available to IEP teams for support and consultation. <p>NM School for the Blind & Visually Impaired will:</p> <ul style="list-style-type: none"> Participate with parent permission, on IFSP/IEP team and assist in setting goals and objectives, provide suggestions for environmental modifications, and provide recommendations for level of service. Complete the Consideration of Special Factors form (from IDEA-04): consideration of the child's future needs and appropriate reading and writing media (including an |

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| | | | <p>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 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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ORGANIZATIONS

| ORGANIZATION | DISPUTE CONTACT INFORMATION | SCHOOL YEAR CONTACT INFORMATION | SUMMER CONTACT INFORMATION |
|---------------------|------------------------------------|--|-----------------------------------|
| NMSD | | | |
| NMSBVI | | | |
| ENMRSH | | | |
| MECA THERAPIES | | | |
| HEAD START | | | |

SCHOOLS

| SCHOOL | DISPUTE CONTACT INFORMATION | SCHOOL YEAR CONTACT INFORMATION | SUMMER CONTACT INFORMATION |
|---------------|------------------------------------|--|-----------------------------------|
| CLOVIS | | | |
| PORTALES | | | |
| SANTA ROSA | | | |
| VAUGHN | | | |

IN WITNESS WHERE OF, the following signatures are affixed:

Carlyn Hancock

Carlyn Hancock (May 5, 2022 10:46 MDT)

Clovis Municipal Schools

Rebecca Flen

Rebecca Flen (May 5, 2022 12:24 MDT)

Portales Municipal Schools

Danielle Esquibel

Danielle Esquibel (May 5, 2022 13:07 MDT)

Santa Rosa Consolidated Schools

Lyndsey Padilla

Lyndsey Padilla (May 9, 2022 09:00 MDT)

Vaughn Municipal Schools

Lula Brown DCCP

ENMRSH

Larla Sanchez, DSIII

NMSD

Ronda Dalley, TVI/L, DSII

Ronda Dalley, TVI/L, DSII (May 9, 2022 14:29 MDT)

NMSBVI

Edna De La Rosa

Edna De La Rosa (May 9, 2022 15:57 MDT)

MECA Therapies

Amy Romero

Amy Romero (May 9, 2022 15:20 MDT)

Head Start

5/4/2022

Date

5/5/2022

Date

5/5/20200

Date

5/9/2022

Date

5/9

Date

5/9/2022

Date

5/9/2022

Date

05/09/2022

Date

5/9/2022

Date