

**MEMORANDUM OF UNDERSTANDING  
CONCERNING  
THE TRANSITION OF CHILDREN BETWEEN  
(Fit Early Intervention Agency) and  
(Local Education Agency)**

**PARTICIPATING AGENCIES:**

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

**EI AGENCIES**

Navajo Nation Growing in Beauty  
New Mexico School for the Deaf/Parent Infant Child Program (NMSD)  
Presbyterian Medical Services (PMS) Roundtree  
Amplified Therapy, Inc.

**LEA'S**

Aztec Municipal Schools  
Bloomfield Municipal Schools  
Central Consolidated Schools  
Farmington Municipal Schools

**STATE SUPPORTED SCHOOLS**

New Mexico School for the Deaf (NMSD)  
New Mexico School of the Blind and Visually Impaired (NMSVBI)

**OTHER LOCAL AGENCIES**

Bureau of Indian Education representatives (Baby Face, Face, etc...)  
Children's Medical Services

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Children, Youth and Families Department (CVFD)

Education of Parents of Indian Children with Special Needs (EPICS)

Indian Health Services (IHS)

Medically Fragile

Navajo Nation Department of Early Childhood Development/Head Start

Parents and Teachers (PAT)

Parents Reaching Out (PRO)

PMS Children Services, to include home visiting

Northwest New Mexico First Born

San Juan College Child and Family Developmental Center

All interested agencies/programs who work with children in San Juan County are welcome to attend regular case review/meetings. Target agencies include but are not limited to: Growing in Beauty, Parents Reaching Out (PRO), NM School for the Deaf, PMS Roundtree Children's Developmental Services, Amplified Therapy, Medically Fragile, San Juan College Child and Family Development Center, Aztec Municipal Schools, Central Consolidated Schools, Parents as Teachers (PAT), Farmington Municipal Schools, Bloomfield Municipal Schools, San Juan County Head Start and Early Head Start, New Mexico School for the Blind and Visually Impaired, Children's Youth and Family Department, Navajo Nation Department of Early Childhood Development, Bureau of Indian Education representatives (Baby Face, Face, etc...), Indian Health Services. The following agencies are signatory agencies: Roundtree Children's Developmental Services, Amplified Therapy, Aztec Municipal Schools, Central Consolidated Schools, Farmington Municipal Schools, Bloomfield Municipal Schools, San Juan County Head Start and Early Head Start, Navajo Nation Growing in Beauty, NMSD, NMSBVI.

On September 22, 2021, an additional NM FIT Provider agency has been added to the list of partners: Amplified Therapy, Inc.

## I. PURPOSE

The purpose of this Interagency Agreement is to promote the coordination of services to eligible children and their families in order to facilitate the accessibility of high quality and family centered programs in San Juan County. The intent of this agreement is to allow programs the flexibility to provide services in a way that make sense to families that are served and in accordance with practices and procedures established by individual programs/services.

Responsibilities include:

- To ensure the uninterrupted provision of appropriate services.
- Promote the seamless system of identification and transition for children with special needs in compliance with State and Federal regulations.
- To ensure a system of information sharing and referral.
- In regard to personal information involved, Navajo Nation service providers will abide by the Navajo Nation Privacy and Access to Information Act, 2 N.N.C. Subsection 81 et seq. FERPA would apply to all parties.

**II. REQUIREMENTS IMPACTING THIS AGREEMENT**

<b>FIT Provider</b>	<b>LEA</b>	<b>Head Start</b>
<p>Provide early identification through screening and multi-disciplinary evaluation for infants and toddlers, ages birth-3, and their families.</p> <p>Provide family service coordination for eligible children and their families.</p> <p>Provide early intervention services, including the development and implementation of the IFSP in a natural environment.</p> <p>Work with appropriate community agencies to provide services to young children with developmental delay, or risk for developmental delay, and their families, including identifying community, state and national resources.</p> <p>Provide transition services for eligible children and their families.</p>	<p>Provide an evaluation to determine eligibility for special education and/or related services.</p> <p>(28-18-1.C NMSA 1978 S) Provide a Free Appropriate Public Education (FAPE) as required by Individuals with Disabilities Education Improvement Act (IDEA) 2004 to children ages 3-21.</p> <p>Develop and implement an Individualized Education Program (IEP).</p> <p>Provide services in the Least Restrictive Environment (LRE).</p> <p>Support seamless transition efforts for children transitioning from IDEA Part C Early Intervention services.</p> <p>Provide Child Find activities for children ages 3-5 years.</p>	<p>Recruit, enroll and serve eligible children from 6 weeks to 5 years of age. Ten percent (10%) of the total number of enrollment opportunities in Head Start shall be available for children with disabilities who are eligible to participate.</p> <p>Screen enrolled children within 45 calendar days of the child's entry into the program for potential problems in the areas of health and development.</p> <p>With family's permission, promptly refer young children suspected of having a disability to the local school district to coordinate any needed evaluations, determine eligibility for Part B services, and coordinate the development of an IEP for eligible children.</p> <p>Assure that children with disabilities receive all Head Start services to which they are entitled according to Head Start Program Performance Standards (45 CFR Part 1304, 1308).</p> <p>Establish collaborative relationships with community agencies to promote access to multiple resources, including home visiting.</p> <p>Participate in and support efforts for a smooth and effective transition for children enrolled or eligible for Head Start. This may include transition to Part B.</p>

### III. DEFINITION OF TERMS

- DD = Developmentally Delayed
- PED = Public Education Department
- LEA = Local Education Agency
- LRE = Least Restrictive Environment
- IEP = Individual Education Program
- IFSP = Individual Family Service Plan
- DOH = Department of Health
- FAPPE = Free Appropriate Public Education
- FIT = Family Infant Toddler Program
- Sending Agency = Where child is transitioning from
- Receiving Agency = Where child is transitioning to
- FERPA = Family Educational Rights and Privacy Act
- EDT = Eligibility Determination Team
- IDEA = Individuals with Disabilities Education Act
- TQRIS = Tiered Quality Rating Improvement System
- FOCUS = Statewide initiative supporting program improvement and quality indicators across early childhood programs.

### IV. IMPLEMENTATION OF AGREEMENT

A copy of this agreement will be provided to each listed stakeholder and will be available on line at <http://www.cdd.unm.edu/ecdn/Transition/transitionteamsMOU.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 meet the required activities of this MOU and understand their role and responsibility.

### V. MONITORING AND EVALUATION OF THE AGREEMENT

Children Onward will convene a meeting of stakeholders at least once each year to review and evaluate the effectiveness of the MOU and collaborative efforts related to this process. If no changes are made, the date of review will be noted in meeting minutes.

**VI. INTERAGENCY DISPUTE PROCESS**

In 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 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 Children Onward meetings.

**VII. DURATION**

This agreement will be effective January 1, 2023 through December 31, 2025 or until such time that any provider wishes to modify or cancel this agreement, at which time written notice and explanation must be submitted to all providers with thirty (30) day notice, and the transition team must reconvene to discuss modification to or termination of the agreement. The agreement will be reviewed and updated annually.

**VIII. WORKING PROCEDURES, TIMELINES AND RESPONSIBILITIES IN TRANSITION PROCESS**  
**ALL AGENCIES AGREE TO:**

1. Share information about trainings and 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 to personnel within their agencies regarding the terms of this agreement.
6. Work together to advocate for resources to address the needs of families and children in the communities we serve.

**NOTIFICATION**

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

**NIMAC 7.30.8.13 TRANSITION (B) (1) 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 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) (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.

<b>FIT PROVIDER</b>	<b>LEA</b>	<b>HEAD START</b>	<b>OTHER</b>
<p>FIT Provider will provide a list of children who are currently being served through Part C and who may be potentially eligible for Part B services under an established condition or determined to be developmentally delayed. They will be emailed/hand delivered by the end of every month and include the child's name, DOB and contact information. Part C will notify the district if there are no potentially eligible children for that district.</p> <p>During the summer months, the FIT Provider and LEA representatives will come to an agreement on who will receive notifications.</p> <p>If a child is referred to the FIT program &lt;45 days before their 3<sup>rd</sup> birthday, the FIT provider will direct the family to the LEA in their district.</p> <p>FIT Provider will:</p> <ul style="list-style-type: none"> <li>Obtain written parental consent prior to sharing confidential information with a partnering agency.</li> <li>Follow all confidentiality policies set forth by the NM Dept. of Health, Long Term Service Division, FIT Program.</li> <li>Inform parents of all confidentiality policies.</li> </ul>	<p>Upon request and release of information completed by community agencies, LEA will collaborate with community agencies to share information about children who may be identified as having a developmental delay (DD) or disability.</p> <p>If the LEA does not receive notification from the EI agency at the time it is anticipated, the LEA will contact that agency.</p>	<p>1308.5 Head Start recruits children with disabilities, through LEA Child Find and word of mouth. Head Start works in conjunction with the LEA on their Child Find activities, while also working with FIT Provider on transition activities.</p> <p>1308.6(b) Screen enrolled children within 45 calendar days of the child's entry into the Head Start program.</p> <p>Head Start will:</p> <ul style="list-style-type: none"> <li>Obtain written parental consent prior to sharing confidential information with a partnering agency.</li> <li>Follow all confidentiality policies as set forth by the Family Educational Rights and Privacy Act (FERPA).</li> </ul> <p>Inform parents of all confidentiality policies.</p>	<p>Children and families may be referred to the following partners when a concern about vision and/or hearing arises:</p> <p>NMSBVI NMSD</p> <p>On-going training will be provided to the various partners by:</p> <p>NMSBVI NMSD</p> <p>NMSBVI and NMSD will:</p> <ul style="list-style-type: none"> <li>Obtain written parental consent prior to sharing information with a partnering agency.</li> <li>Follow all confidentiality policies set forth by each agency.</li> </ul> <p>Inform parents of all confidentiality policies.</p>



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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 their child's transition;
  - (b) by the time child is 24 months old, the transition plan will be updated to include documentation that the family service coordinator has informed the parent(s) of the early childhood transition options for their child and any plans to visit those settings; and
  - (c) At least 90 days, and not more than nine months before the child's third birthday, the transition plan shall be finalized at an annual IFSP or transition conference meeting that meets the attendance requirements of this rule.

### 6.31.2.11(A)(4)

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

### 6.31.2.11(A)(5)

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

<b>FIT PROVIDER</b>	<b>LEA</b>	<b>HEAD START</b>	<b>OTHER</b>
<p>At the initial IFSP, the Family Service Coordinator (FSC) will initiate the transition plan with the family documenting that the FSC has informed the parent(s) of the child's timelines for transition. By 24 months of age the Family Service Coordinator will update the Transition Plan with the family, by informing the family of the early childhood options for transition, and planning to visit those settings.</p> <p>The designated family service coordinator of the FIT Provider will work with Head Start, LEA, and other community agencies to facilitate visits to the program for children and their parents. For children referred to the FIT program after the required transition timelines, FIT may need to provide notification and transition documentation at the same time in order to meet transition process by the child's third birthday.</p> <p>FIT may request a Family Preschool Handbook from the school district during this time to help the family understand Part B services and options.</p>	<p>LEA will review the information on the Transition Assessment Summary Form and identify the necessary personnel who should attend the Transition Conference if needed. communicate with partner agencies to discuss possible needs for transition eligible children.</p> <p>LEA will begin receiving notifications and begin preparing for potentially eligible children.</p>	<p>Head Start will arrange visits for families and their children who may transition to Head Start.</p> <p>It is suggested that Head Start will participate in regularly scheduled meetings with transition partners to develop a plan for transition eligible children.</p>	

## REFERRAL TO LEA

- Referral form sent to LEA with parent consent

### 7.30.8.13 D (1)

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

### 7.30.8.13 D (2)

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

### 7.30.8.7 K

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

<b>FIT PROVIDER</b>	<b>LEA</b>	<b>HEAD START</b>	<b>OTHER</b>
<p>FIT Provider will refer a child to the LEA using the state <i>Transition Referral Form</i>. This form will be sent to the LEA at least 60 days prior to the Transition Conference.</p> <p>FIT Provider will respond to documentation not received within 5 working days</p> <p>If the child is referred after the required timelines, the Family Service Coordinator will complete and send these documents as soon as possible.</p>	<p>LEA will receive referrals from FIT Provider.</p> <p>LEA will reach out to EI agency to receive the documentation prior to the deadline. If they have not received the transition referral.</p>		<p>All partners agree to coordinate and distribute information pertaining to the referral of a child to NMSBVI or NMSD.</p>

## PRE-PLANNING FOR TRANSITION CONFERENCE

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

- LEA reviews materials and determines who will attend

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

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

### 7.30.8.13 F. Transition assessment summary:

- (1) The family service coordinator shall submit a completed transition assessment summary form to the LEA at least 30 days prior to the Transition Conference.
- (2) Assessment results, including present levels of development, must be current within six months of the Transition Conference.

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

- (1) be held with the approval of the parent(s);
- (2) be held at least 90 days and no more than nine months prior to the child's third birthday;
- (3) meet the IFSP meeting attendance requirements of this rule;
- (4) take place in a setting and at a time that is convenient to the family;
- (5) be conducted in the native language of the family, or other mode of communication used by the family, unless it is clearly not feasible to do so;
- (6) with permission of the parent(s), include other early childhood providers (early head start/Head Start, child care, private preschools, New Mexico School for the Deaf, New Mexico School for the Blind and Visually Impaired, etc.).

### 6.31.2.11 A. (3) (b)

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

### 6.31.2.11.A (4)

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

<b>FIT PROVIDER</b>	<b>LEA</b>	<b>HEAD START</b>	<b>OTHER</b>
<p>The FIT Provider will schedule the transition conference with the parent(s) and the LEA. It is the parent's choice whether to have the meeting in the home or at another setting such as the school.</p> <p>At least 30 days prior to the Transition Conference, the family service coordinator will send a written invitation letter to the LEA and all parties involved.</p> <p>The <i>Transition Assessment Summary Form</i> will be sent to the LEA at least 30 days prior to the Transition Conference. At this time, the FIT Provider will provide current copies of the following documents, completed within the last 12 months of the referral: evaluations/assessments, and the IFSP. All assessment information must have been completed in the past 6 months.</p> <p>Receipt of any documents by the LEA will be acknowledged with an email response.</p> <p>Transition conferences for children whose birthdays fall over the summer must happen by the last day of</p>	<p>LEA will review existing information on students eligible to transition from Part C or other agencies, i.e. NMSBVI.</p> <p>LEA will review child information at least 2 weeks prior to the Transition Conference to allow for preparation for the Transition Conference.</p> <p>The designee of the LEA will sign written receipt of referral when delivered or maintain electronic delivery receipts.</p> <p>LEA will reach out to EI agency to receive the documentation prior to the deadline. If they have not received the transition referral</p>	<p>Head Start will conduct ongoing assessment to determine progress and to plan program activities.</p>	<p><b>New Mexico School for the Blind and Visually Impaired (NMSBVI) will:</b></p> <p>NMSBVI will provide information to parents/guardian of transitioning students who are blind or visually impaired regarding options for services. NMSBVI will support each family in acquiring a comprehensive and current evaluation including ophthalmological report, if necessary prior to transition.</p> <p><b>New Mexico School for the Deaf (NMSD) will:</b></p> <p>Work together with other local FIT providers, Early Head Start, Head Start, and /or LEAs to best meet the needs of children who are deaf or hard of hearing in the community and support attainment of outcomes and goals contained in the IFSP/IEP with parent consent.</p> <p>Support each family in acquiring a comprehensive and current evaluation including audiological report prior to transition.</p>

<p>school.</p> <p>The transition summary form, as well as transition conference invitation, will be sent as soon as possible for any children who are late referrals to Part C.</p> <p>FIT Provider will respond to documentation not received within 5 working days</p>			
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## TRANSITION CONFERENCE

- Explain Part B and C procedures and safeguards.
- Explain Part B and C procedures and safeguards.
- 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.



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<b>FIT Provider</b>	<b>LEA</b>	<b>Head Start</b>	<b>Other</b>
<p>The family service coordinator will facilitate the meeting and complete the IFSP Transition conference page at the Transition Conference. Part C will provide any additional information requested with parent consent. The family will consent or waive follow-up services at this time.</p>	<p>LEA will participate in the Transition Conference arranged by the designated EI provider, with parent consent. LEA will discuss the need for additional evaluation, assessment and information, if appropriate. LEA will provide the parents a copy of the procedural safeguards under IDEA and may obtain parental consent to conduct an initial evaluation, if parents are ready to move forward with the transition process. If parents need additional time to proceed with the process, the LEA will discuss timeline and this date will be noted on Part 3 of the transition plan.</p>	<p>Head Start will receive the invitation and make every effort to attend the Transition Conference as requested.</p>	<p><b>NMSD will:</b> 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 Transition team by providing consultation related to Special Considerations for Children who are Deaf or Hard-of-Hearing as mandated by IDEA at the Transition Conference and IEP meeting. Contact the local LEA through its Joint Power's Agreements to collaboratively consider placement options and participate in and conduct IFSP/IEP meetings. Provide referral to the NMSD Educational Consultant, for consultation to the receiving LEA if placement is other than NMSD preschool. <b>New Mexico School for the Blind &amp; Visually Impaired will:</b> NMSBVI will participate, when invited, in the transition conference for students who are blind or visually impaired. NMSBVI will provide current Functional Vision Evaluation and Learning Media Assessment, recommendations, and consultation as needed to the receiving program. NMSBVI will support the Transition team by providing consultation related to Consideration of Special Factors for Children who are Blind or</p>
<p>If a party is unable to attend the transition conference, the FIT provider must do everything within their power to schedule before the 90 day timeline. If the parent cannot do so, the meeting must be held at a convenient time for them and Part C will not be penalized. If other invited parties are unable to attend, the Transition Conference may be held without their presence in order to meet the timeline.  If a family declines transition services, this shall be documented on a Prior Written Notice form. This document will be sent</p>	<p>Consent may be obtained at a later meeting held within the 90 day timeline,</p>		

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to the LEA in the child's  
school district.

Visually Impaired as mandated by IDEA.

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## INITIAL COMPREHENSIVE EVALUATION FOR PART B

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

### 6.31.2.10

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

### 6.31.2.11 (A) (3)

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

<b>FIT Provider</b>	<b>LEA</b>	<b>Head Start</b>	<b>Other</b>
<p>If parent(s) does not consent to the Part B evaluation and eligibility determination, the family service coordinator will provide them with information regarding other options after the child turns three.</p>	<p>LEA will conduct any additional evaluations needed to determine eligibility for Part B services from Part C. LEA will arrange the Eligibility Determination Team (EDT) meeting to determine eligibility.</p>	<p>1308.19(c), 1308.19(e) The LEA will develop the placement IEP for an eligible child with representatives from Head Start if parent consent is given.</p>	<p>New Mexico School for the Deaf will: Provide consultation regarding appropriate assessment/evaluation for children with hearing loss.</p>
<p>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 for future evaluation if needed.</p>	<p>1308.6(e 1-5) Evaluations must be administered by certified or licensed personnel. Parental consent in writing will be obtained by the LEA before a child can receive an initial evaluation. If the child fails screening, the LEA will recommend the child for an evaluation. The LEA will also obtain the case history and complete the vision and hearing screening, if the child has not passed such screening in the last 12 months.</p>		<p>New Mexico School for the Blind &amp; Visually Impaired will: NMSBVI will provide a current Functional Vision Evaluation and Learning Media Assessment for students who are blind or visually impaired, to be used in eligibility determination and programming design.</p>
	<p>LEA will provide and explain to the parent(s) in their native language or other mode of communication used by the parent(s) the Procedural Safeguards including prior written notice prior to the evaluation. LEA will schedule a date for initial evaluation. LEA will conduct the initial evaluation within 60 days of the Consent Form for Preschool Evaluation signed by the parents. LEA will conduct the initial evaluation in accordance with</p>		

34CFRS 300.304 to include a variety of measures and sources.

**ELIGIBILITY DETERMINATION MEETING**

**6.31.2.11(A)(5)(f)**

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

**6.31.2.10**

**F. Eligibility determinations.**

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

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

**6.31.2.7(B)(2) "Child with a disability"** means a child who meets all requirements of 34 CFR Sec. 300.8 and who:

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

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

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

<b>FIT PROVIDERS</b>	<b>LEA</b>	<b>HEAD START</b>	<b>OTHER</b>
<p>FIT staff will provide information as needed to assist in eligibility determination.</p> <p>FIT staff will be invited by the EDT with the family's consent.</p>	<p>LEA will:</p> <ul style="list-style-type: none"> <li>• Obtain written parental consent prior to sharing information with a partnering agency.</li> <li>• Follow all confidentiality policies as set forth by the Family Educational Rights and Privacy Act (FERPA).</li> </ul> <p>Inform parents of confidentiality policies.</p>	<p>Head Start staff will be invited by the EDT with the family's consent and will provide information as needed to assist in eligibility determination.</p>	<p>NMSBVI and NMSD staff will be invited by the EDT with the family's consent and will provide information as needed to assist in eligibility determination.</p> <p>NMSBVI will participate at the Eligibility Determination Meeting for students who are blind or visually impaired.</p>

## EVALUATION REPORT AND DOCUMENTATION OF ELIGIBILITY SENT TO PARENT

- 6.31.2.10  
 F. Eligibility determinations.
- (1) General rules regarding eligibility determinations
    - (a) Upon completing the administration of tests and other evaluation materials, a group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in 34 CFR Sec. 300.8 and Paragraph (2) of Subsection B of 6.31.2.7 NMAC. The determination shall be made in compliance with all applicable requirements of 34 CFR Sec. 300.306.
    - (b) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

FIT PROVIDER	LEA	HEAD START	OTHER
	<p>LEA must assure that a group of qualified professionals and the parent(s) determine whether the child has a disability in accordance with State and Federal regulations.</p> <p>LEA will determine eligibility for Part B services that includes the review and use of existing Part C evaluations and assessments and the IFSP information <b>(which is no older than 6 months from the date of the EDT meeting. Vision and hearing reports must be current within 12 months.)</b> as part of the initial evaluation.</p> <p>LEA shall provide a copy of the evaluation report and the documentation of the eligibility determination to the parent(s). Documentation of eligibility must be sent to the referring FIT provider no later than the child's third birthday and with parent consent.</p>		



## INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPED

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

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

**7.30.8.13 I (1)**

The family service coordinator and other early intervention personnel shall participate in a meeting to develop the IEP (or IFSP-IEP) with parent approval.

(2) the family service coordinator, with parent consent, shall provide any new or updated documents to the LEA in order to develop the IEP.

**7.30.8.13 J**

Follow-up family service coordination: At the request of the parents, and in accordance with New Mexico department of health policy, family service coordination shall be provided after the child exits from early intervention services for the purpose of facilitating a smooth and effective transition.

**In accordance with DOH FIT Service Standards**

Follow-up with preschool personnel after the child has transitioned (e.g. to provide information regarding effective strategies to preschool personnel during follow-up services). Note: Reimbursable for up to four (4) hours within 30 days of the child's transition or them starting at the new setting.

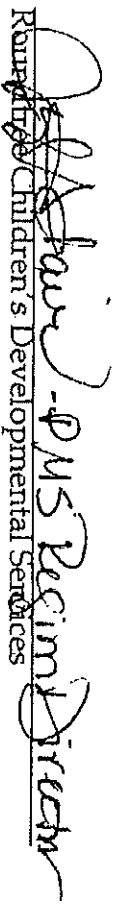
<b>FIT PROVIDERS</b>	<b>LEA</b>	<b>HEAD START</b>	<b>OTHER</b>
<p>FIT staff will attend the IEP with parent consent, when invited. At minimum, the Family Service Coordinator or designee will attend.</p> <p>FIT Provider ensures that: the IFSP is current, within the last 12 months. FIT services will continue until the child turns 3.</p> <p>Follow-up services can be provided for 1 month following transition, if the family has selected that service.</p>	<p>LEA will schedule and send a written invitation to the parents for a meeting to develop an Individualized Education Plan (IEP).</p> <p>The LEA will schedule the meeting at a mutually agreed upon time with the parents.</p> <p>With parent consent, LEA will invite FIT Provider and other agencies working with the child to the IEP meeting, including if appropriate: Head Start, NMSBVI, and NMSD.</p> <p>The LEA will provide services as specified on a child's IEP in the least restrictive environment for students who are eligible for services through Part B.</p>		<p>New Mexico School for the Deaf will:            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.</p> <p>In the case of a child with a hearing loss, even if the hearing loss is not the child's primary condition, the Communication Considerations for Children with a Hearing Loss IEP addendum MUST be completed by the IEP team to facilitate discussion around the child's communication needs.</p> <p>NMSD Educational Consultants are available to IEP teams for support and consultation.</p> <p><b>New Mexico School for the Blind &amp; Visually Impaired will:</b></p> <p>NMSBVI will participate, with parent/guardian permission, on the IEP team for students who are blind or visually impaired. NMSBVI will assist in setting goals, provide suggestions for environmental modifications, and recommendations for services.</p> <p>NMSBVI will provide input on the Consideration of Special Factors for students who are blind or visually impaired including instruction in Braille. NMSBVI will provide NMVCount information for students</p>

			<p>who are blind or visually impaired to the receiving program. The NMVICount is the federal APH census that provides support and educational materials to the district and students through the NM-IRC lending library, such as textbooks (braille, adapted textbooks), enlarged materials, and other adapted materials available from APH (The American Printing House for the Blind). Phone contact for NM-IRC: (575-439-4438).</p>
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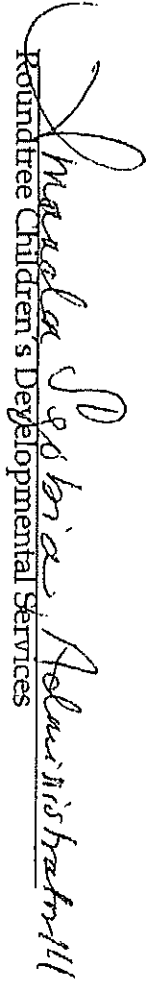
Revised 10/26/2022

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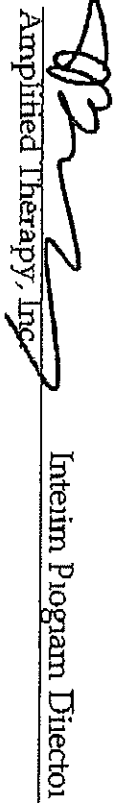
Having read and reviewed the current MOU for Children Onward Transition Team, I agree to follow the current MOU as it is written.

  
Roundtree Children's Developmental Services

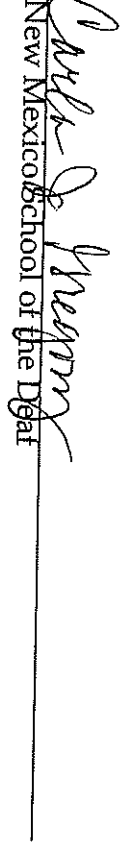
3/2/23  
Date

  
Roundtree Children's Developmental Services

3/2/23  
Date

  
Intetim Program Director  
Amplified Therapy, Inc.

3.14.23  
Date

  
New Mexico School of the Deaf

3/8/2023  
Date

  
New Mexico School of the Blind and Visually Impaired

3/15/23  
Date

  
Bloomfield School District

3/20/23  
Date

Cody Diehl, Superintendent

Farmington School District



Date 3/21/2023

Christa Kuldige, Director of EPO

Farmington School District



Date 03/04/2023

Andrea Garcia, Principal PPAcademies

Farmington School District



Date 3/1/2023

Aztec School District



Date 3/20/23

Aztec School District



Date 3/20/23



Date 3/21/23

Central Consolidated School District

Johnathan Nez

Growing In Beauty

Date 11/4/22

Paula Seanez

Growing in Beauty

Date 10/26/22

IN WITNESS WHEREOF, the following signatures are affixed:

**SOVEREIGN IMMUNITY OF THE NAVAJO NATION**

Nothing herein shall be considered as a waiver, express or implied, of the sovereign immunity of the Navajo Nation except to the extent provided for in the Navajo Nation Sovereign Immunity Act, 1 N. N. C. 551 et seq.

Jonathan Nez

Navajo Nation President

Print Name of person signing

Role

Jonathan Nez

11/04/2022

Signature

Date

Navajo Nation (Growing In Beauty and Navajo Head Start)

Paula Saenz / Roy Tracy

Print Name of person signing

Director / Acting Assistant Director

Role

Paula Saenz / Roy Tracy

11/04/2022

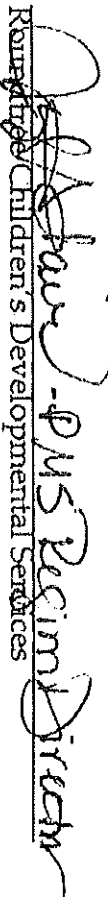
Date

Signature

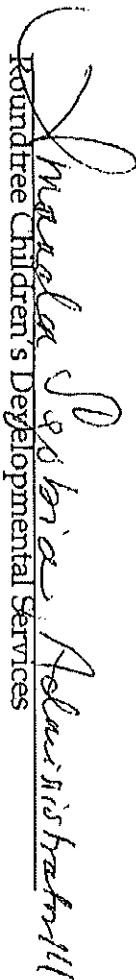
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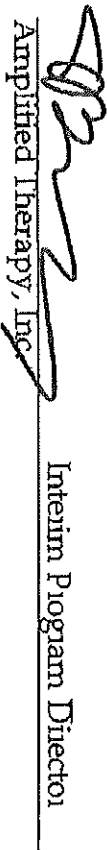
Having read and reviewed the current MOU for Children Onward Transition Team, I agree to follow the current MOU as it is written.

  
PMS Regim Director  
Roundtree Children's Developmental Services


3/2/23  
Date

  
Anupama Salaria  
Roundtree Children's Developmental Services

3/2/23  
Date

  
Interim Program Director  
Amplified Therapy, Inc

3.14.23  
Date

  
New Mexico School of the Deaf

3/8/2023  
Date

  
New Mexico School of the Blind and Visually Impaired

3/15/23  
Date

  
Bloomfield School District

3/20/23  
Date


IN WITNESS WHEREOF, the following signatures are affixed:

Having read and reviewed the current MOU for Children Onward Transition Team, I agree to follow the current MOU as it is written.

  
Roundtree Children's Developmental Services  
Date 3/2/23

  
Roundtree Children's Developmental Services  
Date 3/2/23

Amplified Therapy, Inc.  
Date \_\_\_\_\_

  
New Mexico School of the Deaf  
Date 3/8/2023

New Mexico School of the Blind and Visually Impaired  
Date \_\_\_\_\_

Bloomfield School District  
Date \_\_\_\_\_