

**CIBOLA COUNTY EARLY CHILDHOOD TRANSITION TEAM
(CCECTT)
MEMORANDUM OF UNDERSTANDING CONCERNING THE
TRANSITION OF CHILDREN**

Between the following parties:

Grants/Cibola County Schools (GCCS) (NM PED)
La Vida Felicidad Early Intervention Program
Pueblo of Acoma Haak'u Learning Center
Pueblo of Laguna Division of Early Childhood (DEC)
Pine Hill Early Intervention
Ramah Navajo School Board, Inc. Early Childhood Programs
NAPPR, Inc (Native American Professional Parent Resources)
NM School for the Blind and Visually Impaired (NMSBVI)
NM School for the Deaf (NMSD)
Education for Parents of Indigenous Children with Special Needs (EPICS)
Parents Reaching Out (PRO)
Cibola Home Visiting Navajo Nation
Growing in Beauty Early Intervention Program
Mid-West New Mexico CAP Early Head Start/Head Start Program

I. PURPOSE

The purpose of this document is to ensure that all regulations from the Individuals with Disabilities Education Act (IDEA 2004), as well as New Mexico State Statutes, as applicable, are implemented by all team members as they collaborate to ensure smooth and effective transitions from early intervention services in Family Infant Toddler (FIT) programs under Part C (0-3 yrs.) into Part B (3-21 yrs.) services from the Local Education Agency (LEA) for children and families that reside in Cibola County, New Mexico.

II. REQUIREMENTS IMPACTING THIS AGREEMENT

This agreement is based on applicable federal and state regulations, rules, policies, and procedures as referenced throughout the MOU.

Regarding personal information involved, Navajo Nation service providers will abide by the Navajo Nation Privacy and Access to Information Act, 2 N.N.C. §§ 81 et seq. and all parties involved will abide by FERPA guidelines.

III. DESCRIPTION OF AGENCIES INVOLVED IN THE NIZHONI NETWORK

La Vida Felicidad Early Intervention hereinafter referred to as "La Vida", **Growing in Beauty** hereinafter referred to as "GIB", **Pine Hill Early Intervention**, **New Mexico School for the Deaf** hereinafter referred to as "NMSD", **New Mexico School for the Blind and Visual Impaired** hereinafter referred to as "NMSBVI", and **Native American Professional Parent Resources** hereinafter referred to "NAPPR". These are the Family Infant Toddler (FIT) agencies in Cibola County responsible for

implementing Part C and who ensure access to early intervention services for all eligible children.

Grants Cibola County Schools hereinafter referred to as "GCCS", is the Local Education Agency (LEA) in Cibola County that is responsible for the implementation of Part B, ensuring that a Free Appropriate Public Education (FAPE) is available to all children with disabilities, who turn three during the school year (aged three years through twenty-one years) and reside in Cibola County.

IV. DEFINITION OF TERMS

Early Intervention Services/ (Part C): any or all services that are designed to meet the developmental needs of each eligible child and the needs of the family related to enhancing the child's development. Early intervention services address one or more of the following areas of development: cognitive, physical, communication, social or emotional, and adaptive. Early Intervention services include: assistive technology, audiological services, developmental instruction, family therapy, counseling and training, health services, medical services for diagnostic or evaluation purposes, nursing services, nutrition services, occupational therapy, physical therapy, psychological services, sign language and cued language services, respite services, family service coordination, social work services, speech language pathology services, transportation and related services, and vision services.

Eligible Child (Part C-early intervention services): means children birth to three years of age who reside in the state and meet the criteria within state regulations for "Developmental Delay", "Established Condition" or "At Risk for Developmental Delay".

Eligible Child (Part B-preschool special education and related services): means any child ages 3, 4 and 5 who resides in Cibola County, who is determined to be a child with a disability and meets the Part B eligibility criteria for one of the 14 areas of eligibility under IDEA. In New Mexico, developmental delay is considered a disability under special education for children aged three-nine.

Evaluation (for Part C early intervention services): means the process through which a child's eligibility for early intervention services is determined. It involves a review of pertinent records related to the child's current health 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.

Evaluation (for Part B preschool special education and related services): means the process through which a child is determined to be a child with a disability and 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 present levels of performance. This may include formal assessments of the child's functional abilities in a variety of developmental domains. A written report summarizing findings completes the evaluation.

Free Appropriate Public Education or FAPE (Part B): a federal regulation, for children enrolled in the public school system, stating that special education and related services 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.

Head Start: means 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.

Individuals with Disabilities Education Act (IDEA 2004): means 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 through 21.

Individualized Education Plan (IEP): means a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with requirements of IDEA, Part B.

Individualized Family Service Plan (IFSP): the written plan for providing early intervention services to an eligible child and 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.

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

Least Restrictive Environment (LRE): An appropriate, educationally beneficial placement for a child with a disability that most closely approximates where the child, if not disabled, would be educated.

Local Education Agency (LEA): means a local public school district that is subject to statutes, regulations, and policies administered by the Public Education Department.

Educational Determination Team (EDT): A report written by qualified professionals, teachers, and parents who have reviewed all existing evaluation data, the information provided by parents, current observations, and present levels of performance to determine if the child is eligible to receive services according to State of New Mexico guidelines

Parent: means 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 child's interests.

School Year: means the dates established by the LEA for its schools to be in session during a given academic year.

Family FIT Provider/Family Service Coordinator (Part C): means the FIT (Family Infant Toddler) staff responsible for the coordination of all services and supports listed on the IFSP (Individualized Family Service Plan) and ensuring the delivery of services in a timely manner. The FIT Provider/Family Service Coordinator facilitates periodic reviews of the IFSP and ensures that a transition plan is developed and carried out at the appropriate time to ensure a smooth and effective process.

State Supported Schools means a state supported public program confirmed as such in the State

Constitution, such as the New Mexico School for the Blind and Visually Impaired, and the New Mexico School for the Deaf.

Transition: means the process for a family and eligible child of moving from one service, location, or program to another. This process includes discussion 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 the new least restrictive and most appropriate educational 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 and assessment information required and copies of IFSPs (Individualized Family Service Plan) that have been developed and implemented.

Transition Conference: means the required conference convened at least 90 days (about 3 months) but no more than 9 months, prior to the child's third birthday

V. IMPLEMENTATION OF AGREEMENT

Copies of this agreement with appropriate signatures will be provided to the agencies implementing the transition process. Each agency will be responsible for educating their staff as to the details of the agreement. Families will be informed as to the process of transition by the FIT Provider/Family Service Coordinator and LEA staff. The effective date of this MOU is April 15, 2024

VI. MONITORING AND EVALUATION OF THE AGREEMENT

The effectiveness of the agreement will be evaluated yearly by the CCECTT, an interagency committee whose purpose is to enhance coordination and collaboration in the development of a seamless system of transition in Cibola County. If no changes are needed, this will be documented in the CCECTT minutes.

VII. 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 concerns cannot be resolved in this way, or if concerns affect the larger group, concerns will be addressed during the monthly meetings. If a dispute cannot be resolved by the MOU team members, the team agrees that the lead representative from the NM Early Childhood Transition Initiative will be contacted for guidance.

For agencies under the Navajo Nation: "The grievance procedure will be set up in accordance with the Navajo Nation Arbitration Act, 7.N.N.C.§ 1101, and et. Seq."

VIII. Duration

This agreement will remain in effect for up to four years and be reviewed annually.

IX. Working Procedures, Timelines, and Responsibilities in the Transition Process

Notification

NOTIFICATION: FIT providers must notify the LEA of children who reside in the LEA’s educational jurisdiction and who are potentially eligible for Part B services. For this purpose, potentially eligible is considered those children eligible under the Part C’s —established condition or —developmental delay category. The list should include children who will turn three within the next 12 months*

NMAC 8.9.8.13 (B) Notification

- (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 12-month period.
- (2) The early intervention provider agency shall notify the LEA of all potentially eligible children residing in their district who will turn three years old in the following 12-month period. This will allow the LEA to conduct effective program planning.
- (3) The notification from the early intervention provider agency to the LEA shall:
 - (a) include children who are potentially eligible for preschool special education services under the Individuals with Disabilities Education Act (IDEA) Part B; potentially eligible children are those children who are eligible under the developmental delay or established condition categories;
 - (b) include the child’s name, date of birth, and contact information for the parent(s);
 - (c) be provided at least quarterly in accordance with the process determined in the local transition agreement; and
 - (d) be provided not fewer than 90 days before the third birthday of each child who is potentially eligible for IDEA Part B.

NMAC 6.31.2.11 (A) (5) (a) Each LEA shall survey Part C programs within its educational authority 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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| <p>The FIT provider will notify the LEA’s Early Childhood Child Find Specialist of children they are currently serving who may be eligible for Part B services.</p> <p>This written list provides a list of children who are turning 3 in the next 12 months and will include the child’s first and last name with middle initial, date of birth, contact information for the parents, and the LEA in which the child resides.</p> <p>This notification is to be delivered to LEA’s Early Childhood Child Find Specialist by the first of</p> | <p>The LEA’s Early Childhood Child Find Specialist will receive, from the FIT providers, the monthly list of children who are potentially eligible for Part B, and document it in such a way that maintains families’ confidentiality.</p> <p>If notification is not received by the 15th of each month the LEA will contact FIT provider in writing to request the months list.</p> | | |

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| <p>every month, a list will also be provided if there are no children requiring notification that month.</p> <p>If children enter early intervention late less than 90 days before their third birthday the FIT program will notify the LEA immediately in writing.</p> | | | |
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Transition Planning

TRANSITION PLANNING: By 24 months of age, but at least 6 months prior to the beginning of the school year in which the child turns three, the family service coordinator meets with the family to identify and document the specific steps and actions that will support the child and family through the transition process. These individualized steps and actions are documented on the transition plan and are included in the IFSP.

NMAC 8.9.8.13 (C) TRANSITION PLAN

- (1) A transition plan shall be developed with the parent(s) for each eligible child and family that addresses supports and services after the child leaves the FIT program.
- (2) The transition plan shall be included as part of the child's IFSP and shall be updated, revised, and added as needed.
- (3) The following is the timeline for developing the transition plan:
 - (a) at the child's initial IFSP meeting, the transition plan shall be initiated and shall include documentation that the family FIT Provider/Family Service Coordinator has informed the parent(s) regarding the timelines for their child's transition.
 - (b) by the time child is 24 months (about 2 years) old, the transition plan will be updated to include documentation that the family FIT Provider/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 (about 3 months), 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 authority, 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)

- (1) 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.
- (2) 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.
- (3) Each LEA shall assist parents in becoming their child's advocates as the child makes the transition through systems.

| FIT Provider | LEA | Head Start | Other |
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| <p>FIT Provider/Family Service Coordinators will begin talking about transition and options with families when they first enter the Part C program and will continue to support the family's understanding of Part B services and transition options throughout their time in Part C and will inform the family of upcoming options until the time of transition.</p> <p>FIT Provider/Family Service Coordinators will fill out the Transition Plan, which is part of the child's IFSP and will document dates as activities are completed.</p> <p>In the case of a child who is deaf or hard-of-hearing, with parent consent, an NMSD regional supervisor will be contacted for technical assistance for the transition team in discussing communication considerations and the continuum of educational options.</p> <p>In the case of a child who is visually impaired, with parent consent, an NMSBVI vision specialist will be contacted to assist in the transition process in the completion of Consideration of Special Factors form to consider the child's future needs and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille).</p> | <p>The LEA Early Childhood Intervention (ECI) will help with arranging classroom visits, when needed, and will support the understanding of FIT provider staff, as needed, about the options available for services at Head Start, FACE programs, private preschool programs and GCCS Public Schools.</p> | <p>Transition planning must be undertaken for each child and family at least 6 months prior to the child's third birthday. To be eligible for Head Start the child must be 3 years old at the time of enrollment.</p> | <p>NMSD and NMSBVI will:</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. ● Support each family in acquiring a comprehensive and current evaluation including audiological/ophthalmological prior to transition. <p>NMSD will:</p> <ul style="list-style-type: none"> ● 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. |
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Referral to LEA

REFERRAL TO LEA: The Transition Referral Form should be sent at least 60 days prior to the Transition Conference, and if possible at least six months prior to the child's third birthday. To support the use of Part C information in determining Part B eligibility, the FIT Transition Assessment Summary Form will be completed and sent to the LEA at least 30 days prior to the Transition Conference.

NMAC 8.9.8.13 (D) Referral to the LEA and other preschool programs

- (1) A transition referral shall be submitted by the family service coordinator, with parental consent, to the LEA at least 60 days prior to the transition conference. The transition referral shall include at a minimum the child's name, the child's date of birth, the child's address of residence, and the contact information for the parent(s), including name(s), address(es), and phone number(s).
- (2) For children who enter the FIT program less than 90 days before their third birthday, the family service coordinator shall submit a referral, with parental consent, as soon as possible to the LEA. This referral shall serve as the notification for the child. No further notification to the LEA shall be required for the child.
- (3) For children referred to the FIT program less than 45 days before the child's third birthday, the family service coordinator shall submit a referral to the LEA, with parent consent, but the early intervention provider agency will not conduct an evaluation to determine eligibility in accordance with the referral and intake provisions of this rule.

| FIT Provider | LEA | Head Start | Other |
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| <p>With parental consent, the FIT Provider Family Service Coordinator will mail/email or, hand deliver, the Referral Form to the LEA Child Find Specialist. If a form is offered by the FIT Provider/Family Service Coordinator, the LEA will sign an acknowledgment of receipt of referral paperwork. Transition referral begins 60 days (about 2 months) before the child's transition conference and if possible 6 months before the child's 3rd birthday.</p> <p>With parental consent at least 30 days before the transition conference, a written invitation to the transition conference will be sent to the LEA. In addition, with parental consent the Transition Assessment Summary (TAS) Form with the following attachments:</p> | <p>When the Transition Assessment Summary (TAS) form is received, the LEA will confirm the following documents are included:</p> <ul style="list-style-type: none"> • MCHAT • Hearing Screen • Vision Screen • Initial Comprehensive Multidisciplinary Evaluation (CME) • Child's current IFSP • Signed Consent to Exchange Information rom <p>If any of the above documents are not included the FIT Provider will be notify the referral is incomplete.</p> | <p>Participate in and support efforts for a smooth and effective transition. Transition process must consider availability of Head Starts in the community as well as individual Head Start openings. Head Start staff will attend transition conferences when invited.</p> | <p>NMSD will:</p> <ul style="list-style-type: none"> • Attend transition conferences, when invited and assist with consideration of placement options and adaptations that may be needed. • Provide current assessment information and present levels of performance in a timely manner. • Consult with the IEP team upon transition for children diagnosed with a hearing difference. • Support each family in acquiring a comprehensive |

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| <ul style="list-style-type: none"> ● MCHAT ● Hearing Screen ● Vision Screen ● Initial Comprehensive Multidisciplinary Evaluation (CME) ● Child's current IFSP ● Signed Consent to Exchange Information rom <p>FIT Provider Family Service Coordinator will request electronic receipt.</p> <p>For children turning three between June through September, the FSC will provide referral documents 90 days or up to 6 months before the last day of school.</p> | <p>Upon receipt of a child's complete TAS form and the listed documents, the LEA Child Find Specialist will schedule appropriate staff to attend the transition conference.</p> <p>Late referrals from FIT providers (Referrals between 45 and 90 days before the child's third birthday) will be processed as quickly as possible.</p> <p>When referrals are received over the summer, the LEA Child Find Specialist will process documents as needed when the child turns three during the months of June, July, and early August to ensure that all transitions have been processed before the months that the LEA has scheduled summer breaks.</p> | <p>and current evaluation including an audiology evaluation prior to transition.</p> <p>NMSBVI will refer, with parent/guardian consent, to the local FIT early intervention providers or LEA when appropriate.</p> |
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PLANNING FOR TRANSITION CONFERENCE

TRANSITION CONFERENCE: The FIT program is legally responsible for convening the Transition Conference. It is the responsibility of the Family service coordinator to invite an LEA representative to the Transition Conference with the approval of the family.

TRANSITION PLANNING: At least 30 days prior to Transition Conference, Family service coordinator will coordinate a date with parents, FIT, LEA, and community partners. A written invitation to the Transition Conference will be sent to the LEA and all parties. The FIT Transition Assessment Summary Form will be completed and sent to the LEA. The LEA will review the materials they receive and determine who will attend the conference.

NMAC 8.9.8.13 (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.

NMAC 8.9.8.13 (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.

NMAC 8.9.8.13 (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 authority, in compliance with 34 CFR Sec. 300.124. Each LEA and other public agencies, as appropriate, shall make reasonable efforts to establish productive working relations with local Part C programs and, when given reasonable notice, shall participate in the transition planning conferences arranged by local Part C providers.

| FIT Provider | LEA | Head Start | Other |
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| <p>The Part C FIT Provider/Family Service Coordinator will work with the family, the LEA's representative for the chosen school, and other key providers to determine a date for the transition conference that will work for everyone.</p> <p>The family will receive a Prior Written Notice of the Transition Conference.</p> <p>With parent consent, the FIT Provide Family Service Coordinator will send a written invitation, via mail/email or hand delivery, to the LEA and any other potential preschool providers at least 30 days (about 4 and a half weeks) before the Transition Conference.</p> <p>The FIT Transition Assessment Summary Form will be completed by the child's FIT team. The FIT team is encouraged to update the Infant-Toddler Developmental Assessment (IDA) information, including scores from the IDA, and use Table 5 to determine if the child has at least a 30% delay. Once the form is completed and attachments are gathered, parental consent will be obtained, and all will be sent to the LEA at least 30 days before the transition conference.</p> <p>If the LEA notifies the Part C FIT agency the TAS form does not include all required documents, the FSC will provide the documents as soon as possible to support the appropriate participation of the LEA staff at the Transition Conference.</p> <p>FIT Provider Family Service Coordinators will discuss and fill out the Transition Plan, which is part of the child's IFSP, as activities are completed.</p> <p>In the case of a child who is deaf or hard-of-hearing, with parent consent, NMSD Early Intervention and Developmental Services Department regional supervisor will be contacted for technical assistance to the transition</p> | <p>The GCCS staff that serves the school the family has chosen or the area in which the child resides, will participate in mutually scheduled transition conferences for children to facilitate informed choices for all families.</p> <p>The LEA will assure information received from the FIT program, including invitations, the TAS form and attached documents will be sent/delivered, mailed/emailed to the LEA child find specialist at least 30 days before the Transition Conference.</p> <p>GCCS will review each child's information from the FIT Provider/Family Service Coordinator to be familiar with the child's needs in preparation for attending the transition conference.</p> <p>Early Childhood Department staff will support FIT Provider Family Service Coordinator to schedule transition conferences for those children turning three between June, July, August, and September prior to the end of the school year.</p> <p>Late referrals from FIT Provider/Family Service Coordinator will be processed as quickly as possible to strive to ensure a timely provision of Part B services.</p> | <p>Head Start staff may be invited, if requested by families, to Transition Conferences and Part C providers will strive to provide invitation 30 days (about 4 and a half weeks) prior to the transition conference.</p> | <p>The NMSD service provider or Regional Supervisor and/or the NMSBVI service provider will acknowledge receipt of the invitation.</p> <p>If NMSD Part B services are considered, NMSD Early Childhood Principal will acknowledge receipt of the Invitation and Transition Assessment Summary form.</p> <p>NMSBVI will:</p> <ul style="list-style-type: none"> provide information to parents/guardian of transitioning students who are blind or visually impaired regarding options for services. support each family in acquiring a comprehensive and current evaluation including ophthalmological report, if necessary prior to transition. |

team to discuss communication Consideration of special factors form and the continuum of educational options.
In the case of a child who is visually impaired, with parent consent NMSBVI will be contacted to assist in the transition process. in the completion of Consideration of special factors form and the continuum of educational options.

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Transition Conference

TRANSITION CONFERENCE: The FIT program is legally responsible for convening the Transition Conference. It is the responsibility of the Family service coordinator to invite an LEA representative to the Transition Conference with the approval of the family.

NMAC 8.9.8.13 (G) Transition conference

(7) The transition conference shall be facilitated by the family FIT Provider/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 (about 3 months) 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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| <p>The family FIT Provider/Family Service Coordinator shall convene and facilitate this transition conference, at least 90 days (about 3 months) prior to the child's 3rd birthday, to ensure the following actions:</p> <ul style="list-style-type: none"> ● Review the child's service/program options | <ul style="list-style-type: none"> ● GCCS will explain to the families the schools' responsibility during the transition process and will address the families' role and responsibilities to ensure timely services and compliance of requirements. ● During the transition conference, GCCS representative will meet with the family and will explain the steps in the process of determining | <p>Head Starts will participate in and support efforts for a smooth and effective transition.</p> <p>Transition process must consider availability of Head</p> | <p>NMSBVI will:</p> <ul style="list-style-type: none"> ● Participate, when invited, in the transition conference for students who are blind or visually impaired. |

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| <ul style="list-style-type: none"> ● Renew, revise, or establish a transition plan ● Ensure coordination of transition including the provision of uninterrupted services to child and family Part C to Part B ● Discuss special equipment and medical needs | <p>possible eligibility. An initial review of the child's records and assessment will be scheduled in a timely manner.</p> <ul style="list-style-type: none"> ● An appropriate representative(s) from GCCS will attend all transition meetings for children identified by the Part C programs to be potentially eligible for Part B services. | <p>Starts in the community, as well as individual Head Start openings. Head Start staff will attend transition conference when invited.</p> | <ul style="list-style-type: none"> ● Provide current Functional Vision Evaluation and Learning Media Assessment, recommendations, and consultation as needed to the receiving program. ● Support the Transition team by providing consultation related to Consideration of Special Factors for Children who are Blind or Visually Impaired as mandated by IDEA. |
| <p>When needed, an interpreter will be provided for the transition conference as requested by the family.</p> <p>If family chooses not to pursue transition to Part B, the family FIT Provider/Family Service Coordinator will provide the family with a Prior Written Notice stating that the child's services will end at the child's 3rd birthday. The family will be provided with contact information for GCCS if they decide they would like an initial evaluation after exiting Part C.</p> <p>If the Part C Family Service Coordinator or the parent is unable to attend the meeting, it will be rescheduled and the reason documented.</p> <p>The FSC will, at the time of the conference, complete Part 3 of IFSP which includes the following:</p> <ul style="list-style-type: none"> ● The "Transition Process Action Steps and Persons Responsible" section of the IFSP is completed. If the local school district representative is | | | <p>NMMSD will:</p> <ul style="list-style-type: none"> ● Participate in the Transition Conference and, if acting as FIT Family FIT Provider/Family Service Coordinator, facilitate that conference, per FIT regulations. ● NMMSD's Early Intervention and Developmental |

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| <p>present, document if each of the following is completed:</p> <ol style="list-style-type: none"> 1. Explain/provide the family with a copy of IDEA Part B rights and procedural safeguards. 2. Explain the Part B eligibility determination process and ask parent to sign consent, if parent is ready. 3. Explain the next steps in the process including the EDT meeting and IEP Meeting 4. Explain that the family can choose who they want to invite to EDT and IEP meetings. <p>The FSC is required to document on what date items 1-4 above will be completed if for any reason the activity was not completed.</p> <p>If the family decides to not sign consent to evaluate for Part B services, the FSC will note the reason either on the IFSP document in Part 3 or in their contact information.</p> <p>If the LEA is having difficulty obtaining consent to evaluate the FIT Program will assist if possible.</p> | | <p>Services Department Regional Supervisor will support the transition team at the transition conference by providing consultation related to Special Considerations for Children who are Deaf, Heard-of-Hearing Hearing as mandated by IDEA.</p> <ul style="list-style-type: none"> ● Provide referral to the NMSD's Statewide Educational Outreach (SEO) department for consultation to the LEA during the IEP process. |
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Initial Comprehensive Evaluation for Part B

INITIAL EVALUATION FOR PART B: The LEA is responsible for obtaining written informed parental consent and conducting the evaluation within 60 days. The purpose of the initial evaluation is to determine if the child is a child with a disability, and if the child requires special education and related services to benefit from the education program.

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.
 - (a) Policies for public agency selection of assessment instruments include:
 - Assessment and evaluation materials that are tailored to assess specific areas of educational need; and
 - Assessments that are selected ensure that results accurately reflect the child's aptitude or achievement level.
 - (5) Public agencies in New Mexico shall devote particular attention to the foregoing requirements considering the state's cultural and linguistic diversity. Persons assessing culturally or linguistically diverse children shall consult appropriate professional standards to ensure that their evaluations are not discriminatory and should include appropriate references to such standards and concerns in their written reports.
- 6.31.2.11 (A) (3)**
To ensure effective transitioning from IDEA Part C programs to IDEA Part B programs, each public agency must conduct a full and individual initial comprehensive evaluation at no cost to the parent and in compliance with requirements of 34 CFR Secs. 300.300, 300.301, 300.302, 300.304 and 300.305 and other department rules and standards before the initial provision of Part B special education and related services to a child with a disability. (a) The initial comprehensive evaluation process shall be conducted in all areas of suspected disability.

| FIT Provider | LEA | Head Start | Other |
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| <p>The FIT Service Coordinator or other staff from FIT may accompany the family to the evaluation at the parent's request.</p> | <p>If further evaluation is needed to determine eligibility for Part B services an evaluation will be scheduled within the 60 days of consent.</p> <p>LEA will schedule a File Review of all students transitioning from Part C to Part B once transition has been completed. (24-36 hours (about 1 and a half days) after)</p> <p>LEA will begin the REED (review existing evaluation data) to address previous testing Part B assessments and information to determine further testing areas of consideration.</p> <p>At the file review, within one week of transition meeting, the team of professionals, evaluator (Diag/Psych), speech provider, OT provider, and PT provider along with the EC LEA Coordinator will complete the REED with information for testing in areas of disability/delay.</p> <p>Upon completion of file review, the EC Specialist will contact the parent to schedule testing (15 business days). As soon as parent has confirmed a set date, evaluators will be notified of day of testing.</p> <p>If this review of existing data determines that no further information/evaluations are necessary, no evaluations will be scheduled and a PWN will be provided stating:</p> <ul style="list-style-type: none"> ● The fact that the evaluation is being refused; ● The reasons for refusing to provide the evaluation including the information used to make the decision; ● A copy of the parent's rights including what they can do to dispute the agency's decision ● Sources for the parent to contact to obtain assistance in understanding special education requirements; and ● A description of other options and other factors the LEA considered in reaching this decision. | | <p>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>NMSD will provide consultation regarding appropriate assessment/ evaluation for children with hearing difference.</p> |

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| | <p>If the parent disagrees with the decision not to evaluate his or her child, there are a number of formal procedures available to attempt to dispute the decision including:</p> <ul style="list-style-type: none"> ● requesting mediation, ● filing a state complaint, or filing a due process complaint. [34CFR 300.300 (a) (1), 300.503 and 300.504] <p>Based on this evaluation if the child does not meet eligibility requirements the Part B case carrier will call the family to schedule a meeting prior to the child's 3rd. birthday, to review the child's eligibility for Part B. This meeting may be held at the neighborhood school, at SES or at district central offices.</p> | | |
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Eligibility Determination Meeting

ELIGIBILITY DETERMINATION Eligibility is determined after the initial evaluation procedures are completed including the careful review of existing evaluation and assessment information, observations and input from the parents.

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)

(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 the determination of eligibility to the parent.

6.31.2.7(B)(2)

G. "Child with a disability" means a child who meets all requirements of **34 CFR Sec. 300.8** and who:

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

6.31.2.7(B) (19) NMAC

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

| FIT Provider | LEA | Head Start | Other |
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| FIT provider staff will attend EDT with parent consent. | Prior to the child's 3rd. birthday (provided the transition conference was held at least 90 days (about 3 months) prior to the | | NMSBVI will participate, with parent/guardian |

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| <p>The FIT provider will be provided an eligibility report, with parent consent.</p> | <p>child's 3rd birthday), an eligibility meeting will be held either at the child's chosen school, SES/EDC.</p> <p>The family will be provided with an interpreter for the meeting if requested.</p> <p>Eligibility determination will be completed by a multi-disciplinary team that consists of qualified professionals, parents, and with parent consent the FIT provider. All eligibility categories will be considered based on guidance from the 'NM (New Mexico) TEAM Manual.'</p> <p>If parents decide they do not want FIT providers at the EDT meeting, the FIT providers will be notified that the meeting will happen on a specified date.</p> <p>At this meeting, all data on the child will be reviewed, including existing evaluations, observation and parent and FIT provider reports. If data is sufficient, an eligibility report will be completed.</p> <p>This report will contain information from each evaluation given to the child as well as information provided by the FIT provider and will document whether the child qualifies for services. If the child does qualify for Part B services, it will document the child's exceptionality.</p> | <p>permission, in the Eligibility Determination Meeting for students who are blind or visually impaired.</p> <p>NMSD will participate, with parent/guardian permission, in the Eligibility Determination Meeting for students who are deaf or hearing difference.</p> |
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Evaluation Report and Documentation of Eligibility

EVALUATION REPORT AND DOCUMENTATION OF ELIGIBILITY WILL BE SENT TO THE PARENT by the child’s third birthday. With parental consent, LEAs have the option to share this information with the FIT provider. Although this is encouraged, it is not required.

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>If the LEA has not notified the FSC of the eligibility determination the FSC will contact the LEA</p> <p>For purposes of the BIE Child Count, GIB will document written parent consent to attend eligibility determination meeting and / or IEP meeting and / or receive eligibility determination report and IEP meeting date. GIB will document parent consent on GIB EI Services Contact Summary, and a copy will be given to LEA for future reference.</p> | <p>A copy of the eligibility document will be provided to the family by the LEA case carrier after the meeting.</p> <p>The eligibility determination, either eligible or not eligible, date of eligibility, and date of IEP. For the Navajo Nation, additional information required is the area of exceptionality.</p> <p>LEA will provide the verification of eligibility for “Part B” to the Family Service Coordinators.</p> | | <p>NMSD can provide family service coordination and would also follow the FIT provider guidelines.</p> |

Individualized Education Program (IEP) Development

IEP DEVELOPED by the child's third birthday, and at least 15 days prior to the child's entry into Part B services.

8.9.8.13 (D) The individualized education program (IEP):

- (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.
- 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 family FIT Provider/Family Service Coordinators or other representatives of the Part C system.

| FIT Provider | LEA | Head Start | Other |
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| <p>Early intervention services shall be provided in accordance with the IFSP to eligible children and families prior to the child's 3rd birthday.</p> <p>FIT staff will attend the IEPs, with parent consent, for children on their caseload.</p> <p>Follow-up family service coordination will be available, if documented on the IFSP, for up to one month after the child has successfully transitioned to preschool or another appropriate setting.</p> <p>If the family has agreed to follow-up services and the follow-up services are documented on the IFSP, EI consultation is available for up to</p> | <p>GCCS staff will schedule, develop, and hold an IEP with parents before the child's third birthday.</p> <ul style="list-style-type: none"> ● Invitations will be sent to families at least 2 weeks prior to the scheduled meeting. With parent permission, invitations to FIT Family Service Coordinators will be completed by phone or email. ● Input from the FIT staff will be utilized in the development of the IEP if they attend the IEP. ● In the case of a child with a hearing, difference, even if the hearing difference is not the child's primary condition, the Communication Considerations for Children with a Hearing Loss IEP addendum will be completed by the IEP team to | <p>With parental consent, Head Start will:</p> <ul style="list-style-type: none"> ● Participate in IEP meetings for children that will be attending their centers. ● Address strategies for the transition of children into Head Start from FIT programs. ● Include preparation of staff and parents for the entry of children with disabilities into the Head Start Program, through the IEP. ● Collaborate with the LEA on the transfer of records | <p>NMSBVI will:</p> <ul style="list-style-type: none"> ● Participate, with parent/guardian permission, on the IEP team for students who are blind or visually impaired. ● Assist in setting goals, provide suggestions for environmental modifications, and recommendations for services. ● Provide input on the Consideration of Special Factors for students who are blind or visually impaired including instruction in Braille. ● Provide NMVICount information for students who are blind or visually impaired to the receiving program. The NMVICount is the federal APH census that provides |

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| <p>twelve hours across all services/disciplines that the child was receiving under the IFSP within 90 days, so that EI personnel can provide consultation to the LEA, Head Start or other early childhood staff regarding the child's intervention needs.</p> <p>Exit ECO information will be sent upon discharge from the FIT Provider Agency</p> | <p>facilitate discussion about the child's communication needs.</p> <p>GCCS will also:</p> <ul style="list-style-type: none"> ● Provide a copy of the Procedural Safeguards to the parents ● Begin Part B services on the date specified on the IEP provided the family enrolled the child in school to ensure uninterrupted services. ● For children, whose 3rd birthday occurs during the summer, IEP meetings will still be held before the child's 3rd birthday. If the IEP meeting is not held prior to the end of the previous school year, it will be completed by LEA staff working in the summer. | <p>and continuity of service for transitioning students, with parent consent.</p> | <p>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> <p>NMSD will participate with parent permission on the 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 difference, even if the hearing difference 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 Center for Educational Consultation and Training staff is available to IEP teams for support and consultation.</p> |
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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.*

IN WITNESS WHEREOF, the following signatures are affixed:

Dr. Buu Nygren
Print Name of person signing


Signature

NN President
Role

OCT 18 2024
Date

Navajo Nation (Growing in Beauty)

Roy Tracy
Print Name of person signing


Signature

Acting Superintendent
Role

9/12/21
Date

Pine Hill Early Intervention

David C. Nez
Print Name of Person Signing

School Superintendent
Role


Signature

4/19/2024
Date

La Vida Felicidad Early Intervention

Sonyia Ward
Print Name of person signing

Transition lead
Role

Sonyia Ward
Signature

4/29/24
Date

Mid-West New Mexico CAP Early Head Start/Head Start Program

Darlene J. Barela
Print Name of person signing

Center Director
Role


Darlene J. Barela
Signature

4/25/24
Date

New Mexico School for the Blind and Visually Impaired

Deepa D. Santhanam
Print Name of person signing

Developmental Vision Specialist
Role


Signature

4/30/24
Date

New Mexico School for the Deaf

Carla J Gregory

Print Name of person signing

Carla J. Gregory

Signature

NW Regional
Coordinator

Role

May 1, 2024

Date

Grants Cibola County Schools

Jennifer A. Griego
Print Name of person signing

Director Special Education
Role


Jennifer A Griego
Signature

5-10-24
Date

NAPPR, Inc

Elaine Sanchez

Executive Director



4/25/24

Signature

Date

Pueblo of Laguna Division of Early Childhood

Ruth Hidalgo
Print Name of person signing

Director
Role

Ruth Hidalgo
Signature

5/10/24
Date

Pueblo of Acoma Haak'u Learning Center

EMILY CASTILLO (DISABILITY MANAGER)
Print Name of person signing

Role

SCA
Signature

05/01/24
Date