

**NIZHONI NETWORK
MEMORANDUM OF UNDERSTANDING
CONCERNING THE TRANSITION OF CHILDREN**

Between the following parties:

**Dungarvin New Mexico/Early Learning for Success (Dungarvin/ELFS)
Navajo Nation Growing in Beauty (GIB)
The Therapy Academy
Pine Hill Early Intervention
New Mexico School for the Deaf (NMSD)
Gallup McKinley County Schools (GMCS)
New Mexico School for the Blind and Visually Impaired (NMSBVI)
Mid-West NM CAP Gallup EHS/HS Program
Ramah Navajo Head Start
Navajo Nation Head Start**

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 McKinley 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

Dungarvin hereinafter referred to as "Dungarvin/ELFS", **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 **The Therapy Academy**. These are the Family Infant Toddler (FIT) agencies in McKinley County responsible for implementing Part C and who ensure access to early intervention services for all eligible children.

Gallup McKinley County Schools hereinafter referred to as "GMCS", is the Local Education Agency (LEA) in McKinley County who 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 McKinley County.

Region VI Midwest CAP Head Start, Navajo Nation Head Start, and Ramah Navajo Head Start, hereinafter referred to as "HEAD START", are responsible for administering the New Mexico Regional Early Head Start and Head Start programs for children ages birth to five years. Must ensure at least 10 percent of its total funded enrollment is filled by children eligible for services under IDEA.

New Mexico School for the Deaf, hereinafter referred to as "NMSD", is the state agency that provides educational and support services for eligible children who are deaf and hard of hearing.

New Mexico School for the Blind and Visually Impaired, hereinafter referred to as "NMSBVI", is the state agency that provides educational and support services for eligible children who have a visual impairment.

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", "Medical/Biological Risk" or "Environmental Risk".

Eligible Child (Part B-preschool special education and related services): means any child ages 3, 4 and 5 who resides in McKinley 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 shall 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, inclusive 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 May 1, 2024.

VI. MONITORING AND EVALUATION OF THE AGREEMENT

The effectiveness of the agreement will be evaluated yearly by the Nizhoni Network, an interagency committee whose purpose is to enhance coordination and collaboration in the development of a seamless system of transition in McKinley County. If no changes are needed, this will be documented in the Nizhoni Network 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 is in effect beginning May 1, 2024. The agreement will be reviewed annually.

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

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
<p>The FIT provider will notify the LEA's Early Childhood Administrative Assistant of children they are currently serving who may be eligible for Part B services.</p> <p>This written list provides a list of children that 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 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>	<p>The LEA's Early Childhood Administrative Assistant 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. 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>		

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
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.	The Early Childhood Intervention (ECI) will assist parents in scheduling 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 GMCS Public Schools.	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.	NMSD and NMSBVI will: <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

<p>If families are interested in visiting classrooms the FSC will support the family by providing contact information and facilitating the visits.</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/guardian consent, an NMSBVI vision specialist will be contacted to assist in the transition process.</p>			<p>and current evaluation including audiological/ ophthalmological prior to transition.</p> <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

FIT Provider	LEA	Head Start	Other
<p>NMAC 8.9.8.13 (D) Referral to the LEA and other preschool programs</p> <p>(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).</p> <p>(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.</p> <p>(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.</p>	<p>Upon receipt of a child's complete TAS form and the listed documents, the LEA Child Find Specialist will</p> <p>Upon receipt of a child's paperwork from the FIT provider, the Early Childhood Administrative Assistant will note the date each document was received, on the document's checklist and will place the child's information on a Transition spreadsheet that will facilitate tracking the progress from transition conference to IEP development.</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</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>NMSBVI will:</p> <ul style="list-style-type: none"> Refer, with parent/guardian consent, to the local FIT early intervention providers or LEA when appropriate. <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 and current evaluation
<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) prior to the child's transition conference and if possible 6 months prior to the child's 3rd birthday.</p> <p>FIT Provider/Family Service Coordinators will plan and arrange for translation and/or interpretive services assuring availability on the day of the transition conference.</p> <p>At least 30 days (about 4-1/2 weeks) prior to the transition conference, with parental consent, a written invitation to the meeting along with the Assessment Summary Form will be filled out by the FIT Provider Family Service Coordinator. This form along with copies of the child's evaluation and IFSP will be delivered or</p>			

<p>mailed/mailed by the child's FIT Provider Family Service Coordinator at SES (Services for Exceptional Students) staff. FIT Provider Family Service Coordinator will request electronic receipt. 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>processed prior to the months that the LEA has scheduled summer breaks.</p>		<p>including an audiology evaluation prior to transition.</p>
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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
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.	The ECI assigned to the child's home school in the area in which the child resides, will participate in mutually scheduled transition conferences for children to facilitate informed choices for all families. (If the family has extenuating	Head Start staff may be invited, if requested by families, to Transition Conferences and Part C providers will strive to provide	The NMSD service provider or Regional Supervisor and/or the NMSBVI service provider will acknowledge receipt of the invitation.
The family will receive a Prior Written Notice of the Transition Conference.			

<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) prior to the Transition Conference.</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> <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 <p>The FIT Provider will hand delivery, mail/email a Transition Assessment Summary form 30 days (about 4 and a half weeks) prior to the Transition Conference. The Transition Assessment Summary Form will include Assessment results to include present levels of development, all of the information must be current within six months of the Transition Conference.</p> <p>The FSC will document on the TAS actual percentage of delay obtained from evaluations and assessments.</p> <p>If the family is unsure of the setting and/or proceeding with Part B eligibility determination. The FIT Provider Family Service Coordinator will call the GMCS representative to find out which GMCS staff member should be invited.</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>circumstances and is requesting another school outside of their attendance area other options will be considered)</p> <p>Invitations and Assessment Summary forms will be sent/ delivered, mailed/mailed to the LEA child find specialist at least 30 days (about 4 and a half weeks) prior to the Transition Conference. The documents will be dated of when they were received and will be kept in a data folder developed for the child. To be familiar with the child's needs GMCS will review information received from the FIT Provider in preparation for attending the transition conference.</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 form <p>If any of the above documents are not included the FIT Provider will be notify the referral is incomplete.</p>	<p>invitation 30 days (about 4 and a half weeks) prior to the transition conference.</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.
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<p>If the FIT Provider is notified the packet is incomplete the missing documents will be provided as soon as possible.</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 team to discuss communication Consideration of special factors form and the continuum of educational options.</p> <p>The FIT Provider Family Service Coordinator will plan and schedule interpretation and/or translation services to ensure they are available on the day the transition conference is scheduled.</p> <p>In the case of a child who is visually impaired, with parent/guardian consent NMSBVI will be contacted to assist in the transition process.</p>	<p>Early Childhood Department staff will support FIT Provider Family Service Coordinator to schedule transition conferences for those children turning three between August and September prior to the end of the school year.</p> <p>Transition conferences held during the summer will be processed by the staff the LEA has available for the summer.</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>	
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<p>NMAC 8.9.8.13 (G) Transition conference</p> <p>(7) The transition conference shall be facilitated by the family FIT Provider/Family Service Coordinator to include:</p> <ul style="list-style-type: none"> (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. <p>6.31.2.11 (A) (5)(e)</p> <p>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.</p>			
<p>Fit Provider</p> <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 • 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>LEA</p> <p>At the conference, the GMCS staff working with the chosen school will:</p> <ul style="list-style-type: none"> • Present Procedural Safeguards • Review potential educational options with the family. • If families are ready to sign consent to evaluate a consent form will be provided. • If the family is not ready to sign consent to evaluate at the conference the LEA will explain the LEA process for consent for testing process and timeline that the parent can expect a call from the EC Administrative Assistant within 15 business days to schedule the evaluation in the areas of concern. • Obtain consent for the LEA to share information with the FIT provider (Interagency exchange). 	<p>Head Start</p> <p>Head Starts will participate in and support efforts for a smooth and effective transition.</p> <p>Transition process must consider availability of Head Starts in the community, as well as individual Head Start openings. Head Start staff will attend transition conference when invited.</p>	<p>Other</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. • Provide current Functional Vision Evaluation and Learning Media Assessment, recommendation, and consultation as needed to the receiving program.

<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 the contact information for GMCS if the family decides 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 present, document if each of the following is completed: <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 	<ul style="list-style-type: none"> Provide a Prior Written Notice which will include that a statement of Parent Rights was shared. Parents will be informed that a committee of qualified professionals will review existing information provided by FIT and identify what, if any, additional data, or evaluations are requested. The EC Administrative Assistant will call the family to schedule any needed evaluations and/or meetings. <p>During the Transition Conference, ECI will obtain additional childhood history information as well as other medical information and parental concerns to inform the LEA team.</p> <p>Process</p> <ul style="list-style-type: none"> Take the information from the transition conference and intake for a LEA file review of information The review team consists of a diagnostician, speech therapist, occupational therapist, a physical therapist and the ECI. The file review team addresses each area of concern and ensures that the areas of concern are discussed. The gathering of this data is noted in REED. Review team notes on the child's file the areas of concern and gives the file back to the EC Administrative Assistant to call parent and set up a time for parent to come to the SES building for the opportunity to have their child tested in the areas of concern. At that time the LEA will review procedural safeguards, discuss the potential testing that will occur and if consent was not previously obtained ask the parent if they are ready to sign consent. The LEA will obtain consent for other 	<ul style="list-style-type: none"> 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>NMSD 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. NMSD's Early Intervention and Developmental 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.
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<p>4. Explain that the family can choose who they want to invite to EDT and IEP meetings.</p> <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 L.E.A. is having difficulty obtaining consent to evaluate the FIT Program will assist if possible.</p>	<p>assessments that may be considered if the evaluator feels that there may be other additional areas of concern.</p> <p>If the ECI designated for the meeting is unable to attend the Transition Conference another GMCS ECI will be assigned to attend the meeting.</p> <p>If the family chooses not to proceed with eligibility determination by Part B, they will be provided with L.E.A. contact information if they would like to pursue the possibility of Part B services later, after the conference, enter student data into the Student Information Database for all students referred from Part C to Part B, regardless of eligibility, including those whose parents chose to deny services/transition</p>	<ul style="list-style-type: none"> • Provide referral to the NMSD's Center for Educational Consultation and Training (CECT) department for consultation to the LEA during the IEP process.
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Initial Comprehensive Evaluation for Part B

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
The FIT Service Coordinator or other staff from FIT may accompany the family to the evaluation at the parent's request.	If further evaluation is needed to determine eligibility for Part B services an evaluation will be scheduled within the 60 days of consent. ECIs will begin to review and document existing evaluation data to address previous testing. Part B assessments and information to determine further testing areas of consideration.		NMSBVI will: <ul style="list-style-type: none"> • Provide a current Functional Vision Evaluation and Learning Media Assessment for students who are

<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 Administrative Assistant 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>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 EC Administrative Assistant 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, if possible, at the Head Start or Community Preschool of the family's choice.</p>	<p>blind or visually impaired, to be used in eligibility determination and programming design.</p> <p>NMUSD will:</p> <ul style="list-style-type: none"> • Provide consultation regarding appropriate assessment/evaluation for children with hearing difference.
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6.31.2.11(A)(5)(f) Eligibility Determination Meeting

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
FIT provider staff will attend EDT with parent consent. The FIT provider will be provided an eligibility report, 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 child's 3rd birthday), an eligibility meeting will be held either at the child's home school, SES, if possible, at the Head Start or Community Preschool of the family's choice. The family will be provided with an interpreter for the meeting if requested.		NMSBVI will: <ul style="list-style-type: none"> • Participate, with parent/guardian permission, in the Eligibility Determination Meeting for students who are blind or visually impaired.

	<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, observations, and parent and FIT provider reports. If data is sufficient, an eligibility document will be completed. This document 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>		
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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 ECI after the meeting.</p> <p>The eligibility determination, either eligible or not eligible, date of eligibility, and date of IEP. LEA will provide the verification of eligibility for "Part B" to the Family Service Coordinators.</p>		<p>NMSD can provide family service coordination and FIT provider would also follow the FIT provider guidelines.</p>

8.9.8.13 (1) 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
<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 twelve hours across all services/disciplines that the child</p>	<p>GMCS 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 10 business days 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 or vision impairment is not the child's primary condition, the exceptionality Considerations for Children with a Hearing Difference IEP addendum will be completed by the IEP team to facilitate discussion about the child's communication needs. <p>GMCS will also:</p>	<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 and continuity of service for transitioning students, with parent consent. 	<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 NMV/Count information for students who are blind or visually impaired to the receiving program. The NMV/Count 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

<p>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>	<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>from APH (The American Printing House for the Blind). Phone contact for NM-IRC: 575-439-4438.</p> <p>NMSD will:</p> <ul style="list-style-type: none"> • 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. • 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 Difference IEP addendum MUST be completed by the IEP team to facilitate discussion around the child's communication needs. • NMSD Center for Educational Consultation and Training staff is available to IEP teams for support and consultation.
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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

NN President
Role

Signature

SEP 30 2024
Date

Navajo Nation (Growing in Beauty and Navajo Head Start)

Roy Tracy

Print Name of person signing

Signature  _____

Acting Superintendent

Role



Date

Pine Hill Early Intervention and Ramah Navajo Head Start

David C. Nez
Print Name of person signing

superintendent/ principal
Role

[Handwritten Signature]
Signature

3/12/2024
Date

Dungarvin New Mexico/Early Learning for Success (ELFS)

Bernadine Leekle

Print Name of person signing

Area Director

Role

[Handwritten Signature]

Signature

05/01/2024

Date

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

Duane Casias, Gallup Head Start (Mid west CAP)	Center Director
_____ Print Name of person signing	_____ Role

<small>DocuSigned by:</small> <i>Duane Casias, Gallup Head Start (Mid West CAP)</i>	3/26/2024 11:49 AM MDT
_____ Signature	_____ Date

New Mexico School for the Blind and Visually Impaired

Elizabeth Philips, MOT/L, COMS, DS III

Print Name of person signing

Developmental Vision Specialist/COMS

Role

DocuSigned by:

Elizabeth Philips, MOT/L, COMS, DS III

Signature

3/27/2024 | 1:07 PM MDT

Date

New Mexico School for the Deaf

Meena Mann

Print Name of person signing

DocuSigned by:

Meena Mann

02908E670588475

Signature

Statewide Educational Consultant

Role

3/26/2024 | 12:14 PM PDT

Date

Gallup McKinley County Schools


Print Name of person signing

President
Role

Chris Mortensen
Signature

6/10/24
Date

The Therapy Academy

Nicole Olsin

Print Name of person signing

DocuSigned by:

Nicole Olsin

Signature

Executive Director

Role

3/26/2024 | 12:25 PM PDT

Date