

MEMORANDUM OF UNDERSTANDING
CONCERNING THE TRANSITION OF CHILDREN AMONG

Alamogordo Public School District
Cloudcroft Municipal School District
Tularosa Municipal School District
Zia Therapy Center Early Intervention Program
Mescalero Apache Early Childhood Program
HELP New Mexico, Inc.
Mescalero Apache Head Start
New Mexico School for the Blind & Visually Impaired - NMSBVI
New Mexico School for the Deaf - NMSD
Region 9 Educational Cooperative
Children in Need of Services, Inc. - CHINS

And Secondary Partners:
Zia Therapy Center Child Development Program
Parents Reaching Out
Education for Parents of Indigenous Children with Special Needs

Duration: February 2024 - February 2028
Updated: February 13, 2024

The above listed agencies are collectively described as the
Otero County Transition Team

TEAM MEMBERS
Contact Information

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I. PURPOSE

The purpose of this agreement is to facilitate the integration and coordination of services to eligible children birth through five years of age. The intent of the Otero County Transition Team is to facilitate a smooth transition for children and families through uninterrupted educational activities and developmental supports.

II. GOALS

- Collaborate and participate quarterly in the Otero County Transition Team meetings;
- Work in partnership with other community agencies to provide the most appropriate services to children and families;
- Ensure joint transition planning and seamless transition of the Individual Family Service Plans (IFSP) and Individual Education Program/Plan (IEP) for each child eligible for services.
- Assure that all children meeting the guidelines of the Individuals with Disabilities Education Act (IDEA), Part C and Part B receive appropriate and necessary services;
- Inform transition team agencies and parents of relevant training opportunities and participate in joint in-service trainings when appropriate;
- Provide families with information, resources, training and support to assist them in making informed decisions.
- Formalize referral procedures to appropriate agencies to ensure eligible children are provided opportunities for services.

III. DESCRIPTION OF THE INVOLVED AGENCIES

Alamogordo Public Schools is the Local Education Agencies (LEA) that serves children who are determined eligible for services under IDEA Part B within the Alamogordo School District.

Cloudcroft Municipal Schools is the Local Education Agencies (LEA) that serves children who are determined eligible for services under IDEA Part B within Cloudcroft Municipal School District.

Tularosa Municipal Schools is the Local Education Agencies (LEA) that serves children who are determined eligible for services under IDEA Part B within the Tularosa Municipal School District.

Zia Early Childhood Intervention Program Zia Therapy Center Early Childhood Intervention program (Part C) provides a variety of early intervention services for families and children birth to 3 who are developmentally delayed, or who are at-risk for developmental delay, in Otero County.

Mescalero Apache Early Childhood Program (MAECP) provides early intervention services and a variety of support services (Part C) to families with infants and toddlers who have or are at risk for developmental delays residing on the Mescalero Apache Reservation. MAECP also provides intervention and support for some children in Part B BIE programs.

REC IX is the Regional Education Cooperative. It provides a variety of educational services, including technical assistance and direct services, to the Tularosa and Cloudcroft Schools (which are member districts).

New Mexico School for the Blind and Visually Impaired will provide supports and services for children who are blind or visually impaired, as appropriate.

New Mexico School for the Deaf may provide supports and services for children within this community. This agency is involved in the transition process for children who are deaf or hard of hearing, as appropriate.

HELP New Mexico, Inc. is an early childhood educational program that includes early head start, head start, and New Mexico Pre-K. HELP NM provides comprehensive services to expectant mothers and children from birth to five years old and their families. Head start enrollees need to be determined eligible under head start criteria. New Mexico Pre-K funded children who are eligible by August 31st, there are no income restrictions for the New Mexico Pre-K families. Therefore, children are enrolled on a first-come, first-served basis. It is mandated that our program takes ten percent of enrollment opportunities available to students with disabilities and actively recruits children with disabilities. Therefore, process outreach and recruitment is ongoing throughout the program year in order to meet the enrollment requirements.

Children in Need of Services, Inc. (CHINS) is the largest childcare provider in the community, operating four centers. They serve pre-K students, including many with developmental delays. CHINS will provide support in order to assure smooth and effective transitions into Part C and Part B services.

Mescalero Apache Head Start provides comprehensive services to children ages three to five and their families. Mescalero Apache Head Start works in partnership with both Part B and Part C agencies to support IFSP or IEP goals and also provides referrals through Child Find.

Parents Reaching Out is a state wide nonprofit that supports families of children birth through 26 years of age. It provides information, resources and support to help families understand early intervention, education and health care services.

Education for Parents of Indigenous Children with Special Needs is a state wide nonprofit that supports families of children birth through 26 years of age. It provides information, resources and support to help families understand early intervention, education and health care services.

COMMUNITY CHILD CARE PROGRAMS - These agencies provide inclusive early education services in collaboration and partnership with Part C providers in the community.

- Children In Need of Services (CHINS)
- Zia Child Development Center
- Mescalero Child Development Centers
- Inn of the Mountain Gods Child Development Center

IV. DEFINITION OF TERMS

- **Parent** - (According to IDEA B:300.30) (a) Parent means—(1) A biological or adoptive parent of a child; (2) A foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent; (3) A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State); (4) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or (5) A surrogate parent who has been appointed in accordance with § 300.519 or section 639(a)(5) of the Act. (b) (1) Except as provided in paragraph (b)(2) of this section, the biological or adoptive parent, when attempting to act as the parent under this part and when more than one party is qualified under paragraph (a) of this section to act as a parent, must be presumed to be the parent for purposes of this section unless the biological or adoptive parent does not have legal authority to make educational decisions for the child. (2) If a judicial decree or order identifies a specific person or persons under paragraphs (a)(1) through (4) of this section to act as the “parent” of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the “parent” for purposes of this section.

- **IDEA-Individuals with Disabilities Education Act**
 - **Procedural Safeguards-** The procedural safeguards required by the Individuals with Disabilities Education Act (IDEA) are intended to protect the interests of families and children with special needs, as well as the special education and the early intervention systems. Procedural safeguards are the checks and balances of the system, not a piece separate from the system.
 - **Part C-**The part of the IDEA which provides services to eligible children birth to 3 years of age and their families.
 - **Part B-**The part of the IDEA which provides services to children with disabilities ages 3 to 21 years of age.
 - **CHILD FIND** - Child Find is the process of identifying, locating and evaluating individuals (birth to 21) suspected of having a developmental delay or disability.

- **ECECD** - Early Childhood Education and Care Department
 - **FIT-Family-Infant Toddler program** (Part C programs)
 - **EI-Early Intervention program**
 - **IFSP-Individualized Family Service Plan**
 - **FITKIDS -Family Infant Toddler Key Information Data System**

- **NMPED or PED-New Mexico Public Education Department**
 - **SEB-Special Education Bureau**
 - **LEA-Local Education Agency (School District) (Part B programs)**
 - **IEP-Individualized Education Program/Plan**
 - **FAPE-Free and Appropriate Public Education**

- **EDT- Eligibility Determination Team**
 - **NM TEAM (New Mexico Technical Evaluation and Assistance Manual) - NM PED's guidance for eligibility determination in Part B under the IDEA**
 - **NOVA -student reporting system between school districts and NMPED**
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- **Privacy Acts:**
 - **HIPPA-Health Information Patient Privacy Act**
 - **FERPA-Family Educational Rights Privacy Act**

V. THE FOLLOWING ARE CONSIDERED TO BE THE WORKING PROCEDURES AND TIMELINES INCLUDING THE RESPONSIBILITIES OF THE INVOLVED AGENCIES 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) TRANSITION The FIT program shall provide notification to the public education department, special education bureau, of all potentially eligible children statewide who will be turning three years old in the following twelve-month period. (2) The early intervention provider agency shall notify the LEA of all potentially eligible children residing in their district who will turn three years old in the following twelve-month period. This will allow the LEA to conduct effective program planning. (3) The notification from the early intervention provider agency to the LEA shall:

- (a) include children who are potentially eligible for preschool special education services under the Individuals with Disabilities Education Act (IDEA) Part B; potentially eligible children are those children who are eligible under the developmental delay or established condition categories;
- (b) include the child’s name, date of birth, and contact information for the parent(s);
- (c) be provided at least quarterly in accordance with the process determined in the local transition agreement; and (d) be provided not fewer than 90 days before the third birthday of each child who is potentially eligible for IDEA Part B.

NMAC 6.31.2.11 (A) (5) (a) Each LEA shall survey Part C programs within its educational jurisdiction in its child find efforts to identify children who will be eligible to enter the LEA’s Part B preschool program in future years.

FIT PROVIDER	LEA	HEAD START	OTHER
<ul style="list-style-type: none"> • The Early Intervention Program will provide a list of potentially eligible children with a Developmental Delay/Established Condition to the Local Educational Agency (LEA) based on the residence of the child. Notification will be 	<ul style="list-style-type: none"> • The LEA will acknowledge receipt of the monthly list from the local FIT program by email notification. • The LEA will contact the Part C provider no later than one week past the 15th (or next business day) 	<ul style="list-style-type: none"> • HELP NM will notify families of child find activities. HELP NM will notify early intervention and the LEA of children with developmental concerns enrolled in Head Start with parent consent. 	

<p>made monthly by mail or hand delivery.</p> <ul style="list-style-type: none">• Notification should include children who are at least 24 months of age. The notification will include the child’s name, date of birth and contact information for the parent.• The FIT providers will provide the local LEAs with the list of potentially eligible children on the 15th of each month (or the following Monday if the 15th falls on a weekend). This notification schedule will begin upon formalization of the MOU.	<p>if the monthly list has not been received.</p> <ul style="list-style-type: none">• The LEA will use the Part C notification list for planning purposes.• The LEA will not directly contact parents of children on this list at the time of initial notification.• The statewide notification provides the LEA with a list of children who will potentially transition to their school district within the next year so that the LEA can project future allocation of resources.• The LEA will confer with the FIT provider to resolve any differences in the local vs. statewide notification lists.		
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TRANSITION PLANNING

TRANSITION PLANNING: For all children receiving FIT services the transition plan will be initiated. By 24 months of age, but at least 6 months prior to the child's 3rd birthday, 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)

- (1) A transition plan shall be developed with the parent(s) for each eligible child and family that addresses supports and services after the child leaves the FIT program.
- (2) The transition plan shall be included as part of the child's IFSP and shall be updated, revised and added as needed.
- (3) The following is the timeline for developing the transition plan:
 - (a) at the child's initial IFSP meeting, the transition plan shall be initiated and shall include documentation that the family service coordinator has informed the parent(s) regarding the timelines for their child's transition;
 - (b) by the time child is 24 months old, the transition plan will be updated to include documentation that the family service coordinator has informed the parent(s) of the early childhood transition options for their child and any plans to visit those settings; and
 - (c) at least 90 days, and not more than nine months before the child's third birthday, the transition plan shall be finalized at an annual IFSP or transition conference meeting that meets the attendance requirements of this rule.

6.31.2.11(A)(4)

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

6.31.2.11(A)(5)

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

FIT PROVIDER	LEA	HEAD START	OTHER
<ul style="list-style-type: none"> • Upon the child’s initial IFSP meeting the transition plan will be initiated with the IFSP team. • Each Early Intervention program, in conjunction with the transition team will develop an effective and smooth transition plan for all children receiving services from Part C. • By the time the child is 24 months of age, the transition plan will be updated and families will be aware of the timeline for their child’s transition. The family service coordinator will include documentation that the family has been informed of the transition options for their child, including home, Part B preschool special education, Head Start, childcare centers, private preschools, or other community-based settings. The family service coordinator will assist the family in visiting any of these settings. The family service coordinator needs to discuss options for inclusive settings and should include the parents’ need for child care. 	<ul style="list-style-type: none"> • The LEAs will be available as requested to provide support and information to the family service coordinators about the transition process, including site visits. 	<p>HELP New Mexico will:</p> <ul style="list-style-type: none"> • Coordinate with Zia Early Childhood Intervention Program (Part C) and/or LEA (Part B) to facilitate visits to classrooms by families. HELP NM will support families to learn about services provided by Head Start, Part C, and/or Part B. • Coordinate joint training or presentations for staff and parents on identified transition needs if appropriate. <p>Mescalero Apache Head Start Program will:</p> <ul style="list-style-type: none"> • Coordinate with referring agencies that parents are informed of enrollment procedures, including completion of enrollment packet. • Coordinate with Mescalero Apache Early Childhood Program to facilitate visits to the classrooms by families. MAHSP will support families to learn about services provided by MAHSP on the Mescalero Apache Reservation. 	<p>Child Care Programs will:</p> <ul style="list-style-type: none"> • Childcare programs will coordinate with Part C and B to facilitate visits to classrooms by families and will support families to learn about services provided by a childcare program. <p>Parent Centers will:</p> <ul style="list-style-type: none"> • Parents Reaching Out and EPICS will provide on-going support to families for transitioning. Will provide one-on-one support, training and parent preparation for transition. Will work with EI providers, Head Start Programs, Preschool Programs and LEAs.

<ul style="list-style-type: none">• At least 90 days and not more than nine months before the child’s third birthday, the transition plan will be finalized at a Transition Conference meeting.• This meeting will include the parent(s), other family members, as requested by the parent(s), a person or persons directly involved in conducting evaluations and assessments of the child and family, a person or persons who provide early intervention services to the child and family, and the family service coordinator and other individual(s), as applicable, such as an advocate or person outside of the family, and/or personnel from: child care, Early Head Start, Home Visiting, medically fragile, Children’s Medical Services, child protective services, physicians and other medical staff, and personnel from New Mexico School for the Blind and Visually Impaired and New Mexico School for the Deaf. <p>The Family Service Coordinator will:</p> <ul style="list-style-type: none">• Identify and document the specific steps and actions that will support the child and family through the transition process as		<ul style="list-style-type: none">• Coordinate joint training or presentations for staff and parents on identified transition needs if appropriate.	
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<p>noted on the Transition Plan page of the IFSP.</p> <ul style="list-style-type: none">• Assure all individualized steps and actions including the following are documented on the Transition Plan and of the IFSP.• Consider the parent(s) needs for child care in the transition planning process. <ul style="list-style-type: none">• Use all available resources to ensure that parents are fully informed about the state statutes regarding when their child can transition. This includes communicating in family friendly language, using interpreters for other languages or modes of communication as needed, and taking sufficient time to build a clear understanding about the options. <ul style="list-style-type: none">• If the child is potentially eligible for Part B services, the Family Service Coordinator will deliver/mail a Transition Referral Form to the Local Education Agency (LEA) at least 60 days prior to the Transition Conference, and if possible 6 months prior to the child's third birthday with parent consent.			
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- For late referrals (i.e., a child who is less than 90 days but more than 45 days before his/her 3rd birthday), the family service coordinator will discuss the process for transition with the family during the initial IFSP process.
- If a parent refuses the referral to Part B the family service coordinator should provide the parent(s) with prior written notice that Part C services will end at the time of their child's 3rd birthday. The family service coordinator will also provide the family a copy of their procedural safeguards at this time. Also, the parents will be provided information about Child Find.

Note: If the parent and the LEA agree, the IFSP may be the vehicle under which a Part B eligible three-year-old receives a free appropriate public education.

REFERRAL TO LEA

- Referral form sent to LEA with parent consent

NMAC 8.9.8.13 (D)

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

2. For children who enter the FIT program less than 90 days before their third birthday, the family service coordinator shall submit a referral, with parental consent, as soon as possible to the LEA. This referral shall serve as the notification for the child. No further notification to the LEA shall be required for the child.

3. For children referred to the FIT program less than 45 days before the child's third birthday, the family service coordinator shall submit a referral to the LEA, with parental consent, but the early intervention provider agency will not conduct an evaluation to determine eligibility in accordance with the referral and intake provisions of this rule.

NMAC 8.9.8.7 (C) (6)

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

FIT PROVIDER	LEA	HEAD START	OTHER
<ul style="list-style-type: none"> • With parent consent, the family Service Coordinator will coordinate the completion and submission by mail or delivery of the current State Transition Referral Form to the LEA no later than 60 days prior to the Transition Conference and if possible, at least six months prior to the child's 3rd birthday. • For late referrals (i.e., a child who is less than 90 days but more than 45 days before his/her 3rd birthday), if the FIT provider determines that the child is potentially eligible for Part B services, the referral may be made 	<ul style="list-style-type: none"> • Special Education Director and/or coordinator will confirm receipt of the Transition Referral Form. • Upon receipt of the referral form, the LEA staff is required to record the date of the written referral into the NOVA Reporting System database, for children referred from Part C to Part B, regardless of eligibility. • Each LEA will arrange for qualified professionals from each LEA and the parent(s) to review existing data, including the IFSP, 	<p>HELP New Mexico will:</p> <ul style="list-style-type: none"> • With parental consent, all referrals made to Part B or Part C by HELP New Mexico will include copies of developmental screening, vision and hearing results. • Any child under the age of 3 will be referred to Part C. • Head Start can contact the family service coordinator of Part C or Part B for referral status, with parent consent. 	<p>Child Care Centers will:</p> <ul style="list-style-type: none"> • Assist the family with the referral according to the most appropriate transition option for their child. <p>NMSBVI Birth to 3 program will:</p> <ul style="list-style-type: none"> • NMSBVI will refer, with parent/guardian consent, to the local FIT early intervention providers or LEA when appropriate

<p>prior to FIT eligibility determination and development of IFSP and transition plan, with parent consent.</p> <ul style="list-style-type: none"> • The FIT Transition Referral Form will indicate if a referral is late. • For late referrals the FIT Transition Referral Form will be considered both notification and referral to Part B. • The FIT provider will refer children who are within 45 days of their 3rd birthday to Part B through Child Find. • The FIT provider is responsible for meeting all timelines for Part C and will follow the transition process in working with the family. 	<p>recently conducted evaluations and information provided by parents or other data as allowed, as part of the process for determining the structure of a Part B evaluation.</p> <ul style="list-style-type: none"> • Each LEA will provide contact information and/or date of availability per LEA contract by May 1 for scheduling transition activities, including evaluations, during summer months. 		
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PRE-PLANNING FOR TRANSITION CONFERENCE

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

NMAC 8.9.8.13 (E)

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)

- (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)

The Transition Conference shall:

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

6.31.2.11 A. (3) (b)

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

6.31.2.11.A (4)

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

FIT PROVIDER	LEA	HEAD START	OTHER
<ul style="list-style-type: none"> • The current Transition Assessment Summary Form will be completed by the family service coordinator and IFSP team, to include current assessment information (no more than six months old) prior to transition conference. • The family service coordinator will work with the family; the IFSP team, which includes parent(s) and two or more individuals from separate disciplines or professions, one of whom must be the family service coordinator; LEA representative(s); and other key providers to determine a date for the transition conference and the family will receive prior written notice of the Transition Conference. • With parental consent, the family service coordinator will send a written invitation to the LEA at least 30 days prior to the transition conference and any other potential preschool providers with the details about the conference (e.g., Head Start, child care, CHINS preschool coordinator, NM School for the Deaf, and NM School for the Blind and Visually Impaired). • To support the use of Part C information in determining Part B eligibility, the FIT Transition Assessment Summary Form will be 	<ul style="list-style-type: none"> • The representative of the LEA will confirm receipt of the Transition Assessment Summary Form • The representative of the LEA will receive the transition conference invitation from Part C. The transition conference invitation from Part C will be received by the representative of the LEA at Alamogordo, Cloudcroft and Tularosa Schools. • The LEA will review the information sent by the Part C family service coordinator. The LEA will conduct a Review of Existing Evaluation Data to determine the need for additional evaluation and information. 	<ul style="list-style-type: none"> • With parental consent or request, HELP NM will receive written transition invitations and will make all efforts to attend to the transition conference. 	<ul style="list-style-type: none"> • NMSBVI will provide information to parents/guardian of transitioning students who are blind or visually impaired regarding options for services. NMSBVI will support each family in acquiring a comprehensive and current evaluation including ophthalmological report, if necessary, prior to transition.

<p>completed by the child’s FIT team. Attachments to the form include the child’s current IFSP and any current pertinent assessment information, including present levels of development in all areas/evaluation reports, Early Childhood Evaluation Program (ECEP) report (if applicable), and other information that may support a Part B eligibility determination. 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 prior to the Transition Conference. Only information that originates with the FIT Program shall be sent. In order for the information to be used by the LEA, current assessments are defined as assessments conducted no more than six months prior to the date of the meeting of the Part B eligibility team (EDT meeting). Part C and Part B will communicate and plan effectively in order to utilize Part C information to support Part B eligibility determination.</p>			
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TRANSITION CONFERENCE

- Explain Part B and C procedures and safeguards.
- Provide prior written notice.
- Review if all current evaluations and/or assessments have been given to the LEA.
- Obtain consent for evaluation.
- Complete IFSP Transition Conference page; discuss program options and next steps with LEA

NMAC 8.9.8.13 (G) (7)

The transition conference shall be facilitated by the family service coordinator to include:

- (a) a review of the parent(s)'s preschool and other service options for their child;
- (b) a review of and, if needed, a finalization of the transition plan;
- (c) a review of the current IFSP, the assessment summary and any other relevant information;
- (d) the transmittal of the IFSP, evaluation and assessments and other pertinent information with parental consent;
- (e) an explanation by an LEA representative of the IDEA Part B procedural safeguards and the eligibility determination process, including consent for the evaluation;
- (f) as appropriate, discussion of communication considerations (if the child is deaf or hard of hearing) and Braille determination (if the child has a diagnosis of a visual impairment), autism considerations, and considerations for children for whom English is not their primary language.
- (g) discussion of issues, including enrollment of the child, transportation, dietary needs, medication needs, etc.
- (h) documentation of the decisions made on the transition page and signatures on the Transition Conference signature page, which shall be included as part of the IFSP. Copies of the Transition Conference page and signature page shall be sent to all participants.

6.31.2.11 (A) (5)(e)

Each LEA shall participate in transition planning conferences arranged by the designated Part C lead agency no less than 90 days prior to the anticipated transition or the child's third birthday, whichever occurs first, to facilitate informed choices for all families.

FIT PROVIDER	LEA	HEAD START	OTHER
<ul style="list-style-type: none"> • The family service coordinator shall facilitate this meeting to ensure the following: <ul style="list-style-type: none"> -Review the child's service and program options. -Review the IFSP, evaluation, assessment information, and other relevant and current data/information. -Decide what, if any, other 	<ul style="list-style-type: none"> • The LEA will participate in the Transition Conference arranged by the designated early intervention provider. • The LEA representative may secure parental consent for initial evaluation during the Transition Conference. Parents must fully 	<p>Head Start programs participating in the Otero County Transition Team agree to:</p> <ul style="list-style-type: none"> • With parent consent, attend Transition Conference if Head Start is being considered as an option or if the student is already enrolled in program. 	<p>NMSD Early Intervention and Involvement Department (formerly Step*Hi) will:</p> <ul style="list-style-type: none"> • Provide technical assistance during the transition conference in discussing communication considerations and the continuum of educational options.

<p>activities need to be completed before the child transitions (including enrollment; immunizations; transportation or medical needs, etc.).</p> <ul style="list-style-type: none"> • The family service coordinator shall document all outcomes and decisions of the Transition Conference in the IFSP. • If a parent refuses the referral to Part B the family service coordinator should provide the parent(s) with prior written notice that Part C services will end at the time of their child's third birthday. The family service coordinator will also provide the family a copy of their procedural safeguards at this time. 	<p>understand what signing consent means and the resulting actions that will occur. The LEA representative is responsible to provide and describe the Part B Procedural Safeguards for Students with Disabilities and their Families to the parent. It is the choice of the parent as to whether they sign the consent during the Transition Conference as it is not a legal requirement of the Transition.</p> <ul style="list-style-type: none"> • Following the Transition Conference, the LEA will schedule a date for the eligibility determination team meeting, under Part B of the IDEA. • If family needs additional time to proceed with the process, LEA will discuss the state-required timeline and considerations thereof. • In the event that a parent decides not to pursue the recommended evaluation, the LEA will obtain documentation of formal refusal to evaluate. NOTE: The LEA will document such refusal for evaluation in STARS. 	<ul style="list-style-type: none"> • Review developmental information shared during the meeting. • Explain application process to the family. • Provide family with information about the Head Start program including eligibility criteria. • For children with an IFSP who apply for Head Start, Head Start can request a copy of the IFSP to verify eligibility from the family service coordinator, with written parental consent. 	<ul style="list-style-type: none"> • Contact the local LEA through its Joint Power's Agreements to collaboratively consider placement options and participate in and conduct IFSP/IEP meetings. • Participate in the Transition Conference and, if acting as FIT Family Service Coordinator, facilitate that conference per FIT regulations. • Support each family in acquiring a comprehensive and current evaluation including audiological prior to transition. • Support the Transition team by providing consultation related to Special Considerations for Children who are deaf or hard-of-hearing as mandated by IDEA at the Transition Conference and IEP meeting. • Provide referral to the NMSD Statewide Educational Outreach to the receiving LEA, Head Start, or another placement agency if placement is other than NMSD Preschool.
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	<ul style="list-style-type: none"> • Parents who decide not to proceed with eligibility determination for Part B should be given contact information for the LEA through the Child Find process for future evaluation, if needed. 		<p>New Mexico School for the Blind & Visually Impaired will:</p> <ul style="list-style-type: none"> • NMSBVI will participate, when invited, in the transition conference for students who are blind or visually impaired. • NMSBVI will provide current Functional Vision Evaluation and Learning Media Assessment, recommendations, and consultation as needed to the receiving program. • NMSBVI will support the transition team by providing consultation related to Consideration of Special Factors for Children who are blind or visually impaired as mandated by IDEA. <p>Children in Need of Supervision, Inc. (CHINS) will:</p> <ul style="list-style-type: none"> • CHINS preschool coordinator/childcare will describe strategies that have been effective in working with the child who is transitioning. • CHINS preschool coordinator/childcare will describe support they will offer after child turns three.
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INITIAL COMPREHENSIVE EVALUATION FOR PART B

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

6.31.2.10

E. Procedural requirements for the assessment and evaluation of culturally and linguistically diverse children.

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

6.31.2.11 (A) (3)

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

FIT PROVIDER	LEA	HEAD START	OTHER
<ul style="list-style-type: none"> • FIT Providers will provide monthly notification lists of children potentially eligible for Part B services. 	<ul style="list-style-type: none"> • Review Part C information and determine language or other mode of communication of parent and child. • Collects and records parent/family’s observations and information as a key component of the evaluation process. <p>Follows all of the requirements for evaluation under Part B, including:</p> <ul style="list-style-type: none"> -Uses a variety of assessment tools and more than one procedure -Uses technically sound instruments -Selects tools that are not discriminatory on a racial or cultural basis -Administer assessments in child’s dominant language or mode of communication -Use of assessments for the purposes intended and in accordance with the publisher’s administration standards -Administered by trained and knowledgeable personnel -Uses tools that assess what they purport to measure and not just the student’s disability -Provides assessment in all areas related to the student’s suspected disability 	<ul style="list-style-type: none"> • For children who are enrolled in Early Head Start (with parent consent) HELP NM will share any developmental assessment information, consult with Part B, and Part B is welcome to visit the center to facilitate the evaluation process. 	<ul style="list-style-type: none"> • 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

ELIGIBILITY DETERMINATION MEETING

6.31.2.11(A)(5)(f)

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

6.31.2.10

F. Eligibility determinations.

(1) General rules regarding eligibility determinations

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

6.31.2.7(B)(2) "Child with a disability"

means a child who meets all requirements of 34 CFR Sec. 300.8 and who:

- (a) is aged 3 through 21 or will turn 3 at any time during the school year;
- (b) has been evaluated in accordance with 34 CFR Secs. 300.304-300.311 and any additional requirements of these or other public education department rules and standards and as having one or more of the disabilities specified in 34 CFR Sec. 300.8, including intellectual disability; hearing impairment including deafness; speech or language impairment; visual impairment including blindness; emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairment; specific learning disability; deaf-blindness; multiple disabilities; or developmental delay, 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
<ul style="list-style-type: none"> • If a parent does not consent to the Part B evaluation and eligibility determination the family service coordinator should provide them with prior written notice that Part C services will end at the time of their child’s third birthday. The family service coordinator will also provide the family a copy of their procedural safeguards at this time. 	<ul style="list-style-type: none"> • Meet to review current data (i.e., no older than 6 months from the EDT meeting date), other than medical, from the evaluation process, and • Determine if the child is a child with a disability, based on the three criteria in the Part B eligibility requirements: <ol style="list-style-type: none"> (1) the child’s disability meets the definition of one of the 13 eligibility categories or Developmental Delay under Part B; (2) the child’s disability adversely affects his/her educational performance; and (3) the child needs special education or special education and related services in order to access and progress in preschool appropriate activities and in the general education environment. • Part B eligibility is a team decision including the parent. • Provide the parent/family with a copy of the appropriate NM TEAM Eligibility Determination worksheet(s). • Provide Part C FIT eligibility determination documentation including the date of eligibility 	<ul style="list-style-type: none"> • For children who are enrolled in an Early Head Start program (with parent consent) will share any evaluation-relevant information requested by Part B. 	<ul style="list-style-type: none"> • For children who are enrolled in a Child Development program (with parent consent) will share any evaluation-relevant information requested by Part B. • NMSBVI will participate in the Eligibility Determination Meeting for students who are blind or visually impaired.

	<p>determination.</p> <ul style="list-style-type: none">• The IEP must be developed and implemented by the LEA no later than the child's 3rd birthday.• If child is determined eligible to attend NMSBVI and/or NMSD the LEA will provide pertinent information such as the evaluation reports and IEP documents.		
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EVALUATION REPORT AND DOCUMENTATION OF ELIGIBILITY SENT TO PARENT

6.31.2.10

F. Eligibility determinations.

(1) General rules regarding eligibility determinations

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

FIT PROVIDER	LEA	HEAD START	OTHER
<ul style="list-style-type: none"> • Family Service Coordinator will contact LEA to verify if the child is eligible for PART B. Child eligibility will be documented in child’s record. 	<ul style="list-style-type: none"> • LEA will provide parent/family a copy of the comprehensive evaluation report and documentation of eligibility determination. • LEAs, with parental consent, have the option of sharing the evaluation report and documentation of eligibility with the FIT provider. 		

INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPED

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

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

NMAC 8.9.8.13 (I)

1. The family service coordinator and other early intervention personnel shall participate in a meeting to develop the IEP (or IFSP-IEP) with parent approval.
2. The family service coordinator, with parent consent, shall provide any new or updated documents to the LEA in order to develop the IEP.

FIT PROVIDER	LEA	HEAD START	OTHER
<ul style="list-style-type: none"> • FIT Provider will participate in the IEP meeting with the permission of the parent. • Post transition follow up services shall be offered to the family as an option. If the parent(s) requests this service, it must be provided in accordance with the Family Infant Toddler Program’s service standards and documented in the IFSP. • Post transition follow up services may involve visits with the family, consultation to staff of the receiving agency/agencies, an evaluation of the effectiveness of the transition process. 	<ul style="list-style-type: none"> • LEA will invite Part C family service coordinator or other representatives, with the permission of the parent. • LEA will provide a copy of the Procedural Safeguards to the parents. • LEA will begin Part B services on the date specified on the IEP. If a child’s birthday occurs during the summer, the IEP team shall determine the date when services under the IEP will begin, including the need for extended school year. • The IEP team is required to consider the content of the child’s IFSP when developing the child’s first IEP. 	<ul style="list-style-type: none"> • HELP NM will attend IEP meeting for children who will be dually enrolled when invited with parent consent • HELP NM will support placement decisions made by the IEP team. • HELP NM will provide activities which support the IEP goals for families who choose to transition to Part B services. • HELP NM will share any resources available which will provide additional family, child and/or staff support. • In the event student will attend Mescalero Apache Head Start, Head Start staff will attend IEP meeting with parent notification. 	<p>NMSD will:</p> <ul style="list-style-type: none"> • In the case of a child with a hearing loss, even if the hearing loss is not the child’s primary condition, the Communication Considerations for Children with a Hearing Loss IEP addendum must be completed by the IEP team to facilitate discussion around the child’s communication needs. NMSD Statewide Educational Outreach staff is available to IEP teams for support and consultation. • New Mexico School for the Blind & Visually Impaired (NMSBVI) will: • NMSBVI will participate, with parent/guardian permission, on the IEP team for students who are blind or visually impaired. NMSBVI will assist with setting goals, provide

		<p>suggestions for environmental modifications, and recommendations for services.</p> <ul style="list-style-type: none">• NMSBVI will provide input on the Consideration of Special Factors for students who are blind or visually impaired including instruction in Braille.• NMSBVI will provide NMVICount information for students who are blind or visually impaired to the receiving program. The NMVICount is the federal APH census that provides support and education 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>Parent Centers will:</p> <ul style="list-style-type: none">• Parents Reaching Out and Education for Parents of Indigenous Children with Special Needs will support families in preparing for IEP meetings and educating them on the process. In some instances, staff may be available to support families at an IEP
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VI. IMPLEMENTATION OF AGREEMENT

This MOU will take effect when signed by all primary parties involved, and shall remain in effect until terminated, revised or replaced. Any primary or secondary party may terminate participation by providing a 90-day advance written notice. All involved parties will have access to a copy of this MOU. Each agency, individually, will determine staff training needs on the content of this MOU.

There are a variety of ways in which those who participate in the transition process can gain access to this MOU, including:

- Distribution of an original copy to each Otero County transition team member
- Availability of a copy on the Center for Development and Disability Transition Website
- The Transition Team Lead will maintain an electronic copy of the MOU, if needed

Each agency will provide information to families involved in the transition process about the provisions within this MOU and how it might apply in their case.

Each agency will also provide training to staff on the MOU contents and the implications for use.

Upon completion and/or revision of the MOU, team members will inform any party involved in the transition process in their local areas of the contents/changes in the MOU within a maximum of thirty (30) days via phone call, email, handouts, meetings and trainings.

VII. MONITORING AND EVALUATION OF THE AGREEMENT

The Otero County Transition Team will meet quarterly. At least once per year the Transition Team will convene a meeting of stakeholders to review and evaluate the effectiveness of the MOU and collaborative efforts related to this process. If no changes are made or required, the date of review will be noted in meeting minutes. At any time it is determined this MOU requires revision, the team may decide to replace the MOU in its entirety or determine the changes will be identified as an addendum and attached to the MOU. When changes occur within programs that result in a change of team members the Team Member page will be updated, dated with the date when it was updated and attached to the MOU.

VIII. DURATION

This Memorandum of Understanding will remain in effect for four years, and/or updated annually, until such time the Otero County Transition Team determine the need of replacement in accordance with the section relating to “Monitoring and Evaluation of the Agreement” of this MOU.

IX. 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 quarterly Otero County Transition Team Meetings.

X. CONFIDENTIALITY

All parties to this agreement will follow the confidentiality regulations set forth by each party's policies and regulations. Assure that the privacy requirements for handling confidential, child and family information contained in HIPPA (Health Information Patient Privacy Act) and FERPA (Family Education Rights and Privacy Act) are followed.

XI. PUBLIC AWARENESS

The signees agree to meet at least quarterly throughout the year to plan and coordinate efforts that facilitate timely and seamless transition. Efforts may include Child Find, Health Fairs and other public awareness activities.

IN WITNESS WHEREOF, the following signatures are affixed:

SIGNATURES/DATES - Primary Partners

DocuSigned by:
Anisa Kasuboski
6C045E2CCA694EC...
Anisa Kasuboski, Special Education Director
Tularosa Municipal Schools

3/13/2024
Date

DocuSigned by:
Mrs. Melissa Cole
886C09FA47804C8...
Melissa Cole, Director of Special Programs
Alamogordo Public Schools

3/4/2024
Date

DocuSigned by:
Jocelyne Gillespie
231E549698904A8...
Jocelyne Gillespie, Special Education Director
Cloudcroft Municipal Schools

3/5/2024
Date

DocuSigned by:
Jeannie Holmquist
522D7F65E660467...
Jeannie Holmquist, ECI Program Director
Zia Therapy Center

3/13/2024
Date

DocuSigned by:
Rosario Dick
ED018151242C45E...
Rosario Dick, Early Childhood Program Director
Mescalero Apache Early Childhood Program

3/4/2024
Date

DocuSigned by:
Joseph Griego
789AB781E5424F1...
Joseph Griego, President
HELP New Mexico, Inc.

3/4/2024
Date

IN WITNESS WHEREOF, the following signatures are affixed:

SIGNATURES/DATES - Primary Partners

DocuSigned by:
Patricia Tsosie
3/25/2024
Patricia Tsosie, Disability/Mental Health Manager
Mescalero Apache Head Start Programs
Date

DocuSigned by:
Lynn Little
3/4/2024
Lynn Little, Developmental Vision Specialist
New Mexico School for the Blind and Visually Impaired
Date

DocuSigned by:
Jael Quinn
3/4/2024
Jael Quinn, Southeast Regional Supervisor
New Mexico School for the Deaf
Date

DocuSigned by:
Bryan Dooley
3/4/2024
Bryan Dooley, Executive Director
Region 9 Educational Cooperative
Date

DocuSigned by:
Nancy Hudson
3/11/2024
Nancy Hudson, CEO
Children in Need of Supervision, Inc.
Date