EARLY CHILDHOOD
MEMORANDUM OF UNDERSTANDING
CONCERNING THE TRANSITION OF CHILDREN
Between
PRIMARY PARTNERS
Hatch Valley Public Schools
Aprendamos Intervention Team
Multicultural Evaluation and Consultation Associates (MECA)
Tresco, Inc. (TOTS)
And
SECONDARY PARTNERS
New Mexico School for the Blind and Visually Impaired
New Mexico School for the Deaf
La Familia/WNMU TTAP
The above listed agencies are collectively described as the
“Hatch Valley Early Childhood Community.”

February 9, 2017 Revision
FOR SY 2017-2018
July 1, 2017 through June 30, 2018

VISION: The Hatch Valley Early Childhood Community will provide smooth, effective and timely transitions that support children and families through community and family partnerships and ensure continuity of services to facilitate and help children achieve their potential.

The Hatch Valley Early Childhood Community adheres to the following values:
• We value the development of advocacy skills in parents.
• We value parental involvement before, during, and after transition.
• We believe that the needs of the child and family are primary.
• We value the cultural diversity of all children and families.
• We believe that parents should be provided the opportunity to make informed choices.

PURPOSE: The purpose of this agreement is to establish specific, collaborative procedures and timelines that will assist the Hatch Valley Early Childhood Community in realizing their vision.
All Members of the Hatch Valley Early Childhood Community agrees to:

1. Meet annually to review and revise (as necessary) this agreement.
2. Notify all members of professional development opportunities that impact young children.
3. Plan and conduct collaborative Child Find/screening activities for the identification of children who may qualify for services.
4. Inform families about available service options and provide referrals to appropriate community agencies.
5. Inform service providers within each agency about this Memorandum of Understanding.
6. Recognize that the determination of eligibility is a decision to be made according to the criteria of each agency.
7. Accept responsibility for informing MOU participants of their eligibility criteria and services.

II. DESCRIPTION OF THE INVOLVED AGENCIES

Hatch Valley Public Schools (HVPS): Is the Local Education Agency (LEA) that serves children who are determined eligible for services under IDEA Part B within the Early Intervention (EI) Agencies / Family Infant Toddler (FIT) Providers:
- Aprendamos Intervention Team
- MECA Therapies
- Tresco TOTS

who “Provide early intervention services to parents and children who have early intervention delays . . .” (IDEA Part C)

New Mexico School for the Deaf: Is a state supported school that serves children birth through five who are determined eligible for services under IDEA Part C and/or B.

New Mexico School for the Blind and Visually Impaired: New Mexico School for the Blind and Visually Impaired Family Infant Toddler Program provides vision services to children birth-3 years who have diagnosed vision impairment or who are at risk for receiving a visual impairment diagnosis.

La Familia / WNMU (Training and Technical Assistance Programs TTAP): Inclusion initiative supports for children with special needs in early childhood care learning environments. Child Care Inclusion Specialist (CCIS) provide consultation visits, help locate resources, offers trainings and provide support when requested by the child care provider in order to facilitate the inclusion of children with special needs in a typical early childhood environment.

Little Footprints Early Learning Center / CYFD PreK: CYFD NM PreK site for 3 and 4 year olds serving Hatch Valley. “We believe that developmentally appropriate practices is key to successful early childhood education."
DEFINITIONS-
- DOH- Department of Health
- FIT- Family-Infant Toddler program (Part C programs)
- EI- Early Intervention program
- IFSP- Individualized Family Service Plan
- IEP – Individualized Education Plan
- LEA- Local Education Agency (School District) (Part B programs)
- MDT- Multidisciplinary Team
- NMPED or PED- New Mexico Public Education Department
- NM TEAM Manual- NM’s guidance for eligibility determination under the IDEA
- FAPE- Free and Appropriate Public Education

Eligible- children who have an established condition or who demonstrate a developmental delay greater than 30 percent as determined by HVPS evaluations in accordance with NMAC (NMTEAM), a multidisciplinary team, and IDEA.

FIT- Family Infant Toddler Programs (Aprendamos Intervention Team, MECA, and Tresco TOTS) *Family Infant Toddler (FIT)* Program: is the program within the New Mexico Department of Health (NMDOH), the State lead agency designated to administer IDEA Part C early intervention in the State of New Mexico.

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- requires a state to have policies and procedures to ensure that all children with disabilities including children who are homeless or are wards of the state and children with disabilities attending private schools, regardless of the severity of their disability, are age birth to 21 and are in need of special education and related services including children attending private schools and migrant or homeless children, are “identified, located and evaluated.” Children who are suspected of being a child with a disability under SEC.300.8 and in need of special education, even though they are advancing from grade to grade and highly mobile children, including migrant children.

Late Referral – for HVPS and FIT is defined as any child who comes to a FIT provider less than 3 months prior to their 3rd birthday.
Notification- FIT providers provide a quarterly list of children who may be potentially eligible for early intervention services under the categories of Developmental Delay or Established Condition who reside in the HVPS District to include: the child's first name, last name and middle initial; the date of birth; and contact information for parents.

Parent Consent- For purposes of HVPS is consent for evaluation only. For purposes of FIT providers is consent for release of records to Part B.

Potentially Eligible for Part B - children eligible under the Part C’s established condition or developmental delay category and who will turn three within the next 12 months.

Release of Records- as noted on the Transition Referral Form is parent consent for exchange of information between FIT agencies and the HVPS to include Transition Assessment Summary Form, evaluations, IFSPs, and all other documentation needed to facilitate smooth and effective transition in accordance with FERPA and HIPPA guidelines.

STARS- Student Teacher Accountability Reporting System is the New Mexico Education Public Department’s Accountability Data System. Each local education agency is responsible for reporting referrals and transition meeting dates from Part C to B in this system.

Privacy Acts:
➢ HIPPA- Health Information Patient Privacy Act
➢ FERPA- Family Education Rights Privacy Act

The following will be addressed within the tables provided under X. Responsibilities in Transition Process:

VII. MONITORING AND EVALUATION OF THE AGREEMENT
VIII. INTERAGENCY DISPUTE PROCESS
IX. DURATION
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 7.30.8.13 TRANSITION (B)** In a timely manner, the early intervention provider shall notify the local education agency of children that reside in the geographic area served by the LEA that may be eligible for preschool special education services.

**NMAC 6.31.2.11 (A) (4) (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.

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<td>Each EI agency will provide appropriate information for children who will turn 3 within the next 12 months as per state guidance (Child’s first and last names, middle initial, date of birth, and contact information for parent in alignment with HIPPA &amp; FERPA requirements.</td>
<td>HVPS will acknowledge receipt of quarterly list by methods as agreed upon individually with Aprendamos, Tresco TOTS, and MECA; by return email from LEA.</td>
<td>For children entering EI late refer to late referrals in the Referral section of this MOU.</td>
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Each EI will provide HVPS a list of children who may be potentially eligible (Developmentally Delayed or Established Condition) quarterly by Jan 15th, Apr 15th, July 15th, and Oct 15th. (January-December report). This information will be sent to HVPS by hard copy to the HVPS Special Education Office, Accountability Data Clerk or Administrative Secretary, with a follow up phone call. (PO Box 790, Hatch, NM 87937 – (575- 267-8290). If there are no children potentially eligible for the quarterly report, an email must be sent stating such to: gfranzov@hatchschools.net or to vdelgado@hatchschools.net.

For children entering EI late refer to late referrals in the Referral section of this MOU.
TRANSITION PLANNING

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

NMAC 7.30.8.13

A. Transition planning shall begin early enough to allow the parents to exercise all their rights under state and federal statutes and regulations. Transition planning must be undertaken for each child and family at least 6 months before the child is eligible to transition from early intervention services. Transition planning shall be a process involving meeting(s) and progressive steps toward the smooth and effective transitioning of each child and family.

B. In a timely manner, the early intervention provider shall notify the local education agency of children that reside in the geographic area served by the LEA that may be eligible for preschool special education services.

C. Steps/actions shall be identified and included in the IFSP that support the child and family and ensure a smooth and effective transition. With involvement of the parents, such steps/actions shall include, at a minimum:

1. Discussions with the parents regarding future program/service options to include preschool special education services and other community services that may be available and appropriate; representatives from these programs and services shall be included in these discussions to ensure an informed decision;

2. Preparing the child and family for the changes and adjustments to a new setting;

3. With parental consent and in accordance with regulation, the transmission of information, including evaluation and assessment information and copies of IFSPs to ensure continuity of services.

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| By 24 months of age, but at least 6 months prior to the beginning of the school year in which the child turns three: | HVPS will coordinate with Tresco TOTS, Aprendamos and MECA to facilitate visits by families to classrooms and/or learning about services provided by HVPS. HVPS (LEA) is required to document the date of the late referral in STARS database and the corresponding non-compliance reason code. | La Familia/WNMU TTAP:
Child Care Inclusion Specialist (CCIS) will encourage families to include the director and/or teacher in the transition process so that all agencies involved are working together to support the child, their family and each agencies requirements. Childcare providers will coordinate with HVPS to facilitate visits by families to classrooms and/or learning about services provided by HVPS. |
| If the child’s third birthday falls within the summer months, transition activities need to occur early enough to allow sufficient time for all activities to take place so that the LEA is prepared to provide Part B needed special education and related services. The transition team participants will consider meeting earlier to meet all timelines. Transition activities include referral to the LEA (60 days prior to conference), coordinating the conference, sending | | |
written invitations and the Transition Summary Form to the LEA (30 days prior to the Transition Conference, the Transition Conference (at least 90 days prior to the child's 3rd birthday, but not more than 9 months prior) and the Initial Evaluation for Part B (within 60 days of parental consent and prior to the child's 3rd birthday).

Parent choice is no longer an option.

Transition date shall occur by the first school day after the child turns 3.

For children referred to the FIT program fewer than 45 days before the child's third birthday, the early intervention agency will not conduct intake or an evaluation to determine FIT eligibility. The FIT program will let the family know of preschool options available in the community, e.g., preschool, special education, private preschools, etc., and will assist with a referral to the LEA with the consent of the parent(s).

If the child is referred to the FIT Program between 45 and 90 days of the child's third birthday and, therefore, the Transition Conference cannot be held at least 90 days before the child's third birthday, the Family Service Coordinator will discuss the process for transition with the family during the intake process and the transition plan will be incorporated into the initial IFSP.

The FIT will evaluate and if the child is determined eligible, a referral must be made to the LEA with parental consent. The Family Service Coordinator

NMSBVI will provide information:
- Participate in EI Team meetings
- Complete the vision portion of the transition summary form
- Participate in transition meetings and help the team and family consider placement options and adaptations that may be needed.
- Support each family's effort to have a current ophthalmologic report prior to transition.
- Prepare a Transition Functional Vision Evaluation that provides current assessment information and recommendations.
- Complete a consideration of special factors form for services. Braille to be considered.

NMSD will:
- Participate in EI Team meetings
- Provide a comprehensive overview of the transition process and provide information on services to families.
- Participate in transition planning meetings and help the team and family consider
will check the box “90 day timeline for this meeting cannot be met due to the child not being enrolled in the FIT Program at that time”.

The Family Service Coordinator will consider the parent(s) needs for child care in the transition planning process.

FIT provider will contact HVPS Special Education Department Accountability Clerk or Administrative Secretary about a child entering late with high priority. An attempt to schedule the Transition meeting within 10 working days will be made.

Completion of activities relating to the planning of a child’s transition will be documented on the Transition Plan page of the child’s IFSP.
**REFERRAL TO LEA**

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

**NMAC 7.30.8.13 TRANSITION (B)** In a timely manner, the early intervention provider shall notify the local education agency of children that reside in the geographic area served by the LEA that may be eligible for preschool special education services.

**NMAC 6.31.2.11 (A) (4) (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.

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<td>With parent consent, the Family Service Coordinator or agency designee will utilize a Transition Referral Form in requesting the presence of all involved parties at least 60 days prior to the Transition Conference and if possible, 6 months prior to the child’s third birthday. This notice will be provided to the LEA, Special Education Office.</td>
<td>HVPS will accept the FIT Transition Referral Form, confirm receipt, and enter the date of the written referral into the STARS data system. HVPS will work with FIT agencies and families to facilitate the transition process for these children. These children would not be included in the APR indicators B12. LEA staff is required to document the date of a late referral in the STARS database and the corresponding noncompliance reason code. HVPS Summer Contacts are: Susan Taylor, Special Education Director or Gerry Franzoy, Administrative Assistant 575-267-8290 Monday-Thursday</td>
<td>La Familia/WNMU TTAP: Child Care Inclusion Specialist (CCIS) will work with Early Care Professionals to obtain parent consent to make referrals to appropriate agencies. - CCIS will attend agency functions hosted by the schools and FIT Programs, when invited and available, to meet families in transition to provide information about services provided through WNMU La Familia Resource Center. - CCIS will encourage directors and teachers to express to parents their interest in collaborating with other agencies to support all services. - CCIS will collaborate with area agencies regarding Inclusion services.</td>
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If a child is potentially eligible for Part B services and the family refuses to be referred to HVPS, the Family Service Coordinator or agency designee will provide the family with prior written notice that Part C services will end on the child’s third birthday.

Families will also be provided with Part C procedural safeguards and HVPS Child Find information.

If a child is referred to FIT fewer than 45 days prior to the child’s third birthday, an evaluation by FIT will not be conducted.
The Family Service Coordinator can inform the parents of options for preschool and assist them with applying for these options.

If the child is referred to FIT between 45 and 90 days prior to the child's third birthday, and is determined eligible, a referral must be sent to the LEA with parent permission as soon as possible.

These children would not be included in the Annual Performance Review (APR) indicators 8c.

If the child’s third birthday falls within the summer months, transition activities need to occur early enough to allow sufficient time for all activities to take place so that the LEA is prepared to provide Part B needed special education and related services. The transition team participants will consider meeting earlier to meet all timelines. Transition activities include referral to the LEA (60 days prior to conference), coordinating the conference, sending written invitations and the Transition Summary Form to the LEA (30 days prior to the Transition Conference, the Transition Conference (at least 90 days prior to the child’s 3rd birthday, but not more than 9 months prior) and the Initial Evaluation for Part B (within 60 days of parental consent and prior to the child’s 3rd birthday).

- refer, with parent consent, to the local FIT early intervention providers or LEA when appropriate.

NMSD will:

- Coordinate with EI Team to make referrals to appropriate agencies
PLANNING FOR TRANSITION CONFERENCE

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

NMAC 7.30.8.13

A. Transition planning shall begin early enough to allow the parents to exercise all their rights under state and federal statutes and regulations. Transition planning must be undertaken for each child and family at least 6 months before the child is eligible to transition from early intervention services. Transition planning shall be a process involving meeting(s) and progressive steps toward the smooth and effective transitioning of each child and family.

B. In a timely manner, the early intervention provider shall notify the local education agency of children that reside in the geographic area served by the LEA that may be eligible for preschool special education services.

C. Steps/actions shall be identified and included in the IFSP that support the child and family and ensure a smooth and effective transition. With involvement of the parents, such steps/actions shall include, at a minimum:
   1. Discussions with the parents regarding future program/service options to include preschool special education service and other community services that may be available and appropriate; representatives from these programs and services shall be included in these discussions to ensure an informed decision;
   2. Preparing the child and family for the changes and adjustments to a new setting;
   3. With parental consent and in accordance with regulation, the transmission of information, including evaluation and assessment information and copies of IFPS to ensure continuity of services.
   4. Assisting parents/families to develop the skills and acquire the information needed for continued advocacy of their child’s needs.

FIT PROVIDER

The Tresco TOTS, Aprendamos, and MECA Family Service Coordinator will, with the approval of the parents, convene and facilitate a Transition Conference at least 90 days, and, at the discretion of all parties, but no more than nine months prior to the child’s third birthday.

If the child is potentially eligible for Part B preschool services, with parent consent, the Family Service Coordinator will coordinate the completion and submission of the Transition Assessment Summary

LEA

HVPS will accept the FIT Transition Summary Form and confirm receipt.

LEA will review information provided to identify who will be invited to the Transition Meeting, and also to determine if any information is missing.

LEA will notify FIT Provider if a Transition Packet has not been received for children that had been identified on the quarterly reports;

OTHER

Childcare providers will coordinate with HVPS to facilitate visits by families to classrooms and/or learning about services provided by HVPS.

NMSBVI will provide a current Transition Functional Vision Evaluation and support each family’s efforts to have a current ophthalmologic report prior to transition.
Form to HVPS at least 30 days prior to the Transition Conference.

The Family Service Coordinator or designee will be responsible for ensuring all documentation including the Assessment Summary Form, ECO, current vision and hearing screenings, if available, and parent consents are complete and hand delivered/mailed to Part B Child Find Office (Special Education Office at 461 E. Hall St., Hatch); as well as other involved agencies at least 30 days prior to the Transition Conference.

With approval of the parents, other relevant service providers should also be invited (child care providers, etc.) by the Family Service Coordinator.

In the case of a child with a documented visual or hearing impairment, Tresco TOTS, Aprendamos, or MECA Family Service Coordinator will include either NMSBVI or NMSD for technical assistance regarding the Transition Conference to discuss the continuum of educational options.

For children whose birthdays fall between June and October, FIT Provider will submit invitation for the Transition Conference by February.

including those children turning 3 during the summer months up through October.

NMSD will support each family in acquiring a comprehensive and current evaluation, including audiological, prior to transition.

La Familia/WNMU TTAP:

Child Care Inclusion Specialist (CCIS) will work with Early Care Professionals to obtain parent consent to make referrals to appropriate agencies.

- CCIS will attend agency functions hosted by the schools and FIT Programs, when invited and available, to meet families in transition to provide information about services provided through WNMU La Familia Resource Center.
- CCIS will encourage directors and teachers to express to parents their interest in collaborating with other agencies to support all services.
- CCIS will collaborate with area agencies regarding inclusion services.
TRANSITION CONFERENCE

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

**NMAC 7.30.8.13 (F) TRANSITION**

With approval of the parents, a transition conference shall be convened at least 90 days prior to the anticipated date of transition from early intervention services but no later than 90 days prior to the child’s third birthday. If the child may be eligible for preschool services, including special education and related services offered through the local education agency, this conference shall include, at a minimum, the parents, the relevant early intervention service providers, and the local education agency representative(s). Other relevant service providers should be invited to attend this meeting. The transition process must take into account availability of childcare services in the community.

Subsection (A)(4)(e) of NMAC 6.31.2.11 states that “Each LEA shall participate in transition planning conferences arranged by the designated Part C lead agency no less than 90 days prior to the anticipated transition or the child’s third birthday, whichever occurs first, to facilitate informed choices for all families.”

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<td>The Tresco TOTS, Aprendamos, and MECA Family Service Coordinator will, with the approval of the parents, convene and facilitate a Transition Conference at least 90 days, and, at the discretion of all parties, but not more than nine months prior to the child’s third birthday.</td>
<td>HVPS will participate in the Transition Conference arranged by the designated early intervention provider.</td>
<td>In the case of a child who is blind or visually impaired or deaf or hard-of-hearing, and in accordance with DOH procedures and with parent consent, include the Developmental Vision Specialist for NMSBVI or the Regional Supervisor from NMSD for technical assistance to the transition team in discussing relevant considerations and the continuum of educational options.</td>
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<td>The family’s Family Service Coordinator shall facilitate this meeting to ensure the following:</td>
<td>LEA will:</td>
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<td>• Review the child’s current services</td>
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<td>• Review the IFSP, evaluation, assessment information, and other relevant data/information</td>
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<td>• With parental consent, the transmission of information, including evaluation and assessment information and IFSPs to the receiving agency</td>
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<td>• Review, revise, or establish a transition plan.</td>
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<td>• FIT Provider will explain Part C provisions and safeguards</td>
<td>✓ Provide &amp; explain Part B services (i.e., DD Preschool, if eligible, PreK Program for 4-yr olds, and local daycare options); procedures &amp; safeguards</td>
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<td>✓ If parent is ready to proceed with Eligibility determination</td>
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<td>✓ Provide prior written notice of consent to evaluate</td>
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<td>✓ Obtain consent for evaluation</td>
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<td>✓ Determine if additional assessments will be needed</td>
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<td>✓ Determine next steps (visits, etc.)</td>
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<td>LEA will obtain parent consent to invite FIT Provider to EDT and/or IEP meeting, if applicable.</td>
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<td>WNMU-La Familia will:</td>
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<td>• With parent consent, participate in the transition conference and share documents and resources for additional support and involvement in working with children.</td>
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- The Family Service Coordinator shall document all outcomes and decisions for the Transition Conference in the IFSP.
- Completion of activities will be documented at the Transition Conference utilizing a Transition Conference and Transition Conference Signature Page of the IFSP in which all activities and next steps are listed along with signatures of all who have participated.
## INITIAL COMPREHENSIVE EVALUATION FOR PART B

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

### 34CFR § 200.301 Initial evaluations

- **(a) General.** Each public agency must conduct a full and individual initial evaluation, in accordance with §§300.304 through 300.306, before the initial provision of special education and related services to a child with a disability under this part.

- **(b) Request for initial evaluation.** Consistent with the consent requirements in §300.300, either parent of a child or a public agency may initiate a request for an initial evaluation to determine if a child is a child with a disability.

- **(c) Procedures for initial evaluation.** The initial evaluation—
  1. **(i) Must be conducted within 60 days of receiving parental consent for the evaluation;** and
  2. **(ii) Must consist of procedures—**
     1. To determine if the child is a child with a disability under § 300.8; and
     2. To determine the educational needs of the child.

### FIT PROVIDER

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| HVPS, with informed consent, will conduct and complete an initial comprehensive evaluation to determine eligibility for Part B services with 60 days. This includes the review and use of appropriate existing Part C evaluations and assessments, as well as informal consultation with the Family Service Coordinator, and the IFSP information. Evaluations must have been administered within six months in order to be considered valid. LEA will refer to the Initial Evaluation Checklist in Appendix G of the Guidance Document, including use of the TEAM Manual. | | WNMU-La Familia will:
  - With parent consent, participate in the development of IFSP’s/IEP’s. |
| HVPS will schedule a date for a group of qualified professionals from the schools and the parents to review any existing data, including the IFSP, evaluations and information provided by parents or other data as allowed, as part of the process for determining eligibility for IDEA Part B. | | |
ELIGIBILITY DETERMINATION AND PARENT CHOICE

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

**NMAC 6.31.2.11 (A)(4)(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 to identify what additional data, if any, are needed to determine the child’s eligibility for Part B services or develop an appropriate program.

**NMAC 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.

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<td>Will participate, when available, in the EDT and/or IEP meeting.</td>
<td>Eligibility is determined after the initial evaluation procedures have been completed.</td>
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<td>Eligibility determination for the Developmental Delay (DD) category will follow guidelines from the NM TEAM Manual, as well as the NM Guidance for Children Transitioning from IDEA Part C to B.</td>
<td>NMSBVI and NMSD will participate, with parent permission on IFSP/IEP team to provide current information regarding present levels of performance and relevant assessment information to be used in eligibility determination and programming design.</td>
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<td>HVPS will schedule a date for a group of qualified professionals from the schools, the parents, and FIT Provider, as applicable, to determine whether the child meets the NM Part B eligibility requirements. Review any existing data, including the IFSP, evaluations and information provided by parents or other data as</td>
<td>WNMU- La Familia:</td>
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<td>- CCIS will encourage families to include the director and/or teachers in the transition process.</td>
</tr>
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16
allowed, as part of the process for determining eligibility for IDEA Part B.

HVPS will provide and explain to the parents in their native language or other mode of communication used by the parents, the Procedural Safeguards including prior written notice prior to the evaluation.

- CCIS will link families and Early Childhood Programs to community services.
- CCIS will provide general technical assistance and on-site consultation with program observation answering environmental management questions and conducting environmental assessments.

### EVALUATION REPORT AND DOCUMENTATION OF ELIGIBILITY SENT TO PARENT

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

**NMAC 6.31.2.10**

Eligibility determinations.

1. General rules regarding eligibility determinations
   - The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

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<tr>
<th>FIT PROVIDER</th>
<th>LEA</th>
<th>OTHER</th>
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<tbody>
<tr>
<td>If eligibility determination (EDT/MDT) form is not received from LEA within 15 days of (EDT) meeting, the FIT Provider will follow up with LEA to obtain status.</td>
<td>HVPS Eligibility Determination Team (EDT), which includes the appropriate evaluator, will meet with parents to explain the evaluation report, and provide a copy of the evaluation report and the documentation of the child's eligibility to the family. With parent consent, documentation of the eligibility determination for Part B will also be sent to the referring FIT provider within 30 days of the EDT meeting. If a family disagrees with the eligibility determination, the family has a right to an independent education evaluation at no cost to the family under certain circumstances (referral to page 32 in Transition Manual dated July 1, 2012).</td>
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</table>
INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPED

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

**Federal Regulation**

§300.124 Transition of children from the Part C program to preschool programs

The State must have in effect policies and procedures to ensure that—

(a) By the third birthday of a child described in paragraph (a) of this section, and IEP or, if consistent with § 300.323(b) and section 636(d) or the Act, and IFSP, has been developed and is being implemented for the child consistent with § 300.101(b).

§300.323 When IEPs must be in effect.

(a) General. At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in §300.320.

(b) IEP or IFSP for children aged three through five. (1) In the case of a child with a disability aged three through five (or at the discretion of the SEA, a two year-old child with a disability who will turn age three during the school year), the IEP Team must consider and IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementation regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is—

   i. Consistent with State policy; and

   ii. Agreed to by the agency and the child’s parents.

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<tr>
<th>FIT PROVIDER</th>
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<tr>
<td>Will attend IEP, if possible.</td>
<td>The IEP must be in place by the child’s 3rd birthday.</td>
<td>NMSBVI and NMSD will participate in the IEP development, when applicable.</td>
</tr>
<tr>
<td>Early intervention services shall be provided in accordance with the IFSP to children and families until the date specified on the IEP.</td>
<td>LEA will ensure parent participation in developing the IEP at the IEP meeting.</td>
<td>NMSBVI will complete the Consideration of Special Factors form (IDEA-2004): consideration of the child’s future needs and appropriate reading and writing media (including an evaluation of the child’s future needs for instruction in Braille or the use of Braille).</td>
</tr>
<tr>
<td>Post transition service coordination shall be offered to the family as an option, up to one month after the child turns 3 and up to 4 hours across all services and disciplines the child was receiving under the IFSP. If the parent(s) requests this service, it must be documented in the transition plan in the IFSP.</td>
<td>Early Care &amp; Education (child care) or PreK program personnel will be invited to the IEP.</td>
<td>NMSD will support the team in the completion of the Communication</td>
</tr>
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</table>
Considerations for Children with a Hearing Loss as mandated by IDEA.

WNMU-La Familia will:
- With parent consent, participate in the development of IFSP’s/IEP’s.
IN WITNESS WHEREOF, the following signatures are affixed:

SIGNATURES/DATES

Make sure that all the parties to the agreement sign and date it. All the parties listed in the heading of the agreement must sign. Without a signature to the agreement, the agency is not accountable. Assure that a person in authority from the agency is signing the agreement. The agreement can be signed at a meeting with the agencies involved.

Hatch Valley Public Schools (HVPS)
Susan Taylor
Special Education Director
Date

Aprendamos Intervention Team (AIT)
Celina Waller
Program Director
Date

Multicultural Evaluation & Consultation Associates (MECA)
Cassandra Varela
SW Regional Director
Date

Early Childhood Services

Tresco, Inc. (TOTS)
Sylvia Washington
Program Manager
Date