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AN ACT

RELATING TO THE FAMILY, INFANT, TODDLER PROGRAM; ELIMINATING  
THE OPTION OF HAVING A CHILD ENROLLED IN THE PROGRAM DURING  
THE CHILD'S THIRD YEAR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-13-5 NMSA 1978 (being Laws 1972,  
Chapter 95, Section 1, as amended) is amended to read:

"22-13-5. SPECIAL EDUCATION.--School districts shall  
provide special education and related services appropriate to  
meet the needs of students requiring special education and  
related services. Rules and standards shall be developed and  
established by the department for the provision of special  
education in the schools and classes of the public school  
system in the state and in all institutions wholly or partly  
supported by the state. The department shall monitor and  
enforce the rules and standards. School districts shall also  
provide services for three-year-old and four-year-old  
preschool children with disabilities, unless the parent or  
guardian chooses not to enroll the child. Services for  
students age three through twenty-one may include, but are  
not limited to, evaluating particular needs, providing  
learning experiences that develop cognitive and social  
skills, arranging for or providing related services as  
defined by the department and providing parent education.

1 The services may be provided by licensed school employees or  
2 contracted for with other community agencies and shall be  
3 provided in age-appropriate, integrated settings, including  
4 home, daycare centers, head start programs, schools or  
5 community-based settings."

6 SECTION 2. Section 28-18-1 NMSA 1978 (being Laws 1990,  
7 Chapter 4, Section 1, as amended) is amended to read:

8 "28-18-1. DEPARTMENT DESIGNATION--AUTHORIZATION--  
9 PAYMENT SYSTEM.--

10 A. The department of health is designated as the  
11 lead state agency for the development and administration of a  
12 statewide system of comprehensive, coordinated,  
13 multidisciplinary, interagency early intervention services  
14 for eligible children with or at risk of developmental delay  
15 and their families. The program shall be known as the  
16 "family, infant, toddler program".

17 B. The parent may choose whether the parent's  
18 eligible child shall participate in the family, infant,  
19 toddler program.

20 C. The public education department, the human  
21 services department, the children, youth and families  
22 department and other publicly funded services shall  
23 collaborate with the department of health and continue to  
24 provide all services within their respective statutory  
25 responsibilities to eligible children. State and local

1 interagency agreements shall delineate responsibility for  
2 provisions of the family, infant, toddler program.

3 D. The department of health shall establish a  
4 payment system that shall maximize funds from appropriate  
5 federal, state, local and private sources to support the  
6 family, infant, toddler program.

7 E. The secretary of health shall meet the  
8 requirements of the Individuals with Disabilities Education  
9 Act, 20 U.S.C., Sections 1475(c) and 1476(a), contingent upon  
10 voluntary participation by the state, including:

11 (1) establishing policies and adopting rules  
12 necessary to comply with those sections of that act;

13 (2) implementing procedures to ensure that  
14 services are provided to eligible children in a timely  
15 manner;

16 (3) making arrangements for the provisions  
17 of the family, infant, toddler program;

18 (4) carrying out the general administration,  
19 supervision and monitoring of the family, infant, toddler  
20 program;

21 (5) resolving complaints concerning the  
22 family, infant, toddler program;

23 (6) maintaining and expanding state and  
24 local coordination and interagency agreements pertaining to  
25 the family, infant, toddler program;

1 (7) identifying and coordinating all  
2 available resources for early intervention services for the  
3 family, infant, toddler program; and

4 (8) establishing requirements for qualified  
5 personnel involved in the family, infant, toddler program.

6 F. As used in this section:

7 (1) "early intervention services" means  
8 services that are designed to meet the developmental needs of  
9 eligible children, including physical development,  
10 communications development, adaptive development, social and  
11 emotional development or sensory development; and

12 (2) "eligible child" means infants and  
13 toddlers between the ages of birth and thirty-six months with  
14 developmental delay or who are at risk of delay according to  
15 specific criteria established by the department of health."

16 SECTION 3. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2012. \_\_\_\_\_

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