

1 SENATE BILL 330

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Cynthia Nava

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10 AN ACT

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

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

18 "22-13-5. SPECIAL EDUCATION.--School districts shall  
19 provide special education and related services appropriate to  
20 meet the needs of [~~all children~~] students requiring special  
21 education and related services. [~~Regulations~~] Rules and  
22 standards shall be developed and established by the [~~state~~  
23 ~~board~~] department for the provision of special education in the  
24 schools and classes of the public school system in the state  
25 and in all institutions wholly or partly supported by the

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1 state. The ~~[state board]~~ department shall monitor and enforce  
2 the ~~[regulations]~~ rules and standards. School districts shall  
3 also provide services for three-year-old and four-year-old  
4 preschool children with disabilities, unless the parent or  
5 guardian chooses not to enroll ~~[his]~~ the child. ~~[If a child~~  
6 ~~receiving services in the department of health's family,~~  
7 ~~infant, toddler program has his third birthday during the~~  
8 ~~school year, the child's parents shall have the option of~~  
9 ~~having the child complete the school year in the family,~~  
10 ~~infant, toddler program or enrolling the child in the public~~  
11 ~~school's preschool program.]~~ A child with a disability who  
12 enrolls in the public school's preschool program and who has  
13 ~~[his]~~ the child's third birthday during a school year may  
14 receive special education and related services from the  
15 beginning of that school year. Services for students age three  
16 through twenty-one may include, but are not limited to,  
17 evaluating particular needs, providing learning experiences  
18 that develop cognitive and social skills, arranging for or  
19 providing related services as defined by the ~~[state board]~~  
20 department and providing parent education. The services may be  
21 provided by ~~[certified]~~ licensed school ~~[personnel]~~ employees  
22 or contracted for with other community agencies and shall be  
23 provided in age-appropriate, integrated settings, including  
24 home, daycare centers, head start programs, schools or  
25 community-based settings."

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

3 "28-18-1. DEPARTMENT DESIGNATION--AUTHORIZATION--PAYMENT  
4 SYSTEM.--

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

12 B. The parent may choose whether [~~his~~] the parent's  
13 eligible child shall participate in the family, infant, toddler  
14 program.

15 ~~[G. If a child enrolled in the family, infant,~~  
16 ~~toddler program has his third birthday during the school year,~~  
17 ~~the child's parent shall have the option of having the child~~  
18 ~~complete the school year in the family, infant, toddler program~~  
19 ~~or enrolling the child in the public school's preschool~~  
20 ~~program. A child with a disability who enrolls in the public~~  
21 ~~school's preschool program and has his third birthday during a~~  
22 ~~school year may receive special education and related services~~  
23 ~~from the beginning of that school year.~~

24 ~~D.]~~ C. The [~~state department of~~] public education  
25 department, the human services department, the children, youth

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1 and families department and other publicly funded services  
2 shall collaborate with the department of health and continue to  
3 provide all services within their respective statutory  
4 responsibilities to eligible children. State and local  
5 interagency agreements shall delineate responsibility for  
6 provisions of the family, infant, toddler program.

7 E. The department of health shall establish a  
8 payment system that shall maximize funds from appropriate  
9 federal, state, local and private sources to support the  
10 family, infant, toddler program.

11 F. The secretary of health shall meet the  
12 requirements of the Individuals with Disabilities Education  
13 Act, 20 U.S.C., Sections 1475(c) and 1476(a), contingent upon  
14 voluntary participation by the state, including:

15 (1) establishing policies and adopting  
16 [~~regulations~~] rules necessary to comply with those sections of  
17 that act;

18 (2) implementing procedures to ensure that  
19 services are provided to eligible children in a timely manner;

20 (3) making arrangements for the provisions of  
21 the family, infant, toddler program;

22 (4) carrying out the general administration,  
23 supervision and monitoring of the family, infant, toddler  
24 program;

25 (5) resolving complaints concerning the

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1 family, infant, toddler program;

2 (6) maintaining and expanding state and local  
3 coordination and interagency agreements pertaining to the  
4 family, infant, toddler program;

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

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

10 G. As used in this section:

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

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