

## ELIGIBILITY REQUIREMENTS

IDEA Part C Early Intervention	IDEA Part B Special Education
<p>Any child under the age of 3 who is a resident of New Mexico may be eligible under one of the following categories:</p> <ul style="list-style-type: none"> <li>• <b>Developmental Delay:</b> A delay in development of 25% in one or more areas, including motor, language, cognitive, sensory, adaptive or social-emotional development.</li> <li>• <b>Established Condition:</b> A diagnosed medical condition (such as Down syndrome or autism spectrum disorders) that has a high probability of resulting in a developmental delay.</li> <li>• <b>At Risk – Biological/Medical:</b> A diagnosed medical condition (such as prematurity, low birthweight, chronic otitis media) that may produce developmental delay in some children.</li> <li>• <b>At Risk – Environmental:</b> Environments that pose a substantial threat to development, including chronic use of drugs or alcohol, child abuse, domestic violence, or developmental or psychiatric disability in a caregiver.</li> </ul>	<p>Children ages 3 through 21 who have been evaluated and determined as having:</p> <ul style="list-style-type: none"> <li>• Autism</li> <li>• Deafness</li> <li>• Deaf-Blindness</li> <li>• An Emotional Disturbance</li> <li>• A Health Impairment</li> <li>• A Hearing Impairment</li> <li>• Mental Retardation</li> <li>• Multiple Disabilities</li> <li>• A Neurological Impairment</li> <li>• An Orthopedic Impairment</li> <li>• A Specific Learning Disability</li> <li>• A Speech/Language Impairment</li> <li>• A Traumatic Brain Injury</li> <li>• A Visual Impairment</li> </ul> <p>Developmental Delay—Children ages 3 through 9 who do not meet eligibility under the listed categories and show a developmental delay of 30% or more in one or more areas of development are eligible for special education.</p> <p>NOTE: Children eligible under IDEA Part C early intervention may not qualify for services under IDEA Part B special education. Special education does not provide services for children who are at risk. Part B requires a 30% delay rather than the 25% delay required in early intervention Part C.</p>

## PROCESS FOR INITIAL EVALUATION

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<p>A team that includes parents, a service coordinator, and at least two representatives from different professional disciplines, are part of the evaluation process that determines your child's initial eligibility. The team considers information from medical and other records, assessment results, and informed clinical opinion.</p>	<p>The evaluation process includes a variety of procedures, assessment tools and strategies to gather relevant, functional and developmental information about your child. Your child will be assessed in all areas related to the suspected disability in order to determine specific areas of educational needs.</p> <p>A group of qualified professionals and parents are part of the team that determines if a child is a child with a disability as defined in the regulations.</p>

## EVALUATION PROCESS FOR CHILDREN TRANSITIONING

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<p>The service providers who work with your child and family maintain ongoing assessment information that documents your child's progress, needs, and continuing eligibility in early intervention. With your permission, this information is shared with the school district during a conference at least 90 days before your child's third birthday. This will help decide what additional evaluation activities, if any, are needed in order to see if your child is eligible for preschool special education services.</p>	<p>With parental approval, staff from the school district special education department will participate in a conference at least 90 days before your child's third birthday if you are considering preschool special education services. They will review existing assessment information to see if any additional evaluation information is needed to determine if your child is eligible for services.</p> <p>If additional information is needed, the school district must obtain your consent for additional evaluations to be conducted and provide you with prior notice of any evaluation activity. A transition team, which you are a part of, will discuss and decide on the type, nature, location, and timeline for any supplemental evaluation.</p> <p>Parents are part of the team that determines if the child is eligible for services.</p>

## Making the Choice

### *For Families Deciding between Early Intervention and Preschool Special Education*

This information is for families whose children will be turning 3 years of age during the school year and who qualify for special education services. You have the option of enrolling your child in one of two programs that provide services for young children. This paper offers you an explanation of both programs in order to support you in choosing the one that would work best for your child and family. Both are funded under the Individuals with Disabilities Education Act (IDEA) and ensure specific parent rights under the law. IDEA has two parts that apply to services. IDEA Part C services are offered through the Department of Health, Family Infant Toddler (FIT) Program and are available through local early intervention agencies. IDEA Part B services are offered through local school districts. Participation in these programs is voluntary. Both programs are supported by Medicaid and state funding.

IDEA Part C Early Intervention	IDEA Part B Special Education
<p><b>Early Intervention</b></p> <p>Specifically designed supports and services provided by public and private agencies and mandated under law to support eligible children and their families in enhancing a child's potential growth and development from birth to age 3.</p> <p>Supports the attainment of child and family outcomes based on priorities or changes that a family wants to see for their child and family.</p>	<p><b>Special Education</b></p> <p>Specifically designed instruction and services to meet the education needs of children ages 3 through 21. Provided by local school districts for children who are eligible in preschool or other settings.</p> <p>Supports the attainment of educational goals that are established for a child. Supports the child's participation in appropriate activities. Addresses educational needs that arise due to the disability.</p>

## AGE REQUIREMENTS

IDEA Part C Early Intervention	IDEA Part B Special Education
<p>Early Intervention is available for infants and toddlers <b>birth to 3</b> years of age and their families.</p> <p>If your child is eligible for preschool special education services and he/she turns 3 during the school year, you have the option to receive early intervention supports and services until the beginning of the next school year.</p>	<p>The preschool program provides services for children <b>3 through 5</b> years of age.</p> <p>If your child is eligible for preschool special education services and will have his/her third birthday during a school year, you have the option for your child to receive preschool special education services from the beginning of that school year.</p>



## FEES

IDEA Part C Early Intervention	IDEA Part B Special Education
<p><b>Fees</b></p> <p>Evaluation services and service coordination are available at no cost to your family. Fees based on a sliding scale are allowable for some services, as decided upon by each agency. Medicaid may be billed for all services. Early intervention services cannot be denied due to the inability to pay.</p>	<p><b>Free Appropriate Public Education (FAPE)</b></p> <p>Services are provided at public expense and without charge to families.</p>

## SERVICES

IDEA Part C Early Intervention	IDEA Part B Special Education
	Early Identification and Assessment
Assistive Technology Services	Assistive Technology Services
Audiology	Audiology
Developmental Consultation (Special Instruction)	Special Education/Specifically Designed Instruction
Family Training, Counseling and Home Visiting	Counseling Service, Parent Counseling and Training
Health Services	School Health Services
Medical Services (For Diagnostic Purposes Only)	Medical Services (For Diagnostic Purposes Only)
Nursing Services	
Nutrition Services	
Occupational Therapy	Occupational Therapy
Physical Therapy	Physical Therapy
Psychological Services	Psychological Services
Respite	
	Recreation
Service Coordination	
Social Work Services	Social Work Services in Schools
Speech-Language Therapy	Speech-Language Pathology Services
Transportation	Transportation
Vision	Orientation and Mobility Services Braille

## SERVICES (continued from previous page)

IDEA Part C Early Intervention	IDEA Part B Special Education
Services provided through early intervention continue year round.	Services provided by special education are provided during the school year. In order for services to be provided for an Extended School Year (ESY) during the summer, there must be a documented need identified on the IEP.
Services are family-centered.	Services are child-centered with emphasis on academic/educational performance.
Services are provided in everyday routines, activities and places.	All educational placements and services must be provided in the least restrictive environment that is appropriate to each child's needs.



If you would like more information or explanation of any of this material, please contact the following entities for guidance:

Parents Reaching Out: 1-800-524-5176 or (505) 247-0192

New Mexico Department of Health, Family Infant Toddler Program:  
1-877-696-1472

New Mexico Public Education Department, Special Education  
Office: (505) 827-1457



NEW MEXICO

Public Education Department

