Enclosure A

New Mexico
State

Section II

A. State Policies, Procedures, Methods, and Descriptions

As checked below, the State hereby declares that it has or has not filed the following policies, procedures, methods, and descriptions with the U.S. Department of Education, and, as of the date of the signature below, affirms and incorporates by reference those policies, procedures, methods, and descriptions with respect to Part C of PL 108-446.

Check and enter date(s) as applicable. Enclose relevant documents.				*N = New Policy and/or Procedure* *R = Revised Policy and/or Procedure* *OF = Policy and/or Procedure is already On File with the USDOE*
Yes *(Policies, procedures, methods, and descriptions are being submitted with this application either as 'New', 'Revised', or already 'On File'.)*			**No** *(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation.)*	
N	**R**	**OF**		**State Policies, Procedures, Methods, and Descriptions**
				State Policies and Procedures
		✓		1. As required in 20 U.S.C. 1432(5)(A) and 1435(a)(1) the State has provided its policies and/or procedures regarding the State's definition of 'developmental delay' to ensure that a rigorous definition of the term 'developmental delay' will be used by the State in carrying out programs under this Part in order to appropriately identify infants and toddlers with disabilities that are in need of services under this Part.
		✓		2. As required in 20 U.S.C. 1437(a)(4), if the State provides services to at-risk infants and toddlers through the statewide system, the State has provided its: 1) description of services to at-risk infants and toddlers, and 2) definition of 'at-risk' under 20 U.S.C. 1432(5)(B)(i).
		✓		3. As required in 20 U.S.C. 1437(a)(9)(B) the State has provided its policies and/or procedures to ensure review of the child's program options for the period from the child's third birthday through the remainder of the school year.
			✓ June 2006	4. As required in 20 U.S.C. 1437(a)(9)(C) the State has provided its policies and/or procedures to ensure the establishment of a transition plan, including, as appropriate, steps to exit from the program.
				Optional Policies/Methods
			✓ June 2006	*Enter 'NA' in the cells to the left if the State does not have a system of payment. (See Section IV.A)* 5. As required in 20 U.S.C. 1432(4)(B) and 1437(a)(3)(A), the State has

Check and enter date(s) as applicable. Enclose relevant documents.				N = New Policy and/or Procedure R = Revised Policy and/or Procedure OF = Policy and/or Procedure Already On File with the USDOE
Yes *(Policies, procedures, methods, and descriptions are being submitted with this application either as 'New', 'Revised', or already 'On File'.)*			**No** *(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation.)*	
N	**R**	**OF**		**State Policies, Procedures, Methods, and Descriptions**
				provided its policies and/or procedures that identify the State's system of payments for Part C services.
			N/A	*Enter 'NA' in the cells to the left if this statement is not applicable; otherwise check the 'N' cell under the 'Yes' column and attach all policies.* 6. As described in 20 U.S.C. 1435(c) the State has provided its policy, developed and implemented jointly by the lead agency and the State educational agency, under which parents of children with disabilities who are eligible for services under 20 U.S.C. 1419 and previously received services under this part, may choose the continuation of early intervention services (which includes an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) for such children under this part until such children enter, or are eligible under State law to enter, kindergarten. The statewide system ensures that-- (A) parents of children with disabilities served pursuant to 20 U.S.C. 1435(c) are provided annual notice that contains-- (i) a description of the rights of such parents to elect to receive services pursuant to 20 U.S.C. 1435(c) or under part B; and (ii) an explanation of the differences between services provided pursuant to 20 U.S.C. 1435(c) and services provided under part B, including-- (I) types of services and the locations at which the services are provided; (II) applicable procedural safeguards; and (III) possible costs (including any fees to be charged to families as described in 20 U.S.C. 1432(4)(B)), if any, to parents of infants or toddlers with disabilities; (B) services provided pursuant to 20 U.S.C. 1435(c) include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills; (C) the State policy will not affect the right of any child served

Check and enter date(s) as applicable. Enclose relevant documents.				
Yes *(Policies, procedures, methods, and descriptions are being submitted with this application either as 'New', 'Revised', or already 'On File'.)*			**No** *(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation.)*	N = New Policy and/or Procedure R = Revised Policy and/or Procedure OF = Policy and/or Procedure Already on File with the USDOE
N	**R**	**OF**		**State Policies, Procedures, Methods, and Descriptions**

pursuant to 20 U.S.C. 1435(c) to instead receive a free appropriate public education under part B;

(D) all early intervention services outlined in the child's individualized family service plan under 20 U.S.C. 1436 are continued while any eligibility determination is being made for services under 20 U.S.C. 1435(c);

(E) the parents of infants or toddlers with disabilities (as defined in 20 U.S.C. 1432(5)(A)) provide informed written consent to the State, before such infants or toddlers reach 3 years of age, as to whether such parents intend to choose the continuation of early intervention services pursuant to 20 U.S.C. 1435(c) for such infants or toddlers;

(F) the requirements under 20 U.S.C. 1437(a)(9) shall not apply with respect to a child who is receiving services in accordance with 20 U.S.C. 1435(c) until not less than 90 days (and at the discretion of the parties to the conference, not more than 9 months) before the time the child will no longer receive those services; and

(G) there will be a referral for evaluation for early intervention services of a child who experiences a substantiated case of trauma due to exposure to family violence (as defined in section 320 of the Family Violence Prevention and Services Act).

The State shall submit to the Secretary, in the State's report under 20 U.S.C. 1437(b)(4)(A), a report on the number and percentage of children with disabilities who are eligible for services under 20 U.S.C. 1419 but whose parents choose for such children to continue to receive early intervention services under this part.

A description the funds (including an identification as Federal, State, or local funds) that will be used to ensure that the option described 20 U.S.C. 1435(c)(1) is available to eligible children and families who provide the consent described in paragraph (2)(E), including fees (if any) to be charged to families as described in 20 U.S.C. 1432(4)(B).

In accordance with 20 U.S.C. 1435(c)(5)(A), when providing services to a child with a disability who is eligible for services under 20 U.S.C. 1419 the State is not required to provide the child with a free appropriate public education under part B for the period of time in

Check and enter date(s) as applicable. Enclose relevant documents.			N = New Policy and/or Procedure R = Revised Policy and/or Procedure OF = Policy and/or Procedure is Already 'On File' with the USDOE
Yes *(Policies, procedures, methods, and descriptions are being submitted with this application either as 'New', 'Revised', or already 'On File'.)*		**No** *(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation.)*	
N	**R**	**OF**	**State Policies, Procedures, Methods, and Descriptions**
			which the child is receiving services under part C.
		N/A	*Enter 'NA' in the cells to the left if this statement is not applicable; otherwise check either the 'N' or 'R' cell under the 'Yes' column and attach appropriate written methods. See the optional technical assistance checklist in Section V for full provisions of 20 U.S.C. 1440.* 7. The State has chosen to meet the requirement to establish financial responsibility for early intervention services under 20 U.S.C. 1440(b)(1) through 'appropriate written methods' under 20 U.S.C. 1440(b)(3)(c) other than State statute or regulation or signed interagency agreements.
			Descriptions
		✓ ✓	1. As required by Section 427 of the General Education Provisions Act (GEPA), the State has identified barriers and developed strategies to address the barriers and has provided a description of the steps the State is taking to ensure equitable access to, and participation in Part C.
		✓	2. As required in 20 U.S.C. 1437(a)(3)(B) the State has provided a description of early intervention services to be provided to infants and toddlers with disabilities and their families through the statewide system.
		✓	3. As required in 20 U.S.C. 1437(a)(5) the State has provided a description of the uses for which funds will be expended in accordance with this part. *(See Section III.)*
		✓ June 2006	4. As required in 20 U.S.C. 1437(a)(6) the State has provided a description of its policies and procedures that require the referral for early intervention services under this part of a child under the age of 3 who – (A) is involved in a substantiated case of abuse or neglect; or (B) is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure.
		✓	5. As required in 20 U.S.C. 1437(a)(7) the State has provided a description used to ensure that resources are made available under

Check and enter date(s) as applicable. Enclose relevant documents.				
Yes *(Policies, procedures, methods, and descriptions are being submitted with this application either as 'New', 'Revised', or already 'On File'.)*			**No** *(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation.)*	[redacted]
N	**R**	**OF**		**State Policies, Procedures, Methods, and Descriptions**
				this part for all geographic areas within the State.
		✓		6. As required in 20 U.S.C. 1437(a)(8) the State has provided a description that ensures that, prior to the adoption by the State of any other policy or procedure necessary to meet the requirements of this part, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities.
			✓ June 2006	7 As required in 20 U.S.C. 1437(a)(9)(A) the State has provided a description that ensures a smooth transition for toddlers receiving early intervention services under this part (and children receiving those services under by 20 U.S.C 1435 (c)) to preschool, school, other appropriate services, or exiting the program, including a description of how: (i) the families of such toddlers and children will be included in the transition plans required 20 U.S.C. 1437(a)(9)(C); and (ii) the lead agency designated or established under 20 U.S.C. 1435(a)(10) will (I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law; (II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency not less than 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and (III) in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under part B, to discuss the appropriate services that the child may receive.
			✓ June 2006	8. As required in 20 U.S.C. 1437(a)(10) the State has provided a description of State efforts to promote collaboration among Early Head Start programs under section 645A of the Head Start Act, early education and child care programs, and services under Part C.

B. Assurances and Optional Assurance

The State makes the following assurances and provisions as required by Part C of the Individuals with Disabilities Education Act. (20 U.S.C. 1431 et.seq.)

Check and enter date(s) as applicable		**Assurances** *(20 U.S.C. 1434;1435; and 1437(b))*
Yes *(Assurance is hereby provided.)*	**No** *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)*	
✓		1. As applicable, the assurance found in OMB Standard Form 424(B) (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations is in place.
	✓ June 2006	2. The State has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and infants and toddlers with disabilities who are wards of the State; and has in effect a statewide comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services, for infants and toddlers with disabilities and their families, that meet the requirements of 20 U.S.C 1433, 1434, and 1435.
	✓ June 2006	3. The State has in effect a policy that ensures that appropriate early intervention services based on scientifically based research, to the extent practicable, are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State and infants and toddlers with disabilities who are homeless children and their families in accordance with 20 U.S.C. 1435(a)(2).
✓		4. The State has in effect a timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each family of such an infant or toddler, to assist appropriately in the development of the infant or toddler in accordance with 20 U.S.C. 1435(a)(3).
✓		5. For each infant or toddler with a disability in the State, the State has an individualized family service plan in accordance with 20 U.S.C. 1436, including service coordination services in accordance with such service

Check and enter date(s) as applicable		Assurances *(20 U.S.C. 1434;1435; and 1437(b))*
Yes *(Assurance is hereby provided.)*	**No** *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)*	
		plan. (20 U.S.C. 1435(a)(4)) *See optional technical assistance checklist in Section V for all provisions of 20 U.S.C. 1436.*
✓		6. The State has a comprehensive child find system, consistent with Part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources and that ensures rigorous standards for appropriately identifying infants and toddlers with disabilities for services under this part that will reduce the need for future services. (20 U.S.C. 1435(a)(5))
✓		7. The State has a public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under 20 U.S.C. 1435(a)(10) to all primary referral sources, especially hospitals and physicians, of information to be given to parents, especially to inform parents with premature infants, or infants with other physical risk factors associated with learning or developmental complications, on the availability of early intervention services under this part and of services under 20 U.S.C. 1419, and procedures for assisting such sources in disseminating such information to parents of infants and toddlers with disabilities. (20 U.S.C. 1435(a)(6))
✓		8. The State has a central directory that includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State. (20 U.S.C. 1435(a)(7))
✓		9. The State has a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State that (A) includes-- (i) implementing innovative strategies and activities for the recruitment and retention of early education service providers; (ii) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part; and (iii) training personnel to coordinate transition services for infants and toddlers served under this part from a program providing early intervention services under this part and under part B (other than 20 U.S.C. 1419), to a preschool program receiving funds under 20 U.S.C. 1419, or another appropriate program; and

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes (Assurance is hereby provided.)	**No** (Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)	
		(B) may include-- (i) training personnel to work in rural and inner-city areas; and (ii) training personnel in the emotional and social development of young children. (20 U.S.C. 1435(a)(8)(A) and (B))
✓		10. The State has policies and procedures relating to the establishment and maintenance of qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including the establishment and maintenance of qualifications that are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing early intervention services, except that nothing in this part (including this paragraph) shall be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained and supervised in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under this part to infants and toddlers with disabilities. (20 U.S.C. 1435(a)(9)).
✓		11. The State has a single line of responsibility in a lead agency designated or established by the Governor for carrying out – (A) the general administration and supervision of programs and activities receiving assistance under 20 U.S.C. 1433, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under 20 U.S.C. 1433, to ensure that the State complies with this part; (B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources; (C) the assignment of financial responsibility in accordance with 20 U.S.C. 1437(a)(2) to the appropriate agencies; (D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers; (E) the resolution of intra- and interagency disputes; and (F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination. *See optional technical assistance checklist in Section V for full*

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes (Assurance is hereby provided.)	**No** (Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)	
		provisions of 20 U.S.C. 1440. (20 U.S.C. 1435(a)(10)(A)-(F)).
✓		12. The State has a policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of Part C, including the contents of the application used and the conditions of the contract or other arrangements. (20 U.S.C. 1435(a)(11))
✓		13. The State has a procedure for securing timely reimbursements of funds used under this part in accordance with 20 U.S.C. 1440(a). *See optional technical assistance checklist in Section V for full provisions of 20 U.S.C. 1440.* (20 U.S.C. 1435(a)(12)).
	✓ June 2006	14. The State has procedural safeguards with respect to programs under this part, as required by 20 U.S.C. 1439. (20 U.S.C. 1435(a)(13)) *See optional technical assistance checklist in Section V for full provisions of 20 U.S.C. 1415 and 1439.*
✓		15. The State has a system for compiling data requested by the Secretary under section 618 that relates to this part. (20 U.S.C. 1435(a)(14) and 1442)
	✓ June 2006	16. The State has a State interagency coordinating council that meets the requirements of 20 U.S.C. 1441. (20 U.S.C. 1435(a)(15)) *See optional technical assistance checklist in Section V for full provisions of 20 U.S.C. 1441.*
✓		17. The State has policies and procedures to ensure that, consistent with 20 U.S.C 1436(d)(5): A) to the maximum extent appropriate, early intervention services are provided in natural environments; and B) the provision of early intervention services for any infant or toddler with a disability occurs in a setting other than a natural environment that is most appropriate, as determined by the parent and the individualized family service plan team, only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment. (20 U.S.C. 1435(a)(16))
✓		18. The State ensures that Federal funds made available under 20 U.S.C. 1443 will be expended in accordance with this part. (20 U.S.C. 1437(b)(1)

Check and enter date(s) as applicable		**Assurances** *(20 U.S.C. 1434;1435; and 1437(b))*
Yes *(Assurance is hereby provided.)*	**No** *(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)*	
	✓ June 2006	19. The State ensures that it will comply with the requirements of 20 U.S.C. 1440. (20 U.S.C. 1437(b)(2))
✓		20. The State ensures that the control of funds provided under 20 U.S.C. 1443, and title to property derived from those funds, will be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property. (20 U.S.C. 1437(b)(3))
✓		21. The State ensures that provisions shall be made for-- (A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part; and (B) keeping such reports and affording such access to the reports as the Secretary may find necessary to ensure the correctness and verification of those reports and proper disbursement of Federal funds under this part. (20 U.S.C. 1437(b)(4))
✓		22. The State ensures that the Federal funds made available under 20 U.S.C. 1443 to the State-- (A) will not be commingled with State funds; and (B) will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds. (20 U.S.C. 1437(b)(5))
✓		23. The State ensures that fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under 20 U.S.C. 1443 to the State. (20 U.S.C. 1437(b)(6))
	✓ June 2006	24. The State ensures that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State, in the planning and implementation of all the requirements of Part C. (20 U.S.C. 1437(b)(7))
✓		25. The State assures that it shall provide other information and assurances as the Secretary may reasonably require by regulation. (20 U.S.C. 1437(b)(8).

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1434;1435; and 1437(b))
Yes (Assurance is hereby provided.)	**No** (Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)	
		Optional Assurance
✓		*Enter 'NA" in the cells to the left if this assurance is not applicable.* 26. The State has adopted a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in 20 U.S.C. 1435(a)(9). (20 U.S.C. 1435(b))

C. Certifications

The State Lead Agency is providing the following certifications:

Yes	
✓	1. The State certifies that ED Form 80-0013, *Certification Regarding Lobbying*, is on file with the Secretary of Education. With respect to the *Certification Regarding Lobbying* the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.
✓	2. The State certifies that it has met the certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.
✓	3. The State certifies that the arrangements to establish responsibility for services provided under Part C pursuant to 20 U.S.C. 1440(b) are current as of the date of this Application certification. (20 U.S.C. 1437(a)(2) and 1440). *See Item 6 in Section II.A above regarding including, with this Application for the Secretary's review, 'other appropriate written methods' to meet the requirements of 20 U.S.C. 1440(b).*