

## Smith, Ashleigh, ECECD

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**From:** [REDACTED]  
**Sent:** Wednesday, May 12, 2021 10:10 AM  
**To:** ECECD-ECS-PublicComment  
**Subject:** [EXT] Comments on • 8.9.8 NMAC – Social Services - REQUIREMENTS FOR FAMILY INFANT TODDLER EARLY INTERVENTION SERVICES  
**Attachments:** [REDACTED] Recommended Changes to FIT Regulations-May2021.docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To Whom It May Concern,

I have reviewed the revisions to the NM FIT Program regulations and am submitting the attached comments and recommendations.  
Thank you for your consideration.

[REDACTED]

[REDACTED]

[REDACTED] Family Support Services

Office phone: [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]

**P. Definitions beginning with the letter “P”**

**Comment:** Physical/motor development also includes “sensory motor” development.

**Recommend:** Add the words “sensory motor”.

**(6)** “Physical/motor development” means the progressive changes to a child’s vision, hearing, gross and fine motor development, **sensory motor**, quality of movement, and health status.

**H. Supervision of early intervention personnel providing direct services.**

**Comment:** This part in the regulations that refers to reflective supervision in specific is not consistent with what is written in the FIT Definitions and Standards. It is also not consistent with references to “supervision” in other parts of the regulations. Subcontractors are “independent contractors” not staff and therefore should be responsible for obtaining supervision consistent with the requirements of their licensing and regulatory boards for their disciplines.

**Recommend:** Change the wording to be consistent with the wording in the FIT Service Definitions and standards as seen below.

**Current wording:** H. Supervision of early intervention personnel.

(1) Early intervention provider agencies shall ensure that developmental specialists **and therapists** (employees and subcontractors) and family service coordinators receive monthly planned and ongoing reflective supervision.

(2) The early intervention provider agency shall maintain documentation of supervision activities conducted.

(3) Supervision of other early intervention personnel shall comply with the requirements of other appropriate licensing and regulatory agencies for each discipline.

**Recommend change in wording to read:** *Developmental Specialists, including sub-contractors, must receive reflective supervision at least once a month. Sub-contractors must find their own supervision, if the agency does not provide this for them. Supervision of therapists and other early intervention personnel is provided according to their licensing board’s requirements*

**F. Evaluation**

(15) If, based on the evaluation conducted the evaluation team determines that a child is not eligible, the evaluation team must provide the parent with prior written notice, and include in the notice information about the parent’s right to dispute the eligibility determination through dispute resolution mechanisms such as requesting a due process hearing or mediation or filing a State complaint.

**Comment:** The “evaluation team” is not responsible for giving Prior Written Notice to families in any other part of the regulations.

**Recommend:** Replacing the words “evaluation team” with the words “Family Service Coordinator”

(15) If, based on the evaluation conducted the evaluation team determines that a child is not eligible, the **Family Service Coordinator** ~~evaluation team~~ must provide the parent with prior written notice, and include in the notice information about the parent’s right to dispute the eligibility determination through dispute resolution mechanisms such as requesting a due process hearing or mediation or filing a State complaint.

**F: Evaluation**

[(13)] **(12)** Parents shall receive a copy of the evaluation report and shall have the results and recommendations of the evaluation report explained to them by a member of the evaluation team or a member of the [family service coordinator] IFPS team, with prior consultation with the evaluation team.

**Comment:** IFSP is spelled IFPS and needs to be corrected

**Recommend: Correction** [(13)] **(12)** Parents shall receive a copy of the evaluation report and shall have the results and recommendations of the evaluation report explained to them by a member of the evaluation team or a member of the [family service coordinator] **IFPS IFSP** team, with prior consultation with the evaluation team.

## Smith, Ashleigh, ECECD

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**From:** [REDACTED]  
**Sent:** Wednesday, May 12, 2021 4:12 PM  
**To:** ECECD-ECS-PublicComment  
**Cc:** [REDACTED]  
**Subject:** [EXT] 8.9.8 NMAC Public Comment  
**Attachments:** PDF Final Version of Letter to ECECD Regarding FIT Proghram Rulemaking May 21, 2021.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sec. Groginsky:

Per the instructions given me by the leadership of the House Republican Caucus, I am attaching a document that contains the official comments of six members of the Caucus in regards to the upcoming rulemaking involving the Families Infant Toddler (FIT) program.

Please add these official comments to your formal consideration of the proposed rule changes.

If there are any questions, please do not hesitate to contact these state legislators or myself.

Thank you for your attention in this important matter.

[REDACTED]  
[REDACTED]  
House Republican Caucus Staff  
[REDACTED]



State of New Mexico  
House of Representatives  
State Capitol  
Santa Fe

May 12, 2021

The Honorable Elizabeth Groginsky  
Cabinet Secretary  
New Mexico Early Childhood Education and Care Department  
Post Office Drawer 5619  
Santa Fe, New Mexico 87502-5619

Dear Secretary Groginsky:

It is our pleasure to offer the following comments regarding the department's proposed rulemaking impacting the Family Infant Toddler (FIT) program.

As we review these proposed regulations, the one glaring shortcoming we see is the lack of provisions aligning the FIT program's eligibility with the federal guidelines of birth to four years of age. Considering recent changes have been made to increase age eligibility for child care assistance and "coming soon" changes to age eligibility for home visiting, we believe now is the perfect time to increase the FIT program's eligibility from three years of age to four. Such an increase in age would be a perfect complement to the statewide effort of ensuring every New Mexican child has flexibility and access to high quality early childhood experiences that are family focused and based on their individual needs.

By extending the FIT program to four year olds, it would provide health and developmentally appropriate early intervention options for these vulnerable children whose health and developmental needs make remaining on an Individualized Family Service Plan ideal. That extra year with least restrictive, most inclusive services can set the path for success at PreK and through their time in K-12. To the contrary, keeping the age eligibility lower than what the federal guidance recommends takes away choice from families and clinicians when determining treatment plans for young children with special health and developmental needs.

Further, this ability to extend the option of these vital services to eligible children prior to them starting Kindergarten would seem to be especially important in rural New Mexico where early intervention programs may be limited. Children who are medically fragile or have sensory integration issues are negatively impacted from long hours on multiple daily bus routes, yet FIT programs can be provided in the home. Providing flexibility for FIT's services for one additional year simply allows the child's health and developmental needs to remain the focus of Individual Family Service Plans.

Thank you for considering our comments and we look forward to working with you in the future to ensure all New Mexico children have the best opportunities possible to reach their fullest potential.

Respectfully yours,

[Redacted Signature]

[Redacted Title]

[Redacted Signature]

[Redacted Title]

[Redacted Title]

