

1 HOUSE BILL 274

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Rebecca Dow and Andrea Romero and Derrick J. Lente and
5 Dayan Hochman-Vigil and Gail Armstrong
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10 AN ACT

11 RELATING TO CHILDREN; EXPANDING THE DEFINITION OF "ELIGIBLE
12 CHILD" TO INCLUDE CHILDREN FROM BIRTH TO AGE FORTY-EIGHT MONTHS
13 FOR PURPOSES OF THE FAMILY, INFANT, TODDLER PROGRAM.
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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 9-29-10 NMSA 1978 (being Laws 2019,
17 Chapter 48, Section 10) is amended to read:

18 "9-29-10. FAMILY, INFANT, TODDLER PROGRAM.--

19 A. As used in this section:

20 (1) "early intervention programs" means
21 programs, including physical development, communications
22 development, adaptive development, social and emotional
23 development and sensory development programs, designed to meet
24 the developmental needs of eligible children;

25 (2) "eligible child" means a child from birth

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1 to age [~~thirty-six~~] forty-eight months with developmental delay
2 or who, according to department of health-established criteria,
3 is at risk of developmental delay; and

4 (3) "program" means the family, infant,
5 toddler program.

6 B. The department is the lead state agency for the
7 program. Through the program, the department shall develop and
8 administer a statewide system of comprehensive, coordinated,
9 multidisciplinary and interagency early intervention programs
10 to eligible children.

11 C. The parent of an eligible child may choose
12 whether to enroll the child in the program.

13 D. The children, youth and families department, the
14 department of health, the human services department, the public
15 education department and other publicly funded providers of
16 services to eligible children shall collaborate with the
17 department to provide program services and shall establish the
18 division of responsibilities for providing those services in
19 interagency agreements.

20 E. The secretary shall comply with the federal
21 Individuals with Disabilities Education Act, Part C, contingent
22 on participation by the state, including by:

23 (1) establishing related policies and
24 promulgating program rules;

25 (2) implementing procedures to ensure that

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- 1 program services are timely delivered;
- 2 (3) administering and overseeing the program;
- 3 (4) resolving complaints related to the
- 4 program;
- 5 (5) maintaining and expanding interagency and
- 6 state and local coordination in implementing the program;
- 7 (6) identifying and coordinating resources for
- 8 delivering early intervention programs through the program; and
- 9 (7) establishing minimum requirements to
- 10 qualify personnel to deliver services through the program.

11 F. The department is the custodian of money

12 received by the state from the federal government for the

13 purpose of implementing the federal Individuals with

14 Disabilities Education Act, Part C."

15 SECTION 2. EFFECTIVE DATE.--The effective date of the

16 provisions of this act is July 1, 2020.