



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Dr. Veronica C. Garcia  
Secretary of Education  
New Mexico Public Education Department  
300 Don Gaspar Avenue  
Santa Fe, New Mexico 87501-2786

MAR 27 2006

Dear Secretary Garcia:

Thank you for your timely submission of New Mexico's State Performance Plan (SPP) for review under Part B of the Individuals with Disabilities Education Act (IDEA). Section 616(b) requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate the State's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect the State's efforts to implement Part B of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part B.

The targets for each of the indicators (where baseline data were available for the indicators) were measurable and demonstrated the intent of the State to improve performance and compliance for children and youth with disabilities and their families.

The Office of Special Education Programs (OSEP) is pleased to inform you that your State's SPP under Part B meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. The State must make its SPP available through public means, including posting on the State educational agency's (SEA's) website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I)).

Under section 616(b)(2)(C)(ii)(II), the State must annually report to OSEP on its performance under the SPP. The State's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A addressing issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in the State's APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission. Table B includes OSEP's analysis of your submissions related to previously-identified noncompliance or other issues included in our August 31, 2005 letter that responded to your State's FFY 2003 APR.

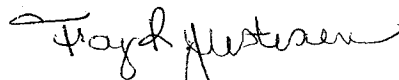
In addition to reporting to OSEP, the State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the State's performance plan. (Section 616(b)(2)(C)(ii)(I)). The requirement for public reporting on LEA performance is a critical provision related to ensuring accountability and focusing on improved results for children with disabilities. OSEP will be providing technical assistance regarding the reporting on LEA performance, at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

We hope that your State found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the SPP Resources website helpful in this endeavor. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

OSEP's August 31, 2005 letter directed the State to submit final documentation of correction of the State's longstanding noncompliance related to the requirements at 34 CFR §300.132(b) by January 21, 2006. This issue is discussed in detail under Indicator 12 in Table B, including OSEP's determination that the State's January 21, 2006 submission did not demonstrate compliance. Therefore, the State must provide data demonstrating compliance by June 1, 2006. Failure to provide data by that time may result in the State being designated a "high-risk" grantee or may otherwise affect its FFY 2006 Part B grant awards.

Thank you for your continued work to improve results for children and youth with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Linda Whitsett at 202-245-7573.

Sincerely,



Troy R. Justesen  
Acting Director  
Office of Special Education  
Programs

Enclosures

Table A

Table B

cc: Denise Koscielniak  
State Director of Special Education