

**New Mexico Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 57.6%. These data represent progress from the FFY 2008 data of 53.1%. The State met its FFY 2009 target of 57%.</p> <p>The State reported the required graduation rate calculation and timeline established by the Department under the Elementary and Secondary Education Act (ESEA). This means that the State submitted the most recent graduation data that the State reported to the Department as part of its Consolidated State Performance Report (CSPR).</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State provided revised targets for FFY 2010, targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 6.15%. These data represent progress from the State's revised FFY 2008 data of 6.98%. The State did not meet its FFY 2009 target of .76%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 1.69%. These data represent slippage from the FFY 2008 data of 44.4%. The State did not meet its FFY 2009 target of 50%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: B. Participation rate for children with IEPs. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 98.79% for reading and 98.77% for math. These data represent progress from the FFY 2008 data of 97.8% for reading and 97.7% for math. The State met its FFY 2009 targets of 95%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p> <p>The State has not reported the number of children with disabilities in participating in regular assessments, and the number of those children who</p>

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	<p>The State provided two Web links to the FFY 2009 publicly-reported assessment results. However, the data posted at the Web links provided by the State do not show that the State met the reporting requirements in 34 CFR §300.160(f), for the following reason: the data do not provide the number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments at the State, district and/or school levels.</p>	<p>were provided accommodations (that did not result in an invalid score) in order to participate in those assessments at the State, district and/or school levels. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.</p> <p>Within 90 days of the receipt of this response table, the State must provide a Web link that demonstrates it has reported to the public on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In addition, OSEP reminds the State that in the FFY 2010 APR, due February 1, 2012, the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f).</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 16.33% for math and 19.84% for reading. These data represent progress from the FFY 2008 data of 15.5% for math. The State's FFY 2008 data for reading were 20.1%. The State did not meet its FFY 2009 target of 52% for math and 64% for reading.</p> <p>The State provided two Web links to the FFY 2009 publicly-reported assessment results. However, the data posted at the Web links provided by the State do not show that the State met the reporting requirements in 34 CFR §300.160(f), because the data do not provide, compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on alternate assessments based on grade-level academic achievement standards, alternate assessments based on</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The State did not report publicly on the performance of children with disabilities on statewide assessments at the district and school level with the same frequency and in the same detail as it reports on the assessments of nondisabled children, as required by 34 CFR §300.160(f).</p>

**New Mexico Part B FFY 2009 SPP/APR Response Table**

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	<p>modified academic achievement standards, and alternate assessments based on alternate academic achievement standards, at the State, district and/or school levels.</p>	<p>Specifically the State has not reported, compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on alternate assessments based on grade-level academic achievement standards, alternate assessments based on modified academic achievement standards, and alternate assessments based on alternate academic achievement standards, at the State, district and/or school levels. The failure to publicly report as required under 34 CFR §300.160(f) is noncompliance.</p> <p>Within 90 days of the receipt of this response table, the State must provide a Web link that demonstrates it has reported to the public on the statewide assessments of children with disabilities in accordance with 34 CFR §300.160(f). In addition, OSEP reminds the State that in the FFY 2010 APR, the State must continue to include a Web link that demonstrates compliance with 34 CFR §300.160(f).</p>
<p>4. Rates of suspension and expulsion: A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 0%. These data remain</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

**New Mexico Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>															
<p>greater than 10 days in a school year for children with IEPs; and [Results Indicator]</p>	<p>unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%. The State reported its definition of “significant discrepancy.” The State reported that 92 of 93 LEAs did not meet the State-established minimum “n” size requirement of greater than ten suspensions or expulsions.</p>																
<p>4. Rates of suspension and expulsion: B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. [Compliance Indicator]</p>	<p>The State provided FFY 2009 baseline, using FFY 2008 data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator and OSEP accepts the State’s submission of this indicator. The State’s FFY 2009 baseline data for this indicator are 0%. The State reported that no districts were identified as having a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs. The State reported its definition of “significant discrepancy.” The State reported that 92 of 93 LEAs did not meet the State-established minimum “n” size requirement of greater than ten suspensions or expulsions and greater than ten students in the race or ethnicity category.</p>	<p>OSEP appreciates the State’s efforts regarding this indicator. OSEP will be carefully reviewing each State’s method for identifying “significant discrepancy” and will contact the State if there are questions or concerns.</p>															
<p>5. Percent of children with IEPs aged 6 through 21 served: A. Inside the regular class 80% or more of the day; B. Inside the regular class less than 40% of the day; or C. In separate schools, residential facilities, or homebound/hospital placements. [Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012. The State’s reported FFY 2009 data for this indicator are:</p> <table border="1" data-bbox="548 1263 1583 1516"> <thead> <tr> <th></th> <th><u>FFY 2008 Data</u></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2009 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Inside the regular class 80% or more of the day</td> <td align="center">53.1</td> <td align="center">54.89</td> <td align="center">66</td> <td align="center">1.79%</td> </tr> <tr> <td>B. % Inside the regular class less</td> <td align="center">19.5</td> <td align="center">20.19</td> <td align="center">14</td> <td align="center">-0.69%</td> </tr> </tbody> </table>		<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	53.1	54.89	66	1.79%	B. % Inside the regular class less	19.5	20.19	14	-0.69%	<p>OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>													
A. % Inside the regular class 80% or more of the day	53.1	54.89	66	1.79%													
B. % Inside the regular class less	19.5	20.19	14	-0.69%													

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	than 40% of the day				
	C. % In separate schools, residential facilities, or homebound/hospital placements	1.5	1.36	1.98	0.14%
	These data represent progress for 5A and 5C from the FFY 2008 data. The State met its FFY 2009 target for 5C, but did not meet its FFY 2009 targets for 5A and 5B.				
<p>6. Percent of children aged 3 through 5 with IEPs attending a:</p> <p>A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and</p> <p>B. Separate special education class, separate school or residential facility.</p> <p>[Results Indicator; New]</p>	The State is not required to report on this indicator in the FFY 2009 APR.				The State is not required to report on this indicator in the FFY 2010 APR, due February 1, 2012.
<p>7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are:</p>				<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.</p>
	<p align="center"><b><u>Summary Statement 1</u></b></p>	<p align="center"><b><u>FFY 2008 Data</u></b></p>	<p align="center"><b><u>FFY 2009 Data</u></b></p>	<p align="center"><b><u>FFY 2009 Target</u></b></p>	
	<p><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</p>	74.7	71.4	74.9	
	<p><b>Outcome B:</b> Acquisition and use of</p>	74.6	73	74.7	

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	knowledge and skills (including early language/ communication) (%)				
	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	74.3	73.4	74.4	
	<b><u>Summary Statement 2</u></b>	<b><u>FFY 2008 Data</u></b>	<b><u>FFY 2009 Data</u></b>	<b><u>FFY 2009 Target</u></b>	
	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	64.9	59.6	66.1	
	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication) (%)	62.7	62.1	62.8	
	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	71.7	71	71.9	
	These data represent slippage from the FFY 2008 data. The State did not meet its FFY 2009 targets for this indicator.				
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. [Results Indicator]	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 80.3%. These data represent slippage from the FFY 2008 data of 83.9%. The State did not meet its FFY 2009 target of 88%.</p> <p>In its description of its FFY 2009 data, the State addressed whether the response group was representative of the population.</p>				OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.
9. Percent of districts with disproportionate representation of	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.				OSEP appreciates the State's efforts to improve performance.

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<p>racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State’s FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State reported that one district was identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that no district was identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported the number of districts that did not meet the State-established minimum “n” size requirement of greater than ten students in the racial and ethnic category and were excluded from the calculation. The number of districts excluded varied by individual race and ethnic group. None of the 102 districts met the minimum “n” size requirement for all seven individual race and ethnic groups.</p>	
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and OSEP accepts those revisions. The State did not report that improvement activities will cover the remaining years of the SPP. The State must revise its SPP to make clear that improvement activities will be conducted through FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are 3.92%. These data represent progress from the State’s FFY 2008 data of 5.37%. The State did not meet its FFY 2009 target of 0%.</p> <p>The State reported that 16 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that four districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>The State reported the number of districts that did not meet the State-established minimum “n” size requirement of greater than ten students in the disability category for each individual race or ethnicity and were excluded from the calculation. The number of districts excluded varied, depending on the racial and ethnic group. None of the State’s 102 districts met the minimum “n” size for all of the seven racial and ethnic groups.</p> <p>The State provided its definition of “disproportionate representation.”</p> <p>The State reported that four of five findings of noncompliance identified in FFY 2008 were corrected in a timely manner. The State reported on the actions it took to address</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing data in the FFY 2010 APR, due February 1, 2012, demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2009 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2010 APR, that the districts identified in FFY 2009 and the districts identified in FFY 2008 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in</p>

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	the uncorrected noncompliance.	compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (Memo 09-02). In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State is unable to demonstrate compliance with those requirements in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 99.3%. These data represent progress from the FFY 2008 data of 98.9%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that eight of ten findings of noncompliance identified in FFY 2008</p>	OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the timely initial evaluation requirements in 34

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[Compliance Indicator]	<p>were corrected in a timely manner and that the remaining two findings were subsequently corrected by February 1, 2011.</p> <p>The State reported that six findings of noncompliance identified in FFY 2007 and one finding identified in FFY 2006 for this indicator were corrected.</p>	<p>CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>

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<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 99.3%. These data represent progress from the FFY 2008 data of 99.1%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that that the three findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the FFY 2009 data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to</p>

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		<p>verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.</p> <p>[Compliance Indicator]</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2009 reported baseline data for this indicator are 98.45%.</p> <p>The State reported that the seven remaining uncorrected FFY 2007 findings of noncompliance were corrected.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each</p>

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		<p>individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school;</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011 and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's reported FFY 2009 baseline data for this indicator are:</p> <p>A. 48% enrolled in higher education within one year of leaving high school;</p> <p>B. 75% enrolled in higher education or competitively employed within one year of leaving high school; and</p> <p>C. 79% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p>	<p>The State must report actual target data for FFY 2010 with the FFY 2010 APR, due February 1, 2012.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 94.54%. These data represent progress from the FFY 2008 data of 83.7%. The State did not meet its FFY 2009 target</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that the State</p>

**New Mexico Part B FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>one year from identification. [Compliance Indicator]</p>	<p>of 100%.</p> <p>The State reported that 52 of 55 of its findings of noncompliance identified in FFY 2008 were corrected in a timely manner and that two findings were subsequently corrected by February 1, 2010. The State reported on the actions it took to address the one remaining uncorrected finding of noncompliance.</p> <p>The State reported that 14 findings of noncompliance identified in FFY 2007 were corrected.</p> <p>The State reported that the one remaining finding of noncompliance identified in FFY 2006 was corrected.</p> <p>The State was identified as being in need of assistance for two consecutive years based on the State’s FFY 2007 and FFY 2008 APRs, was advised of available technical assistance, and was required to report, with the FFY 2009 APR, on: (1) the technical assistance sources from the from which the State received assistance, and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.</p> <p>The State was also identified as being in need of assistance based on its FFY 2006 APR and its FFY 2005 APR. In addition to reporting with the FFY 2008 APR on its use of technical assistance the State was also required to report to OSEP by October 1, 2010 how the technical assistance selected by the State is addressing the factors contributing to the ongoing noncompliance. The State submitted the required information on October 1, 2010.</p>	<p>timely corrected noncompliance identified in FFY 2009 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2009: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the one remaining finding of noncompliance identified in FFY 2008 that was not reported as corrected in the FFY 2009 APR was corrected.</p> <p>In reporting on Indicator 15 in the FFY 2010 APR, the State must</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>use the Indicator 15 Worksheet.</p> <p>In addition, in responding to Indicators 10, 11, 12 and 13 in the FFY 2010 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>
<p>17. Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data are based on three due process hearings. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution</p>	<p>The State reported that all seven resolution sessions resulted in settlement agreements.</p> <p>The State reported fewer than ten resolution session held in FFY 2009. The State is not required to provide targets or improvement activities until any fiscal year in which ten</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
session settlement agreements. [Results Indicator]	or more resolution sessions were held.	
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 80.65%. These data represent slippage from the FFY 2008 data of 89.2%. The State met its FFY 2009 target range of 70-75%.</p>	OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 92.86%. However, OSEP's calculation of the data for this indicator is 100%. The State's FFY 2008 data for this indicator were 99.15%. The State met its FFY 2009 target of 100%.</p>	OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2010 APR, due February 1, 2012, the State must use the Indicator 20 Data Rubric.