

New Mexico Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 36.4%. OSEP was unable to determine whether there was progress or slippage because the State changed the calculation methodology for this indicator. The State did not meet its FFY 2010 target of 67%.</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 looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR, due February 1, 2013.</p> <p>In reporting data for this indicator in the FFY 2011 APR, States must use the same data they used for reporting to the Department under Title I of the ESEA, using the adjusted cohort graduation rate required under the ESEA.</p>
<p>2. Percent of youth with IEPs dropping out of high school. [Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 7.51%. These data represent slippage from the FFY 2009 data of 6.15%. The State did not meet its FFY 2010 target of 6.15%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</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 revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 0%. These data represent slippage from the FFY 2009 data of 1.69%. The State did not meet its FFY 2010 target of 55.5%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments: B. Participation rate for children with IEPs.</p>	<p>The State revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2010 reported data for this indicator are 98.9% for reading and 98.9% for math. However, the data provided for this indicator is inconsistent with the information the State reported publicly on its Web link to publicly reported assessment results. Specifically, in this indicator, the State reported that 7364 children with IEPs</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p> <p>In order to ensure accurate public reporting of its FFY 2010 APR,</p>

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[Results Indicator]	<p>participated in the reading assessments and 7360 children with IEPs participated in the math assessment. The State provided a Web link to publicly reported assessment results, http://www.ped.state.nm.us/SEB/data/index.html, and that Web link provides different information about participation in assessments. Based on data included in the Web link, it appears that the State reported in the APR on the number of children participating in one LEA rather than the number of children participating in the reading and math assessments Statewide. The State publicly reported that, at the State level, 22400 children with IEPs participated in the reading assessment, and 22371 children with IEPs participated in the math assessment. Therefore, OSEP could not determine whether the State met its targets or whether there was progress or slippage.</p> <p>The State provided a Web link to FFY 2010 publicly-reported assessment results.</p>	<p>as required in 34 CFR §§300.601(b) (1) and 300.602(b)(1)(i)(B), the State must revise the numbers of children participating in the reading and math assessments consistent with the publicly reported information on the State’s Web site and post the revised FFY 2010 APR on the SEA’s Web site.</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 revised the improvement activities for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2010 reported data for this indicator are 17.8% for reading and 15.47% for math. These data represent slippage from the FFY 2009 data of 19.84% for reading and 16.33% for math. The State did not meet its FFY 2010 targets of 75% for reading and 66% for math.</p> <p>The State provided a Web link to FFY 2010 publicly-reported assessment results.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator are 1.96%. OSEP was unable to determine whether there was progress or slippage because the State changed the calculation methodology for this indicator. The State met its FFY 2010 target of 1.96%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>The State reported that two districts were identified as having a significant discrepancy, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs.</p> <p>The State reported that 98 of 102 districts did not meet the State-established minimum “n” size requirement of ten students or more suspended or expelled for greater than ten days in a school year.</p> <p>The State reported that it reviewed the districts’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p> <p>The State must report, in its FFY 2011 APR, on the correction of noncompliance that the State identified in FFY 2010 as a result of the review it conducted pursuant to 34 CFR §300.170(b). When reporting on the correction of this noncompliance, the State must report that it has verified that each LEA with noncompliance identified by the State: (1) is correctly</p>

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	<p>IDEA, as required by 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2010. The State identified noncompliance through this review.</p> <p>The State reported that it revised (or required the affected districts to revise), the districts’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, pursuant to 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2010.</p>	<p>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 Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p>
<p>4. Rates of suspension and expulsion:</p> <p>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.</p> <p>[Compliance Indicator]</p>	<p>The State’s FFY 2010 data for this indicator are 0%. OSEP was unable to determine whether there was progress or slippage because the State changed its calculation methodology for this indicator. The State met its FFY 2010 target of 0%.</p> <p>The State reported its definition of “significant discrepancy.”</p> <p>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.</p> <p>The State reported that 14 of 102 districts did not meet the State-established minimum “n” size requirement of ten students in the race or ethnicity category. The State did not report the number of districts that did not meet the second part of the State-established minimum “n” size requirement of ten students suspended or expelled for greater than ten days in a school year.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p> <p>In its FFY 2011 APR, the State must report the number of districts that did not meet the State-established minimum “n” size requirement.</p>

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<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The State revised the targets for 5B for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are less rigorous than the previously-established targets.</p> <p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="550 480 1583 954"> <thead> <tr> <th></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 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">54.89</td> <td align="center">53.84</td> <td align="center">60</td> <td align="center">-1.05%</td> </tr> <tr> <td>B. % Inside the regular class less than 40% of the day</td> <td align="center">20.19</td> <td align="center">20.26</td> <td align="center">15</td> <td align="center">-0.07%</td> </tr> <tr> <td>C. % In separate schools, residential facilities, or homebound/hospital placements</td> <td align="center">1.36</td> <td align="center">1.15</td> <td align="center">1.97</td> <td align="center">0.21%</td> </tr> </tbody> </table> <p>These data represent progress for 5C and slippage for 5A from the FFY 2009 data. The State met its FFY 2010 target for 5C, but did not meet its FFY 2010 targets for 5A and 5B.</p>		<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	54.89	53.84	60	-1.05%	B. % Inside the regular class less than 40% of the day	20.19	20.26	15	-0.07%	C. % In separate schools, residential facilities, or homebound/hospital placements	1.36	1.15	1.97	0.21%	<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 2011 APR.</p>
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>																		
A. % Inside the regular class 80% or more of the day	54.89	53.84	60	-1.05%																		
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C. % In separate schools, residential facilities, or homebound/hospital placements	1.36	1.15	1.97	0.21%																		
<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>	<p>The State is not required to report on this indicator in the FFY 2010 APR.</p>	<p>The State must provide FFY 2011 baseline data, an FFY 2012 target, and improvement activities through FFY 2012 in the SPP that it submits with the FFY 2011 APR.</p>																				

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<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 revised its improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 412 1583 1505"> <thead> <tr> <th data-bbox="554 412 959 513"><u>Summary Statement 1</u></th> <th data-bbox="959 412 1163 513"><u>FFY 2009 Data</u></th> <th data-bbox="1163 412 1373 513"><u>FFY 2010 Data</u></th> <th data-bbox="1373 412 1583 513"><u>FFY 2010 Target</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="554 513 959 695">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="959 513 1163 695">71.4</td> <td align="center" data-bbox="1163 513 1373 695">78.3</td> <td align="center" data-bbox="1373 513 1583 695">75</td> </tr> <tr> <td data-bbox="554 695 959 911">Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)</td> <td align="center" data-bbox="959 695 1163 911">73</td> <td align="center" data-bbox="1163 695 1373 911">75.6</td> <td align="center" data-bbox="1373 695 1583 911">74.8</td> </tr> <tr> <td data-bbox="554 911 959 1062">Outcome C: Use of appropriate behaviors to meet their needs (%)</td> <td align="center" data-bbox="959 911 1163 1062">73.4</td> <td align="center" data-bbox="1163 911 1373 1062">76.3</td> <td align="center" data-bbox="1373 911 1583 1062">74.5</td> </tr> <tr> <th data-bbox="554 1062 959 1162"><u>Summary Statement 2</u></th> <th data-bbox="959 1062 1163 1162"><u>FFY 2009 Data</u></th> <th data-bbox="1163 1062 1373 1162"><u>FFY 2010 Data</u></th> <th data-bbox="1373 1062 1583 1162"><u>FFY 2010 Target</u></th> </tr> <tr> <td data-bbox="554 1162 959 1344">Outcome A: Positive social-emotional skills (including social relationships) (%)</td> <td align="center" data-bbox="959 1162 1163 1344">59.6</td> <td align="center" data-bbox="1163 1162 1373 1344">68.2</td> <td align="center" data-bbox="1373 1162 1583 1344">66.2</td> </tr> <tr> <td data-bbox="554 1344 959 1505">Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)</td> <td align="center" data-bbox="959 1344 1163 1505">62.1</td> <td align="center" data-bbox="1163 1344 1373 1505">61.7</td> <td align="center" data-bbox="1373 1344 1583 1505">62.9</td> </tr> </tbody> </table>	<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	71.4	78.3	75	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	73	75.6	74.8	Outcome C: Use of appropriate behaviors to meet their needs (%)	73.4	76.3	74.5	<u>Summary Statement 2</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	59.6	68.2	66.2	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	62.1	61.7	62.9	<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 2011 APR.</p> <p>The State must report progress data and actual target data for FFY 2011 with the FFY 2011 APR.</p>
<u>Summary Statement 1</u>	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>																											
Outcome A: Positive social-emotional skills (including social relationships) (%)	71.4	78.3	75																											
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	(%)												
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Use of appropriate behaviors to meet their needs (%)	71	71.9	72										
<p>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.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2010 reported data for this indicator are 80.2%. The State’s FFY 2009 data for this indicator were 80.3%. The State did not meet its FFY 2010 target of 80.8%.</p> <p>In its description of its FFY 2010 data, the State addressed whether the response group was representative of the population.</p>				<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2011 APR.</p>								
<p>9. Percent of districts with disproportionate representation of 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 2010 reported data for this indicator are 0%. These data remain unchanged from the FFY 2009 data of 0%. The State met its FFY 2010 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 districts were 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 that 32 of 122 districts did not meet the State-established minimum “n” size requirement of greater than ten students in any racial or ethnic category.</p>				<p>OSEP appreciates the State’s efforts regarding this indicator.</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’s FFY 2010 reported data for this indicator are 3.28%. These data represent progress from the FFY 2009 data of 3.92%. The State did not meet its FFY 2010 target of 0%.</p> <p>The State reported that 13 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</p>				<p>OSEP appreciates the State’s efforts and looks forward to reviewing data in the FFY 2011 APR, demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY</p>								

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	<p>groups in specific disability categories that was the result of inappropriate identification. The State provided its definition of “disproportionate representation.”</p> <p>The State reported that 32 of 122 districts did not meet the State-established minimum “n” size requirement of greater than ten students in any racial or ethnic category.</p> <p>The State reported that all three of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p> <p>The State reported that the remaining finding of noncompliance identified in FFY 2008 was not corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>2010 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator. The State must demonstrate, in the FFY 2011 APR, that the districts identified in FFY 2010, and the district 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 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 identified in FFY 2010 and FFY 2008: (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 Memo 09-02. In the FFY 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p>

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		<p>If the State is unable to demonstrate compliance with those requirements in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>OSEP is concerned about the State's failure to correct longstanding noncompliance from FFY 2008. The State must take the steps necessary to ensure that it can report, in the FFY 2011 APR that it has corrected the remaining finding identified in FFY 2008. If the State cannot report in the FFY 2011 APR that this noncompliance has been corrected, the State must report in the FFY 2011 APR: (1) the specific nature of the noncompliance; (2) the State's explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of each finding of the remaining findings of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2010 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.</p>
11. Percent of children who were evaluated within 60 days of	The State's FFY 2010 reported data for this indicator are 99.2%. The State's FFY 2009	OSEP appreciates the State's efforts and looks forward to

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<p>receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.</p> <p>[Compliance Indicator]</p>	<p>data were 99.3%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that all 9 of its findings of noncompliance identified in FFY 2009 for this indicator were corrected in a timely manner.</p>	<p>reviewing in the FFY 2011 APR, the State’s data demonstrating that it is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c)(1).</p> <p>Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 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 2011 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100%</p>

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		<p>compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<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's FFY 2010 reported data for this indicator are 97.7%. These data represent slippage from the FFY 2009 data of 99.3%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that both of its findings of noncompliance identified in FFY 2009 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 2011 APR, 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 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 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</p>

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		<p>no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</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’s FFY 2010 reported data for this indicator are 95.48%. These data represent slippage from the FFY 2009 data of 98.24%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that seven of eight findings of noncompliance identified in FFY 2009 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing in the FFY 2011 APR, 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).</p> <p>Because the State reported less than 100% compliance for FFY 2010, the State must report on the status of correction of noncompliance identified in FFY 2010 for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2011 APR, that it has verified that each LEA with noncompliance identified in FFY 2010 for this indicator and the one LEA with uncorrected noncompliance identified in FFY 2009: (1) is correctly</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps															
		<p>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 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 2011 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 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</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</p>	<p>The State's reported data for this indicator are:</p> <table border="1" data-bbox="548 1149 1583 1516"> <thead> <tr> <th></th> <th><u>FFY 2009 Data</u></th> <th><u>FFY 2010 Data</u></th> <th><u>FFY 2010 Target</u></th> <th><u>Progress</u></th> </tr> </thead> <tbody> <tr> <td>A. % Enrolled in higher education</td> <td align="center">48</td> <td align="center">47.3</td> <td align="center">48.5</td> <td align="center">-0.70%</td> </tr> <tr> <td>B. % Enrolled in higher education or competitively employed</td> <td align="center">75</td> <td align="center">71.5</td> <td align="center">75.5</td> <td align="center">-3.50%</td> </tr> </tbody> </table>		<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>	A. % Enrolled in higher education	48	47.3	48.5	-0.70%	B. % Enrolled in higher education or competitively employed	75	71.5	75.5	-3.50%	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2011 APR.</p>
	<u>FFY 2009 Data</u>	<u>FFY 2010 Data</u>	<u>FFY 2010 Target</u>	<u>Progress</u>													
A. % Enrolled in higher education	48	47.3	48.5	-0.70%													
B. % Enrolled in higher education or competitively employed	75	71.5	75.5	-3.50%													

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues					OSEP Analysis/Next Steps
<p>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>C. % Enrolled in higher education or in some other postsecondary education or training program; or competitively employed</p>	<p>79</p>	<p>75.2</p>	<p>79.5</p>	<p>-3.80%</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 one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 97.56%. These data represent progress from the FFY 2009 data of 94.54%. The State did not meet its FFY 2010 target of 100%.</p> <p>The State reported that 40 of 41 findings of noncompliance identified in FFY 2009 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State reported that the one remaining finding of noncompliance identified in FFY 2008 was not corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.</p>					<p>The State must demonstrate, in the FFY 2011 APR, that the remaining finding of noncompliance identified in FFY 2009 and the remaining finding of noncompliance identified in FFY 2008 that were not reported as corrected in the FFY 2010 APR were corrected.</p> <p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR, the State's data demonstrating that the State timely corrected noncompliance identified in FFY 2010 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>When reporting on correction of findings of noncompliance in the FFY 2011 APR, the State must</p>

New Mexico Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>report that it verified that each LEA with noncompliance identified in FFY 2010 and 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 2011 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2011 APR, the State must use the Indicator 15 Worksheet.</p> <p>In addition, in responding to Indicators 4A, 10, 11, 12, and 13 in the FFY 2011 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</p>	<p>The State’s FFY 2010 reported data for this indicator are 95.45%. These data represent slippage from the FFY 2009 data of 100%. The State did not meet its FFY 2010 target of 100%.</p> <p>However, the State’s FFY 2010 data under IDEA section 618 for this indicator, as of January 31, 2012, are 100%. The State provided an explanation for this discrepancy.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute</p>	<p>OSEP appreciates the State’s efforts and looks forward to reviewing the State’s FFY 2011 IDEA section 618 data, demonstrating that it is in compliance with the timely complaint resolution requirements</p>

New Mexico Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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>Resolution data until July 2012.</p> <p>The State’s Verification Letter, dated February 15, 2012, required the State to provide, within 90 days of the date of the letter, a written assurance that extensions of the 60 day timeline for complaints will only be permitted if exceptional circumstances exist with respect to a particular complaint in accordance with 34 CFR §300.152(b). The State provided all of the required information.</p>	<p>in 34 CFR §300.152.</p> <p>The State must correct the 618 data reported on Table 7 and resubmit an electronic version to OSEP’s data contractor at IDEAData_PartB@westat.com by July 15, 2012. The State must notify the OSEP State Contact when this action has been completed.</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’s FFY 2010 reported data for this indicator, as of January 31, 2012, are 100%. These data are based on two due process hearings. The State met its FFY 2010 target of 100%.</p> <p>OSEP’s February 15, 2012 Verification Letter found that the following State practices were inconsistent with the IDEA: The State was not consistently tracking the resolution period, consistent with 34 CFR §§300.510(a) and 300.532(c)(3)(i). The State explained, on page 94 of the APR, that a subsequent file review performed by the State in response to OSEP’s February 15, 2012 verification letter confirmed that the two due process hearings that the State reported as adjudicated within the 45-day timeline were fully adjudicated within the 45-day timeline or a timeline that was 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>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</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 session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State reported targets for FFY 2011 and FFY 2012 for this indicator and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets.</p> <p>The State’s FFY 2010 reported data for this indicator, as of January 31, 2012, are 100%. These data represent baseline data for this indicator, as FFY 2010 is the first year in which the State had ten or more resolution sessions.</p> <p>Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State’s data in the FFY 2011 APR.</p>

New Mexico Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator, as of January 31, 2012, are 78.1%. These data represent slippage from the FFY 2009 data of 80.65%. The State met its FFY 2010 target of 75%-80%. Note that States are allowed to amend their FFY 2010 IDEA section 618 Dispute Resolution data until July 2012.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2011 APR.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The State's FFY 2010 reported data for this indicator are 100%. However, OSEP's calculation of the data for this indicator is 98.83%. These data represent slippage from the FFY 2009 data of 100%. The State did not meet its FFY 2010 target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2011 APR, the State's data demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). If the State does not report 100% compliance in the FFY 2011 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance. In reporting on Indicator 20 in the FFY 2011 APR, the State must use the Indicator 20 Data Rubric.</p>
<p>Verification Issues</p>		
<p>GS-1: Identification of Noncompliance</p>	<p>OSEP's February 15, 2012 Verification Letter required the State to provide, within 90 days of the date of that letter, an assurance, that NMPED will develop and implement written procedures to ensure that LEAs administering districtwide assessments meet the requirements of 34 CFR §§300.160 and 300.320(a)(6). On May 11, 2011, the State provided the required information.</p>	<p>No further action is required.</p>
<p>GS-1: Identification of Noncompliance</p>	<p>OSEP's February 15, 2012 Verification Letter required the State to provide, with the FFY 2011 APR, evidence that the State has implemented the procedures to ensure that LEAs administering districtwide assessments meet the requirements of 34 CFR</p>	<p>OSEP looks forward to reviewing the required information in the</p>

New Mexico Part B FFY 2010 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	§§300.160 and 300.320(a)(6).	FFY 2011 APR.
GS-3: Dispute Resolution <u>Due Process and State Complaint Model Forms</u>	OSEP’s February 15, 2012 Verification Letter required the State to provide, within 90 days of the date of that letter, a Web link to updated due process and State complaint model forms that clearly indicate which information elements are required and are optional based on review of 34 CFR §§300.153(b) and 300.508(b). On May 11, 2012, and May 24, 2012, the State provided the required information.	No further action is required.
GS-3: Dispute Resolution <u>Due Process and State Complaint Model Forms</u>	OSEP’s February 15, 2012 Verification Letter required the State to provide, within 90 days of the date of that letter, draft language for the proposed revisions to NMAC 6.31.2.13(H)(2)(a), NMAC 6.31.2.13(I)(5-6), and a timeline for completion of those revisions. On January 5, 2012, and May 11, 2012, the State provided the required information.	No further action is required.
GS-3: Dispute Resolution <u>Due Process and State Complaint Model Forms</u>	OSEP’s February 15, 2012 Verification Letter required the State to provide, with the FFY 2011 APR, evidence that the State rules, NMAC 6.31.2.13(H)(2)(a) and NMAC 6.31.2.13(I)(5-6), have been revised to comply with 34 CFR §§300.153(b) and 300.508(b). On May 11, 2012, the State provided the required information.	No further action is required.
GS-3: Dispute Resolution <u>Authority of Due Process Hearing Officers (chavez)</u>	OSEP’s February 15, 2012 Verification Letter required the State to provide, within 90 days of the date of that letter, a Web link to the updated “Due Process Procedures Flowchart,” or provide evidence that NMPED has eliminated the “Due Process Procedures Flowchart,” demonstrating compliance with 34 CFR §300.508(d). On May 11, 2012, the State provided the required information.	No further action is required.
GS-3: Dispute Resolution <u>Authority of Due Process Hearing Officers</u>	OSEP’s February 15, 2012 Verification Letter required the State to provide, within 90 days of the date of that letter, draft language for the proposed revisions to NMAC 6.31.2.13(I)(3)(d), in compliance with 34 CFR §§300.508(d) and 300.513. On January 5, 2012 and May 11, 2012, the State provided the required information.	No further action is required.
GS-3: Dispute Resolution <u>Authority of Due Process Hearing Officers</u>	OSEP’s February 15, 2012 Verification Letter required the State to provide, within 90 days of the date of that letter, a revised hearing officer appointment letter, consistent with the required changes in the NMAC.	No further action is required.

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	On May 11, 2012, the State provided the required information.	
GS-3: Dispute Resolution <u>Authority of Due Process Hearing Officers</u>	OSEP’s February 15, 2012 Verification Letter required the State to provide, with the FFY 2011 APR, evidence that the State rule, NMAC 6.31.2.13(I)(3)(d), has been revised to comply with 34 CFR §§300.508(d) and 300.513, and provide evidence that hearing officers have knowledge of the revised State rule, in accordance with 34 CFR §300.511(c)(1)(ii-iv). On May 11, 2012, the State provided the required information.	No further action is required.
GS-3: Dispute Resolution <u>Resolution Meeting and Hearing Decision Timelines (FIEP)</u>	OSEP’s February 15, 2012 Verification Letter required the State to provide, within 90 days of the date of that letter, a draft New Mexico State rule that clarifies the timelines related to use of an FIEP meeting, including changes to NMAC 6.31.2.13.(I)(8)(a) and NMAC 6.31.2.13(G)(2)(c)(ii), and submit updated documentation including waiver forms, resolution tracking forms, and procedural safeguards notices that consistently explain the impact of using the FIEP process on due process timelines in accordance with 34 CFR §§300.510 and 300.515(a). On May 11, 2012, the State provided the required information.	No further action is required.
GS-3: Dispute Resolution <u>Resolution Meeting and Hearing Decision Timelines (FIEP)</u>	OSEP’s February 15, 2012 Verification Letter required the State to provide, with the FFY 2011 APR, evidence that the State rule has been revised to clarify the impact of using the FIEP process on due process timelines, in accordance with 34 CFR §§300.510 and 300.515(a).	OSEP looks forward to reviewing the required information in the FFY 2011 APR.
GS-3: Dispute Resolution <u>Limitations on Due Process Hearing Rights</u>	OSEP’s February 15, 2012 Verification Letter required the State to provide, within 90 days of the date of that letter, a draft New Mexico State rule that removes the summary due process option. On January 5, 2012, and May 11, 2012, the State provided the required information.	No further action is required.
GS-3: Dispute Resolution <u>Limitations on Due Process Hearing Rights</u>	OSEP’s February 15, 2012 Verification Letter required the State to provide, with the FFY 2011 APR, evidence that the State has removed the summary due process hearing option from the NMAC. On May 11, 2012, the State provided the required information.	No further action is required.
GS-3: Dispute Resolution	OSEP’s February 15, 2012 Verification Letter required the State to provide, within 90	No further action is required.

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<u>Computation of Timelines</u>	<p>days of the date of that letter, draft language of the proposed revisions to NMAC 6.31.2.13(M)(1), explaining that for the purpose of calculating dispute resolution timelines, “day” is defined as a calendar day unless otherwise indicated as business day or school day in compliance with 34 CFR §300.11.</p> <p>On January 5, 2012 and May 11, 2012, the State provided the required information</p>	
GS-3: Dispute Resolution <u>Computation of Timelines</u>	<p>OSEP’s February 15, 2012 Verification Letter required the State to provide, with the FFY 2011 APR, evidence that the State rule, NMAC 6.31.2.13(M)(1), has been changed to comply with 34 CFR §300.11.</p> <p>On May 11, 2012, the State provided the required information.</p>	No further action is required.
GS-3: Dispute Resolution <u>Criteria for Exceptional Circumstances When Extending State Complaint Timelines</u>	<p>OSEP’s February 15, 2012 Verification Letter required the State to provide, within 90 days of the date of that letter, a written assurance that extensions of the 60 day timeline for complaints will only be permitted if exceptional circumstances exist with respect to a particular complaint in accordance with 34 CFR §300.152(b).</p> <p>As noted in the Indicator 16 status column above, the State provided the required information in its FFY 2010 APR.</p>	No further action is required.
GS-3: Dispute Resolution <u>Extending the 45-Day Due Process Hearing Timeline</u>	<p>OSEP’s February 15, 2012 Verification Letter required the State to provide, within 90 days of the date of that letter, evidence that hearing officers have been informed of the requirement to specify the amount of time by which the 45-day hearing timeline is extended or the date by which a final decision would be reached (e.g., through a letter sent to hearing officers or examples of training content).</p> <p>On May 11, 2012 and May 24, 2012, the State provided the required information.</p>	No further action is required.
GS-3: Dispute Resolution <u>Extending the 45-Day Due Process Hearing Timeline</u>	<p>OSEP’s February 15, 2012 Verification Letter required the State to provide, with the FFY 2011 APR, evidence such as examples of due process cases or updated due process logs, that demonstrates in practice, due process hearing timeline extensions meet the requirements of 34 CFR §300.515(c).</p>	OSEP looks forward to reviewing the required information in the FFY 2011 APR.
GS-4: Data System <u>Reporting Actual Target Data</u>	<p>OSEP’s February 15, 2012 Verification Letter required the State to provide, with its response, during the SPP/APR clarification period, an explanation of how the State reports data when noncompliance is corrected prior to issuing a finding. The letter also required the State to provide an assurance that the data included in the FFY 2010 APR are valid and reliable (i.e., reflect the actual level of compliance, notwithstanding</p>	No further action is required.

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>providing an LEA the opportunity to correct any noncompliance). On April 17, 2012, the State provided the required information.</p>	
<p>GS-5: Implementation of Grant Assurances <u>Determinations</u></p>	<p>OSEP’s February 15, 2012 Verification Letter required the State to provide, within 90 days of the date of that letter, written procedures that explain NMPED’s mechanism to consider LEA-specific A-133 audit findings when making LEA determinations, in accordance with IDEA section 616(a) and (e). On May 11, 2012, the State provided the required information.</p>	<p>No further action is required.</p>
<p>GS-5: Implementation of Grant Assurances <u>Determinations</u></p>	<p>OSEP’s February 15, 2012 Verification Letter required the State to provide, within 90 days of the date of that letter, written procedures for how the State plans to make determinations for State-operated programs, in accordance with 34 CFR §300.600(a)(2). On May 11, 2012, the State provided the required information.</p>	<p>No further action is required.</p>
<p>GS-5: Implementation of Grant Assurances <u>Determinations</u></p>	<p>OSEP’s February 15, 2012 Verification Letter required the State to provide, with the FFY 2011 APR, that the State has implemented the procedures to make determinations for State-operated programs, in accordance with 34 CFR §300.600(a)(2). On May 11, 2012, the State provided the required information.</p>	<p>No further action is required.</p>