

New Mexico Part B FFY 2011 SPP/APR Response Table

Part B SPP/APR Indicators

1. Percent of youth with IEPs graduating from high school with a regular diploma. [Results Indicator]
2. Percent of youth with IEPs dropping out of high school. [Results Indicator]
3. 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/AMO targets for the disability subgroup. [Results Indicator] B. Participation rate for children with IEPs on statewide assessments. [Results Indicator] C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. [Results Indicator]
4. Rates of suspension and expulsion 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; [Results Indicator] 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]
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]
6. Percent of children aged 3 through 5 with IEPs attending a: A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and B. Separate special education class, separate school or residential facility. [Results Indicator; New]
7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results 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]
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. [Compliance Indicator]

10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]
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. [Compliance Indicator]
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. [Compliance Indicator]
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. [Compliance Indicator]
14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school; B. Enrolled in higher education or competitively employed within one year of leaving high school; 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. [Results Indicator]
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. [Compliance Indicator]
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]

Timeliness of State Complaint and Due Process Hearing Decisions
(Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)

Timely Resolution of State Complaints: 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.

Timely Adjudication of Due Process Hearing Requests: Percent of adjudicated due process hearing requests that were adjudicated within the 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.

New Mexico Part B FFY 2011 SPP/APR Results Data Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
1. Graduation		50.5%	<u>New Baseline</u>
2. Drop Out	7.51%	6.51%	≤ 6.13% ¹
3. A. Percent of Districts Meeting AYP for Disability Subgroup		1.64%	New Baseline
B. Statewide Assessment Participation Rate – Reading	98.9%	98.83%	≥ 95% ²
B. Statewide Assessment Participation Rate – Math	98.9%	98.89%	≥ 95%
C. Proficiency Rate—Reading	17.8%	25.11%	<u>New Baseline</u>
C. Proficiency Rate--Math	15.47%	15.31%	<u>New Baseline</u>
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	1.96%	0%	≤ 1.96%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	53.84%	52.35%	≥ 60%
B. In Regular Education Less than 40% of Day	20.26%	20.63%	≤ 17%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	1.15%	1.10%	≤ 1.96%
6. Percent of children aged 3 through 5 with IEPs attending:			
A. Regular early childhood program and receiving majority of special education and related services in regular early childhood program;		47.7%	Baseline
B. Separate special education class, separate school or residential facility.		33.5%	Baseline
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	80.2%	84.7%	≥ 81.3%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	47.3%	47.3%	≥ 48.5%
B. Enrolled in Higher Education or Competitively Employed	71.5%	74.3%	≥ 75.5%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	75.2%	81.3%	≥ 79.5%

¹ As used in this table, the symbol “≤” means that, to meet the target, the State’s data must be less than or equal to the established target.

² As used in this table, the symbol “≥” means that, to meet the target, the State’s data must be greater than or equal to the established target.

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
18. Hearing Requests Resolved through Resolution Session Agreements	100%	Six of six resolution sessions resulted in settlement agreements.	≥ 75-85%
19. Mediations Held that Resulted in Mediation Agreements	78.1%	86.9%	≥ 75-80%

7. Percent of Preschool Children Age 3 through 5 with IEPs Who Demonstrate Improved Outcomes

Summary Statement 1 ³	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	78.3%	76.5%	≥ 75%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	75.6%	77.5%	≥ 74.8%
Outcome C: Use of appropriate behaviors to meet their needs	76.3%	76.6%	≥ 74.5%
Summary Statement 2 ⁴	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	68.2%	37.1%	≥ 66.2%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	61.7%	34.2%	≥ 63.1%
Outcome C: Use of appropriate behaviors to meet their needs	71.9%	46.0%	≥ 72%

³ **Summary Statement 1:** Of those preschool children who entered or exited the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

⁴ **Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

New Mexico Part B FFY 2011 Results Data Summary Notes

INDICATOR 1: The State revised the baseline and the target for FFY 2012 and OSEP accepts those revisions.

INDICATOR 3A: The State revised the baseline and the target for FFY 2012 and OSEP accepts those revisions.

The State is reporting Annual Measurable Objectives (AMOs) data used for accountability reporting under Title I of the Elementary and Secondary Education Act (ESEA) as a result of ESEA flexibility. The State has reported FFY 2011 baseline data for this indicator based on AMOs.

INDICATOR 3B: OSEP's FFY 2010 SPP/APR Response Table required the State to revise the numbers of children participating in the reading and math assessments listed in the FFY 2010 APR, consistent with the publicly reported data on the State's Web site. The State provided all of the required information.

The State provided a web link to 2011 publicly-reported assessment results.

INDICATOR 3C: The State revised the baseline and the targets for FFY 2012 and OSEP accepts those revisions.

The State provided a web link to 2011 publicly-reported assessment results.

INDICATOR 4A: In its FFY 2011 APR, the State reported that in calculating data for this indicator, it compared the rates of suspension and expulsion for children with disabilities in an LEA to the rate for children with disabilities across LEAs (a State average). However, in its SPP, the State reported that it compared the rates of suspension and expulsion for children with disabilities to the rate for children without disabilities within LEAs.

The State reported that no 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.

The State reported that 120 of 122 districts did not meet the State-established minimum "n" size requirement of 10 suspensions and expulsions in a year.

The State reported that noncompliance identified in FFY 2010 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected in a timely manner.

REQUIRED ACTION

With the FFY 2012 APR, the State must submit a revised SPP that includes a method for calculating data for this indicator that is consistent with the method set forth in the APR.

INDICATOR 5: The State revised the FFY 2012 target for Indicator 5B and OSEP accepts that revision. The State indicated that stakeholders were provided an opportunity to comment on the revised target. The revised target is more rigorous than the previously-established target.

INDICATOR 6: The State provided FFY 2011 baseline data, targets for FFY 2012, and improvement activities through FFY 2012 for this indicator. OSEP accepts the State's submission for this indicator.

INDICATOR 7:

REQUIRED ACTION

The State must report progress data and actual target data for FFY 2012 in the FFY 2012 APR.

INDICATOR 18: The State reported fewer than ten resolution sessions held in FFY 2011. The State is not required to meet its targets or provide improvement activities in any fiscal year in which fewer than ten resolution sessions were held.

New Mexico Part B FFY 2011 SPP/APR Compliance Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
4B. Significant discrepancy in suspension/expulsion by race/ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements	0%	0%	0%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
9. Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	0%	0%	0%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
10. Disproportionate representation by disability of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	3.28%	0.78%	0%	The State reported that all three of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
11. Timely Initial Evaluation	99.2%	98.2%	100%	The State reported that five of 12 findings of noncompliance identified in FFY 2010 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.
12. Early Childhood Transition	97.7%	98.5%	100%	The State reported that four of five findings of noncompliance identified in FFY 2010 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.
13. Secondary Transition	95.48%	96.86%	100%	The State reported that 12 of 13 findings of noncompliance identified in FFY 2010 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
15. Timely Correction	97.56%	96.90%	100%	The State reported that 282 of 291 findings of noncompliance identified in FFY 2010 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.
20. Timely and Accurate Data	98.83%	100%	100%	

New Mexico Part B FFY 2011 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2010 DATA	FFY 2011 DATA
Timely resolution of complaints	95.45%	100%
Timely adjudication of due process hearing requests	100% (based on two due process hearings)	100% (based on three due process hearings)

New Mexico Part B FFY 2011 Compliance Data Summary Notes

INDICATOR 4B: The State reported its definition of “significant discrepancy.”

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 provided inconsistent information regarding the State’s minimum “n” size requirements. The State reported on page 28 that 17 of 122 districts did not meet the State-established minimum “n” size requirement of greater than ten 10 students suspended or expelled for greater than 10 days in a school year in any of the racial/ethnic group(s). However, on pages 26-27 of the APR, the State reported that it used a minimum “n” size of: “greater than 10 students or more suspended or expelled for greater than 10 days in a school year” and “greater than 10 students in the race or ethnicity category.”

OSEP’s June 2012 FFY 2010 SPP/APR Response Table required the State to report the number of districts that did not meet the State-established minimum “n” size. As noted above, the State provided inconsistent data.

REQUIRED ACTION

In its FFY 2012 APR, the State must clarify its State-established minimum “n” size and report the number of districts that did not meet the minimum “n” size requirement.

INDICATOR 9: The State reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services.

The State provided its definition of “disproportionate representation.”

The State reported that 33 of 129 districts did not meet the State-established minimum “n” size requirement of greater than ten students in any racial or ethnic group and were excluded from the calculation.

INDICATOR 10: 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 two districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.

The State provided its definition of “disproportionate representation.”

The State reported that 33 of 129 districts did not meet the State-established minimum “n” size requirement of ten students in any of the seven racial/ethnic categories and the specific disability category.

The State reported that the one remaining finding of noncompliance identified in FFY 2008 was corrected.

REQUIRED ACTION

Because the State reported less than 100% compliance for FFY 2011 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. The State must demonstrate, in the FFY 2012 APR, that the districts identified in FFY 2011 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: (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 09-02.⁵ In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

⁵ OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each LEA with noncompliance: (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.

INDICATOR 11:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate, in the FFY 2012 APR that the remaining seven uncorrected noncompliance findings identified in FFY 2010 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with remaining noncompliance identified in FFY 2010: (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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 12:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate, in the FFY 2012 APR that the one remaining uncorrected noncompliance finding identified in FFY 2010 was corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with remaining noncompliance identified in FFY 2010: (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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 13:

The State reported on page 72 of the FFY 2011 APR that the one remaining finding of noncompliance identified in FFY 2009 was corrected. However, on the same page, the State also reported that “[b]ased upon those subsequent reviews, it was determined that the LEA was in compliance with 34 CFR §§ 300.320(b) and 300.321(b) and **not** [emphasis added] meeting the specific regulatory requirements.” Therefore, OSEP cannot determine the number of findings identified in FFY 2009 that were corrected, consistent with OSEP Memo 09-02.

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. In addition, the State must demonstrate, in the FFY 2012 APR, that the one remaining uncorrected noncompliance finding identified in FFY 2010 and the one remaining uncorrected noncompliance finding identified in FFY 2009 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2011 and each LEA with remaining findings of 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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 15: The State reported that the one remaining finding identified in FFY 2009 and the one remaining finding identified in FFY 2008 were corrected.

REQUIRED ACTIONS

The State must demonstrate, in the FFY 2012 APR, that the remaining nine findings of noncompliance identified in FFY 2010, that were not reported as corrected in the FFY 2011 APR, and any findings identified in FFY 2009 that have not yet been verified as corrected, consistent with OSEP Memo 09-02 (see Indicator 13) were corrected.

When reporting in the FFY 2012 APR on the correction of findings of noncompliance, the State must report that it verified that each LEA with findings of noncompliance identified in FFY 2011, and the remaining findings identified in FFY 2010 and 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 2012 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 2012 APR, the State must use and submit the Indicator 15 Worksheet.

In addition, in responding to Indicators 10, 11, 12, and 13 in the FFY 2012 APR, the State must report on correction of the noncompliance described in this table under those indicators.

OTHER COMPLIANCE ISSUES:

2011 Continuous Improvement Visit (CIV)

Identification of Noncompliance

OSEP's February 15, 2012 CIV 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 §§300.160 and 300.320(a)(6).

The State provided the required information. No further action is required.

REQUIRED ACTION

Within 60 days of the receipt of this Response Table, the State must provide evidence that it has implemented procedures to: (1) identify all LEAs that administer districtwide assessments; and (2) ensure correction of any identified noncompliance with the requirements of 34 CFR §§300.160 and 300.320(a)(6).

Dispute Resolution: Resolution Meeting and Hearing Decision Timelines (FIEP)

OSEP's February 15, 2012 CIV 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).

The State provided the required information. No further action is required.

Dispute Resolution: Extending the 45-Day Due Process Hearing Timeline

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).

The State provided the required information. No further action is required.