

New Mexico Part B FFY 2012 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]
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 2012 SPP/APR Results Data Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET
1. Graduation		56%	Baseline
2. Drop Out	7.51%	5.7%	≤ 6.11% ¹
3. A. Percent of Districts Meeting AYP for Disability Subgroup	1.64%	0.92%	≥ 60.5% ²
B. Statewide Assessment Participation Rate – Reading	98.83%	98.6%	≥ 95%
B. Statewide Assessment Participation Rate – Math	98.89%	98.5%	≥ 95%
C. Proficiency Rate—Reading	25.11%	16.6%	≥ 56.7%
C. Proficiency Rate—Math	15.31%	13.7%	≥ 50%
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	0%	0%	≤ 1.96%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	52.35%	50.4%	≥ 60%
B. In Regular Education Less than 40% of Day	20.63%	20.6%	≤ 11%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	1.10%	1.09%	≤ 1.95%
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%	44.7%	≥ 48.8%
B. Separate special education class, separate school or residential facility.	33.5%	36.9%	≤ 32%
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement	84.7%	82.9%	≥ 81.8%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	47.3%	40.8%	≥ 49%
B. Enrolled in Higher Education or Competitively Employed	74.3%	71.5%	≥ 76%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	81.3%	79%	≥ 80%

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 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET
18. Hearing Requests Resolved through Resolution Session Agreements	Six of six resolution sessions resulted in settlement agreements	42.3%	≥ 75% - 85%
19. Mediations Held that Resulted in Mediation Agreements	86.9%	100%	≥ 80% - 85%

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

Summary Statement 1³	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	76.5%	74%	≥ 75.2%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	77.5%	76%	≥ 75%
Outcome C: Use of appropriate behaviors to meet their needs (%)	76.6%	75.7%	≥ 74.7%
Summary Statement 2⁴	FFY 2011 Data	FFY 2012 Data	FFY 2012 Target
Outcome A: Positive social-emotional skills (including social relationships) (%)	37.1%	58.3%	≥ 66.4%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	34.2%	54%	≥ 63.1%
Outcome C: Use of appropriate behaviors to meet their needs (%)	46.0%	65.2%	≥ 72.2%

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 FFY 2012 Results Data Summary Notes

INDICATOR 1: The State indicated in its FFY 2012 APR that it revised its baseline for this indicator, but did not submit a revised SPP or direct OSEP to a revised SPP that reflected those revisions. Specifically, the State indicated that it changed its methodology to calculate the percent of youth with IEPs graduating from high school with a regular diploma to align its measurement with the data submitted for Title I reporting.

INDICATOR 3B: The State provided a Web link to 2012 publicly-reported assessment results.

INDICATOR 3C: The State provided a Web link to 2012 publicly-reported assessment results.

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

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 126 of 129 districts did not meet the State-established minimum “n” size requirement of ten suspensions and expulsions of student with disabilities for greater than ten days in a school year.

OSEP’s 2012 FFY 2011 SPP/APR Response Table required the State to include in the FFY 2012 APR a revised SPP that includes a method for calculating data for this indicator that is consistent with the method set forth in the APR. The State provided all of the required information.

INDICATOR 7:

REQUIRED ACTIONS

The State must report progress data and actual target data for FFY 2013 in the FFY 2013 APR.

INDICATOR 8: The State reported that the data for this indicator were collected from a response group that was not representative of the population. OSEP notes that the State included strategies or improvement activities to address this issue in the future.

REQUIRED ACTIONS

In the FFY 2013 APR, the State must report whether its FFY 2013 data are from a group representative of the population, and, if not, the actions the State is taking to address this issue.

INDICATOR 14: The State reported that the data for this indicator were collected from a response group that was not representative of the population. OSEP notes that the State included strategies or improvement activities to address this issue in the future.

REQUIRED ACTIONS

In the FFY 2013 APR, the State must report whether its FFY 2013 data are from a group representative of the population, and, if not, the actions the State is taking to address this issue.

New Mexico Part B FFY 2012 SPP/APR Compliance Summary

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
4B. Significant disproportionality 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 2011.
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 2011.
10. Disproportionate representation by disability of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	0.78%	0.71%	0%	The State reported that its one finding of noncompliance identified in FFY 2011 was corrected in a timely manner.
11. Timely Initial Evaluation	98.2%	98.1%	100%	The State reported that four of five findings of noncompliance identified in FFY 2011 were corrected in a timely manner. The State did not provide information on the correction of the remaining noncompliance.
12. Early Childhood Transition	98.5%	83.2%	100%	The State reported that four of five findings of noncompliance identified in FFY 2011 were corrected. The State did not provide information on the correction of the remaining noncompliance.
13. Secondary Transition	96.86%	91.56%	100%	The State reported that five of seven findings of noncompliance identified in FFY 2011 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.

INDICATOR	FFY 2011 DATA	FFY 2012 DATA	FFY 2012 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2011
15. Timely Correction	96.90%	62.1%	100%	The State reported that 59 of 95 findings of noncompliance identified in FFY 2011 were corrected in a timely manner and that three findings were subsequently corrected by February 2014. The State reported on the actions it took to address the uncorrected noncompliance.
20. Timely and Accurate Data	100%	100%	100%	

New Mexico Part B FFY 2012 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2011 DATA	FFY 2012 DATA
Timely resolution of complaints	100%	100%
Timely adjudication of due process hearing requests	100% (based on two due process hearings)	100% (based on five due process hearings)

New Mexico FFY 2012 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 reported that 126 of 129 districts did not meet the State-established 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 any 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. The State provided the required information.

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 24 of 140 districts did not meet the State-established minimum “n” size requirement of greater than ten students in any of the seven racial/ethnic categories and were excluded from the calculation.

INDICATOR 10: The State reported that seven districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that one district was 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 24 of 140 districts did not meet the State-established minimum “n” size requirement of greater than ten students or more in the racial and ethnic groups and the specific disability category and were excluded from the calculation.

REQUIRED ACTIONS.

Because the State reported less than 100% compliance for FFY 2012 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. The State must demonstrate, in the FFY 2013 APR, that the district identified in FFY with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification is 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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 11: The State reported that four of seven remaining findings of noncompliance identified in FFY 2010 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

REQUIRED ACTIONS.

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate, in the FFY 2013 APR, that the remaining finding of noncompliance identified in FFY 2011 and the remaining three uncorrected findings of noncompliance identified in FFY 2010 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2012 and each LEA with remaining findings of noncompliance identified in FFY 2011 and 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 2013 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 12:

The State reported that the one remaining finding of noncompliance identified in FFY 2010 was not corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

REQUIRED ACTIONS.

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate, in the FFY 2013 APR, that the remaining finding of noncompliance identified in FFY 2011 and the remaining one uncorrected finding of noncompliance identified in FFY 2010 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2012 and each LEA with remaining findings of noncompliance identified in FFY 2011 and 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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 13: The State reported that the one remaining finding of noncompliance identified in FFY 2010 was not corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance.

REQUIRED ACTIONS.

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate, in the FFY 2013 APR, that the remaining findings of noncompliance identified in FFY 2011 and the remaining one uncorrected finding of noncompliance identified in FFY 2010 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2012 and each LEA with remaining findings of noncompliance identified in FFY 2011 and 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 2013 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 15:

REQUIRED ACTIONS.

The State must report, with the FFY 2013 SPP/APR, that it has corrected the remaining 33 findings of noncompliance identified in FFY 2011 and the remaining five findings of noncompliance identified in FFY 2010 that were not reported as corrected in the FFY 2012 APR were corrected.

When reporting with the FFY 2013 APR on the correction of the remaining findings of noncompliance identified in FFY 2011 and FFY 2010, the State must report that it verified that each LEA with remaining findings of 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, consistent with OSEP Memo 09-02.

The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, with the FFY 2013 SPP/APR, that it has corrected this noncompliance.

In addition, in responding to Indicators 10, 11, 12, and 13 in the FFY 2013 SPP/APR, the State must report on correction of the noncompliance described in this table under those indicators.

OTHER COMPLIANCE ISSUES: On February 21, 2014, OSEP sent a letter to the State, requiring that the State submit, by March 31, 2014, documentation to demonstrate that the New Mexico Public Education Department has implemented corrective actions as required to address the noncompliance identified in Audit Findings 10-04 (Procurement) and 11-02 (Subrecipient Monitoring). On March 31, 2014, OSEP received the State's response to OSEP's February 21, 2014 letter and will respond under separate cover.