



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

Michelle Lujan Grisham, Secretary  
Department of Health  
1190 St. Francis Drive  
P.O. Box 26110  
Santa Fe, New Mexico 87502-6110

FEB 28 2006

Dear Secretary Lujan Grisham:

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

The SPP included a description of the broad stakeholder input that went into its development and clearly delineated both how the State solicited that involvement and how the State used the responses received through that process. In order to collect public input, the State held a public meeting and posted a copy of a draft of the SPP on the Family Infant Toddler (FIT) website.

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

Under section 616(b)(2)(C)(ii)(II), the State must annually report to OSEP its performance under the SPP. The State's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A that addresses issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in the State's APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission. Table B includes OSEP's analysis of your submission related to previously-identified noncompliance or other issues included in our September 29, 2005 letter that responded to your State's FFY 2003 APR that also may require additional reporting.

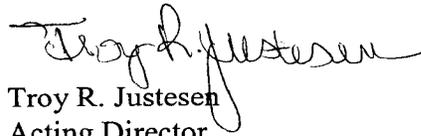
The State's longstanding noncompliance, reported under indicator(s) 1 and 7 in Table B and related to the requirements under 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a) (45-day timeline); and 34 CFR §303.344 (service provision), is the subject of special conditions on the State's FFY 2005 grant award. The State must provide data demonstrating compliance with these requirements by the date of its final Progress Report under the Special Conditions. Failure to provide data demonstrating compliance at that time may result in the State's continuing designation as a "high risk" grantee or otherwise affect its FFY 2006 grant award.

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

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

Thank you for your continued work to improve results for infants and toddlers with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Ginger Johnson at 202-245-7353.

Sincerely,



Troy R. Justesen  
Acting Director  
Office of Special Education  
Programs

Enclosures

Table A

Table B

cc: Andrew Gomm  
Part C Coordinator