

**Table B – New Mexico Part C  
Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 1:</b> The State's longstanding noncompliance with the requirements of 34 CFR §303.344 (service provision) is the subject of special conditions on the State's FFY 2005 grant award.</p>	<p>The State submitted a Progress Report on February 2, 2006 that provided updated monitoring data and information regarding the 8 providers from the FFY 2003 APR that had less than full compliance with the service provision requirement. The data indicated that between July 1, 2006 and September 30, 2006, none of the 8 providers had yet met full compliance although several agencies had made progress. The range of compliance was from 52% to 95% with 2 of the providers at 90% or above.</p> <p>In addition, on page 3 of its SPP, the State reported the following baseline data for Indicator 1: 70% of infants and toddlers with IFSPs received the early intervention services on their IFSPs in a timely manner (i.e., within 18 days).</p>	<p>The State provided information and data in its February 2, 2006 Progress Report and SPP demonstrating that, while the State has made progress, it has not yet satisfied this Special Condition on its FFY 2005 grant award.</p> <p>In the State's computation of its data, the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record.</p> <p>See also Table A Issue identified in the State Performance Plan under Indicator 1.</p>	<p>Under the Special Conditions, a final Progress Report is due April 14, 2006*. Failure to demonstrate compliance with this requirement in the final Progress Report may result in the State continuing to be designated a "high risk" grantee or otherwise affect the State's FFY 2006 grant award.</p> <p>The State should not include in its calculations regarding timely service provision children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record. The State must include in its discussion of data, the numbers it used to determine its calculations and report separately the number of documented delays attributable to family circumstances.</p> <p>See Table A for other issue.</p> <p>*The State has requested an extension on the final Progress Report due April 14, 2006 to May 11, 2006. OSEP grants the State an extension to May 11, 2006.</p>

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<p><b>Indicator 7:</b> The State's longstanding noncompliance with the requirements of 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (45-day timeline) is the subject of special conditions on the State's FFY 2005 grant award.</p>	<p>The State's February 2, 2006 progress report provided data indicating that between July 1, 2006 and September 30, 2006, 78% of eligibility determinations were made within 45 days of referral. The State's progress report also indicated that, between July 1, 2006 and September 30, 2006, 65% of initial IFSP meetings were held within 45 days of referral.</p> <p>In addition, on page 25 of its SPP, the State reported the following baseline data for Indicator 7: 59% of eligible infants and toddlers with IFSPs had an evaluation and assessment and an initial IFSP meeting conducted within 45-days.</p> <p>The State's progress report and SPP indicated that the State's database does not currently account for the reasons for the delays, but the State is in the process of modifying the database.</p> <p>The State indicated in the Progress Report that the 27 providers that had less than full compliance with the 45-day timeline (in its 2003 APR) had corrective action plans in place. Of those providers, four were fully compliant with this requirement, and the other providers ranged from 22% to 95% compliance.</p> <p>On page 37 of its SPP, the State reported under Indicator 9 that it made 9 findings in this area in 2003 – 2004, and 6 of those findings were corrected within one year.</p>	<p>The State provided information and data in its February 2, 2006 Progress Report and SPP that demonstrated that, while some providers have made progress in this area, the State has not yet satisfied this Special Condition on its FFY 2005 grant award.</p> <p>In the State's computation of its data, the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record.</p>	<p>Under the Special Conditions, a final Progress Report is due April 14, 2006. Failure to demonstrate compliance with this requirement in the final Progress Report may result in the State continuing to be designated as a "high risk" grantee or otherwise affect the State's FFY 2006 grant award.</p> <p>The State should not include in its calculation regarding the 45-day timeline children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record.</p> <p>The State must include in its discussion of data, the numbers it used to determine its calculations and report separately the number of documented delays attributable to family circumstances.</p>

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<p><b>Indicator 8C:</b> OSEP's 2000 monitoring report identified noncompliance with the requirements in 34 CFR §303.148(b)(2)(i) that children potentially eligible for Part B services have transition planning conferences at least 90 days prior to the child's third birthday (transition conference). OSEP's June 29, 2001 letter accepted the State's Improvement Plan and required the State to submit a final progress report by December 31, 2002.</p> <p>In its FFY 2003 APR, the State reported that 92% of families said that a transition conference was held at least 90 days prior to transition. However, in the FFY 2003 APR, the State provided survey data, which are not reliable as the sole source of data in determining compliance with this Indicator. In the SPP, the State has provided monitoring data that reflects 75% compliance with this Indicator.</p>	<p><b>Indicator 8C:</b> In the SPP, on page 30, Indicator 8 shows that 75% of children exiting Part C who were potentially eligible for Part B had transition conferences.</p> <p>In addition, the State reported under Indicator 9 of the SPP that out of 14 providers reviewed for issues regarding transition planning, 8 providers had findings and 6 of the providers corrected the noncompliance within one year.</p>	<p><b>Indicator 8C:</b> The State provided data that demonstrate continuing noncompliance with the requirement regarding 34 CFR §303.148(b)(2)(i) (transition conference). The level of compliance reported was 75%.</p> <p>In the State's computation of its baseline data for this compliance Indicator (8C), the State may have included children for whom reasonable delays were attributable to exceptional family circumstances documented in the child's record. In the State's computation of its baseline data for this compliance Indicator (8C), the State may have also included children for whom the family did not provide approval to conduct the conference.</p> <p><b>Indicator 8A</b> – See Table A.</p>	<p><b>Indicator 8C:</b> The State must review and, if necessary, revise its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>The State should not include in its calculations regarding transition conferences children for whom the State has identified the cause for the delay as exceptional family circumstances documented in the child's record or children for whom the family did not provide approval. The State must include in its discussion of data, the numbers it used to determine its calculations and report separately the number of documented delays attributable to family circumstances and the number of children for whom the family did not provide approval to conduct the conference.</p> <p><b>Indicator 8A</b> – See Table A.</p>

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<p><b>Indicator 9:</b> 1. In its December 2004 letter responding to the State's APR, OSEP requested confirmation from the State that it requires noncompliance identified by the State be corrected within one year of that identification.</p>	<p>1. On p. 35 (Indicator 9), the State reported that if the State's monitoring results show that the provider agency is noncompliant with one or more of the standards monitored the agency must develop a corrective action plan and submit that plan to the lead agency within 30 days of the receipt of the monitoring report. The lead agency offers and in some cases requires the provider agency to utilize training and technical assistance in order to meet compliance within one year. The State also provided baseline data for Indicator 9 based on noncompliance identified in FY 2003 – 2004 that was corrected within one year "of identification."</p> <p>2. The State did not submit a separate Progress Report regarding the correction of noncompliance it had identified, but did include a statement in the Progress Report submitted February 2, 2006 that the data regarding correction of identified noncompliance was in the SPP under Indicator 9. In the SPP, in Indicator 9, the State reported that 71% of the noncompliance was corrected within one year for the monitoring priority areas. The State also reported that 76% of the noncompliance was corrected within one year for non-priority areas.</p>	<p>1. OSEP assumes that the State requires noncompliance it identifies to be corrected within one year from when the State identifies the noncompliance (and not one year from when the corrective action plan is submitted).</p> <p>2. The State provided data that demonstrate continuing noncompliance with the requirement regarding correction of State identified noncompliance (34 CFR §303.501(b)(4)). However, in Indicator 9B, the State demonstrated that it was able to ensure 100% correction of State identified noncompliance for 3 of the 5 areas monitored.</p>	<p>1. No further action required, see analysis column.</p> <p>2. The State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement (correction of State identified noncompliance). Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

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<p><b>Indicator 14:</b> In its December 2004 letter responding to the State's APR, OSEP requested confirmation that the State's target for collection and timely reporting of accurate data is 100%.</p>	<p>The State's target is 100% for all six years for Indicator 14.</p>	<p>The State confirmed that its target for collection and timely reporting of accurate data is 100%.</p>	<p>No further action required at this time.</p>