

**New Mexico Part C FFY 2008 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 94%. These data represent progress from the FFY 2007 data of 91.5%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that 20 of 21 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State also reported that 11 of 12 findings of noncompliance identified in FFY 2006 for this indicator were corrected. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The service provision requirements of this indicator are the subject of Special Conditions on New Mexico's FFY 2009 Part C grant. The State's February 1, 2010 Special Conditions progress report provided updated data for this indicator. The State's second progress report is due by May 14, 2010. OSEP will respond to the State's Special Conditions in a separate letter.</p>	<p>The State must demonstrate, in the FFY 2009 APR, due February 1, 2011, that the State is in compliance with the timely service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>The State must report, in the FFY 2009 APR, that the one remaining uncorrected noncompliance finding identified in FFY 2007 was corrected.</p> <p>When reporting on the correction of FFY 2007 and FFY 2008 noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>The State must also report on the status of</p>

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		<p>correction of the one FFY 2006 finding of noncompliance.</p> <p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>						
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 98.1%. The State's data reflect a high level of performance for this indicator. The State met its FFY 2008 target of 88.5%.</p>	<p>The State's actual target data for provision of services to infants and toddlers in natural environments are at or greater than 95%. There is no expectation that an increase in that percentage is necessary. OSEP appreciates the State's efforts to improve performance and assumes that the State is monitoring to ensure that IFSP teams are making service setting decisions on an individualized basis and in compliance with 34 CFR §§303.12, 303.18, and 303.344(d)(1)(ii).</p>						
<p>3. Percent of infants and toddlers with IFSPs who demonstrate improved: A. Positive social-emotional skills (including social relationship); B. Acquisition and use of knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]</p>	<p>The State revised the measurement language (consistent with revisions in the Indicator Measurement Table) for this indicator and OSEP accepts those changes.</p> <p>The State provided baseline data, targets, and improvement activities for this indicator and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2008 reported baseline data for this indicator are:</p> <table border="1" data-bbox="548 1130 1444 1338"> <thead> <tr> <th data-bbox="548 1130 919 1268">08-09 Infant and Toddler Outcome Baseline Data</th> <th data-bbox="919 1130 1192 1268"><u>Summary Statement 1</u><sup>1</sup></th> <th data-bbox="1192 1130 1444 1268"><u>Summary Statement 2</u><sup>2</sup></th> </tr> </thead> <tbody> <tr> <td data-bbox="548 1268 919 1338"><b>Outcome A:</b> Positive social-emotional</td> <td data-bbox="919 1268 1192 1338">68.7</td> <td data-bbox="1192 1268 1444 1338">62.6</td> </tr> </tbody> </table>	08-09 Infant and Toddler Outcome Baseline Data	<u>Summary Statement 1</u> <sup>1</sup>	<u>Summary Statement 2</u> <sup>2</sup>	<b>Outcome A:</b> Positive social-emotional	68.7	62.6	<p>The State must report progress data and actual target data for FFY 2009 with the FFY 2009 APR.</p>
08-09 Infant and Toddler Outcome Baseline Data	<u>Summary Statement 1</u> <sup>1</sup>	<u>Summary Statement 2</u> <sup>2</sup>						
<b>Outcome A:</b> Positive social-emotional	68.7	62.6						

<sup>1</sup> Summary Statement 1: Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned three years of age or exited the program.

<sup>2</sup> Summary Statement 2: The percentage of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned three years of age or exited the program.

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	skills (including social relationships) (%)				
	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	72.2	62.3		
	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	71.4	61.6		
	The State serves infants and toddlers at risk of having substantial developmental delays. The State reported separate FFY 2008 baseline data on its at-risk infants and toddlers.				
<p>4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <p>A. Know their rights; B. Effectively communicate their children's needs; and C. Help their children develop and learn.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's reported data for this indicator are:</p>				<p>OSEP appreciates the State's efforts to improve performance.</p>
	FFY 2007 Data	FFY 2008 Data	FFY 2008 Target	Progress	
A. Know their rights (%)	88	99	81	11.00%	
B. Effectively communicate their children's needs (%)	92	100	75	8.00%	
C. Help their children develop and learn (%)	95	100	92	5.00%	
<p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and targets for this indicator and OSEP accepts those revisions.</p> <p>The State indicated that stakeholders were provided an opportunity to comment on the revised targets. The revised targets are less rigorous than the</p>				<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2009 APR.</p>

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	<p>previously-established targets.</p> <p>The State's FFY 2008 reported data for this indicator are 2.42%. This represents progress from the FFY 2007 data of 2.35%. The State did not meet its FFY 2008 target of 2.7%.</p>	
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data.</p> <p>[Results Indicator]</p>	<p>The State revised the indicator and measurement language (consistent with revisions in the Indicator Measurement Table) and targets for this indicator and OSEP accepts those revisions.</p> <p>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 FFY 2008 reported data for this indicator are 4.89%. This represents progress from the FFY 2007 data of 4.14%. The State met its FFY 2008 target of 3.8%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>7. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.</p> <p>[Compliance Indicator]</p>	<p>The State revised the measurement language (consistent with the Indicator Measurement Table) and the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 96.2%. These data represent progress from the FFY 2007 data of 92.3%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all of its 23 findings of noncompliance identified in FFY 2007 were corrected in a timely manner.</p> <p>The State also reported that all 14 findings of noncompliance identified in FFY 2006 for this indicator were corrected.</p> <p>The 45-day timeline requirements of this indicator are the subject of Special Conditions on New Mexico's FFY 2009 Part C grant. The State's February 1, 2010 Special Conditions progress report provided updated data for this indicator. OSEP will respond to the State's Special Conditions in a separate letter.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR, the State's data demonstrating that it is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site</p>

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		<p>monitoring or a State data system; and (2) has conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 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 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 90%. These data represent slippage from the FFY 2007 data of 94%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all 17 of its findings of noncompliance identified in FFY 2007 were corrected in a timely manner.</p> <p>The State also reported that all nine findings of noncompliance identified in FFY 2006 for this indicator were corrected.</p>	<p>The State must demonstrate, in the FFY 2009 APR, that the State is in compliance with the IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) (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 an IFSP with transition steps and services for each</p>

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		<p>child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2009 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 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>B. Notification to LEA, if child potentially eligible for Part B; and</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 100%. These data remain unchanged from the FFY 2007 data of 100%. The State met its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the LEA notification requirements in 34 CFR §303.148(b)(1).</p>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>C. Transition conference, if child potentially eligible for Part B.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 91.3%. These data represent progress from the FFY 2007 data of 88.4%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that all 17 of its findings of noncompliance identified in FFY 2007 were corrected in a timely manner.</p> <p>The State also reported that all eight findings of noncompliance identified in FFY 2006 for this indicator were corrected.</p>	<p>The State must demonstrate, in the FFY 2009 APR that the State is in compliance with the timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting the correction of noncompliance, the State must report, in its</p>

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		<p>FFY 2009 APR, that it has verified that each EIS program with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (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 conducted a transition conference, although late, for any child potentially eligible for Part B whose transition conference was not timely, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 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 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>9. 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 revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2008 reported data for this indicator are 98.8%. This represents progress from the FFY 2007 data of 45%. The State did not meet its FFY 2008 target of 100%.</p> <p>The State reported that 82 of 83 findings of noncompliance identified in FFY 2007 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance.</p> <p>The State also reported that all but one finding of noncompliance identified in FFY 2006 under Indicators 1, 7, 8A, and 8C were corrected. The State reported on the actions it took to address the one uncorrected FFY 2006 finding of noncompliance.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2009 APR the State's data demonstrating that the State timely corrected noncompliance identified by the State in FFY 2008 in accordance with IDEA section 635(a)(10)(A) and 34 CFR §303.501, and OSEP Memo 09-02.</p> <p>In responding to Indicators 1, 7, 8A and 8C in the FFY 2009 APR, due February 1, 2011, the State must report on correction of the noncompliance described in this table under that indicator.</p>

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	<p>As required by OSEP's June 1, 2009 FFY 2007 SPP/APR response table, the State provided information regarding the correction of noncompliance with (a) natural environments requirements in 34 CFR §§303.12(b), 303.18 and 303.344(d)(1)(ii) and transportation requirements in 34 CFR §§303.12(d)(15), 303.343 and 303.344; and (b) Part C requirements for the six-month IFSP reviews and parent consent in 34 CFR §303.342(b) and (e).</p>	<p>In reporting on correction of noncompliance in the FFY 2009 APR, the State must report that it verified that each EIS program with noncompliance identified in FFY 2008: (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 EIS program, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction. If the State does not report 100% compliance for this indicator in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p> <p>The State must report on the status of correction of the one FFY 2006 finding of noncompliance under Indicator 1.</p> <p>In reporting on Indicator 9 in the FFY 2009 APR, the State must use the Indicator 9 Worksheet.</p>
<p>10. 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.</p> <p>[Compliance Indicator]</p>	<p>The State reported that it did not receive any signed written complaints during the reporting period.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>11. Percent of fully adjudicated due process hearing requests that</p>	<p>The State reported that it did not receive any requests for due process hearings</p>	<p>OSEP looks forward to reviewing the</p>

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<p>were fully adjudicated within the applicable timeline. [Compliance Indicator]</p>	<p>during the reporting period.</p>	<p>State's data in the FFY 2009 APR.</p>
<p>12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted). [Results Indicator]</p>	<p>Not applicable.</p>	<p>Not Applicable.</p>
<p>13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]</p>	<p>The State reported that no mediations were held during the reporting period. The State reported fewer than ten mediations held in FFY 2008. The State is not required to provide targets or improvement activities except in any fiscal year in which ten or more mediations were held.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2009 APR.</p>
<p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.  The State's FFY 2008 reported data for this indicator are 100%. These data remain unchanged from the FFY 2007 data of 100%. The State met its FFY 2008 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540. In reporting on Indicator 14 in the FFY 2009 APR, the State must use the Indicator 14 Data Rubric.</p>