



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

Honorable Alfredo Vigil
Secretary
New Mexico Department of Health
1190 S. St. Francis Drive
Suite N 4100
Santa Fe, New Mexico 87502

Dear Dr. Vigil:

Thank you for the timely submission of New Mexico Federal fiscal year (FFY) 2008 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA sections 616(d) and 642, New Mexico needs assistance in meeting the requirements of Part C of IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2008 APR and revised SPP, other State-reported data, and information obtained through the State's submissions under the Special Conditions on the State's FFY 2009 IDEA Part C grant and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2010: Part C" for further details.

The specific factors affecting the Office of Special Education Programs' (OSEP's) determination of needs assistance for New Mexico include that it did not report (or demonstrate verification of) correction of findings for, and its FFY 2008 data reflect 94% compliance with, the timely service provision in Indicator 1, and that New Mexico's FFY 2009 IDEA Part C grant is subject to Special Conditions to ensure compliance with the timely service provision requirements in Indicator 1. For these reasons, we are unable to determine that New Mexico met requirements for FFY 2008 under IDEA sections 616(d) and 642.

OSEP notes other areas that reflect a high level of performance, which include that New Mexico reported valid and reliable data for all indicators and FFY 2008 data reflecting a high level of compliance for Indicators 7 (96.2%), 8B (100%), 9 (98.8%) and 14 (100%). We hope that New Mexico will be able to demonstrate that it meets requirements in its next APR.

The enclosed table provides OSEP's analysis of the State's FFY 2008 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources), and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2008 data; (2) whether such data met the State's FFY 2008 targets and reflect progress or slippage from prior year's data; (3) if applicable, that the State's data are not valid and reliable; and (4) whether the State corrected findings of noncompliance.

Your State may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rrfnetwork.org/>. You will be

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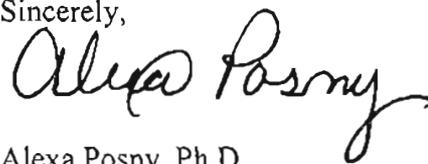
directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator.

As you know, pursuant to IDEA sections 616(b)(2)(C)(ii)(I) and 642, your State must report annually to the public on the performance of each early intervention services program (EIS program) located in the State on the targets in the SPP. In addition, your State must: (1) review EIS program performance against targets in the State's SPP; (2) determine if each EIS program 'meets requirements' of IDEA Part C, or 'needs assistance,' 'needs intervention,' or 'needs substantial intervention' in implementing Part C of the IDEA; (3) take appropriate enforcement actions; and (4) inform each EIS program of its determination. For further information regarding these requirements, see the SPP/APR Calendar at <http://spp-apr-calendar.rrfcnetwork.org/explorer/view/id/656>. Finally, if your State included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that your SPP is updated accordingly and that the updated SPP is posted on the State's website and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642.

New Mexico received a State incentive grant (SIG) under IDEA section 643(e) for FFY 2009 to continue to make available during FFY 2009 Part C services to children with disabilities beyond age three under IDEA sections 632(5)(B)(ii) and 635(c). Beginning with the State's FFY 2009 APR, due February 1, 2011, New Mexico must include in the its data under APR indicators 1, 2, 3, 4, 5, 6, 10, 11, 12, and 13 data on children who were three years or older and received services under IDEA section 635(c). Such data should be reported in the State's aggregated data under each indicator for all children, but may also be reported separately for those children who were three years or older and received services under IDEA section 635(c).

OSEP is committed to supporting New Mexico's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Ginger Sheppard, your OSEP State Contact, at 202-245-7353.

Sincerely,



Alexa Posny, Ph.D.
Acting Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator