

New Mexico
Table A – Part B

Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p>Indicator 4: Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>(20 U.S.C. 1416(a)(3)(A); 1412(a)22))</p>	<p>Noncompliance: See Table B.</p>	<p>See Table B.</p>
<p>Indicator 7: Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their</p>	<p>On pp. 43-48 of the SPP, the New Mexico Public Education Department (NMPED) referenced a sampling plan for Indicator 7. An evaluation of this sampling plan indicated that it was not technically sound (see OSEP’s February 14 memorandum). Data will lack validity if based on a sampling plan that is not technically sound. OSEP is concerned because your plan is to use these invalid data to establish baseline data for this Indicator. The submission of invalid data is</p>	<p>As indicated in the February 14, 2006 OSEP memorandum, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR on February 1, 2007, the State must submit a revised sampling methodology that describes how data were collected with the State’s FFY 2005 APR. In the FFY 2005 APR, you also need to explain how your State addressed the deficiencies in the data collection noted in the attachment to the OSEP</p>

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needs. (20 U.S.C. 1416 (a)(3)(A))	inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of the State's status under section 616(d) of the IDEA.	memorandum. If you decide not to sample, but rather gather census data, please inform OSEP and revise your SPP accordingly.
<p>Indicators 9 & 10:</p> <p>Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>(20 U.S.C. 1416(a)(3)(C))</p>	<p>Noncompliance: See Table B.</p>	<p>See Table B.</p>
<p>Indicator 12:</p> <p>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.</p> <p>(20 U.S.C. 1416(a)(3)(B))</p>	<p>Noncompliance: See Table B.</p> <p>Other: On pages 63-66 of the SPP, the State did not provide the information required under Indicator 12. Specifically, the data in the SPP does not account for 101 children who were served under Part C and referred for Part B services and does not provide the reasons for delays in IEP development and implementation.</p>	<p>See Table B.</p> <p>The State must include this information in the APR, due February 1, 2007. Failure to include this information may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>Indicator 14:</p> <p>Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary</p>	<p>Other: On pp. 70-81 of the SPP, NMPED referenced a sampling plan for Indicator 14. An evaluation of the sampling plan for Indicator 14 indicated that it was not technically sound (see OSEP's February 14 memorandum). Data will</p>	<p>As indicated in the February 14, 2006 OSEP memorandum, if a revised sampling plan has not been accepted by OSEP by the time the State submits its FFY 2005 APR on February 1, 2007, the State must submit a revised sampling</p>

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<p>school, or both, within one year of leaving high school. (20 U.S.C. 1416(a)(3)(B))</p>	<p>lack validity if based on a sampling plan that is not technically sound. OSEP is concerned because your plan is to use these invalid data to establish baseline data for this Indicator. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>	<p>methodology with its FFY 2005 APR, that describes how data were collected. In the FFY 2005 APR, you also need to explain how your State addressed the deficiencies in the data collection noted in the attachment to the OSEP memorandum. If you decide not to sample, but rather gather census data, please inform OSEP and revise your SPP accordingly.</p>
<p>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. (20 U.S.C. 1416 (a)(3)(B))</p>	<p>Noncompliance: See Table B.</p>	<p>Noncompliance: See Table B.</p>