



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

JUN 6 2008

Honorable Alfredo Vigil, M.D.  
Secretary  
New Mexico Department of Health  
1190 St. Francis Drive  
PO Box 26110  
Santa Fe, NM 87502-6120

Dear Dr. Vigil:

Thank you for the timely submission of New Mexico's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to New Mexico's APR received on April 14, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA sections 616(d) and 642, New Mexico needs assistance in meeting the requirements of Part C of the IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2006 APR and revised SPP, other State-reported data, and information obtained through on-site verification and focused monitoring visits, audits and related activities, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2008" for further details.

Specific factors affecting OSEP's determination of needs assistance for New Mexico for FFY 2006 include: (1) for Indicator 8A, the State reported 88.8% compliance with the IFSP transition content requirements with progress from 87%, and did not report on any previously identified noncompliance related to that indicator, (2) for Indicator 8C, the State reported 75.3% compliance with the timely transition conference requirements, and (3) for Indicator 9, the State reported 50% compliance with the requirements for correcting noncompliance. For these reasons, we were unable to determine that New Mexico met requirements for FFY 2006 under IDEA sections 616(d) and 642. OSEP notes that the State reported a high level of compliance for Indicator 8B LEA notification requirement. The timely service provision and 45-day timeline requirements of Indicators 1 and 7 are the subject of Special Conditions on New Mexico's Part C FFY 2007 grant award. OSEP will respond in New Mexico's FFY 2008 Part C grant letter regarding the State's progress under its FFY 2007 Part C grant Special Conditions regarding the timely service provision and 45-day timeline requirements. We hope that your State will demonstrate in next year's APR that it meets requirements.

The enclosed table provides OSEP's analysis of the State's FFY 2006 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. It also identifies, by indicator, the State's status in meeting its targets, whether the

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State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data.

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.rrfcnetwork.org/>. You will be 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, your 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 SPP under IDEA sections 616(b)(2)(C)(ii)(I) and 642. In addition, your State must review EIS program performance against targets in the State's SPP, determine if each EIS program meets the requirements of the IDEA and 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/>. Finally, if you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

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 do not hesitate to call Ginger Sheppard, your OSEP State Contact, at 202-245-7353.

Sincerely,



William W. Knudsen

Acting Director

Office of Special Education Programs

Enclosures

cc: Part C Coordinator