

Table A – New Mexico Part C

Issues Identified in the State Performance Plan

SPP Indicator	Issue	Required Action
<p><b>Indicator 1:</b> Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.  (20 USC 1416(a)(3)(A) and 1442)</p>	<p><b>Noncompliance:</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. See Table B.  <b>Noncompliance:</b> On page 3 of its SPP, the State included the following standard for timely provision of services: "18 days from the start date for the services on the IFSP." The State's timely standard begins with a starting point that is not consistent with the Part C regulations at 34 CFR §§303.342(e) and 303.344(f)(1). The "IFSP start date for services" is established by the IFSP team, which includes the parent, and may serve as the standard but the State may not add an additional period to this date.</p>	<p>See Table B.  The State must revise its timely standard and may use a starting point consistent with the Part C regulations, such as when a parent consents to the provision of early intervention services under 34 CFR §303.404(a)(2). Alternatively, the State may use "IFSP initiation date" as its standard but must monitor the implementation of this standard to ensure that this date is reasonable when applied to individual IFSPs. The State must submit its revised standards and data in the FFY 2005 APR due February 1, 2007.</p>
<p><b>Indicator 3:</b> Percent of infants and toddlers with IFSPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs.  (20 USC 1416(a)(3)(A) and 1442)</p>	<p><b>Other:</b> An evaluation of the sampling plan for indicator 3 indicated that it was not technically sound (see OSEP's February 14, 2006 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 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>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 memorandum. If you decide not to sample, but rather to gather census data, please inform OSEP and revise your SPP accordingly.</p>

SPP Indicator	Issue	Required Action
<p><b>Indicator 4:</b> Percent of families participating in Part C who report that early intervention services have helped the family:</p> <ul style="list-style-type: none"> <li>A. Know their rights;</li> <li>B. Effectively communicate their children's needs; and</li> <li>C. Help their children develop and learn.</li> </ul> <p>(20 USC 1416(a)(3)(A) and 1442)</p>	<p><b>Other:</b> An evaluation of the sampling plan for indicator 4 indicated that it was not technically sound (see OSEP's February 14, 2006 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 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>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 memorandum. If you decide not to sample, but rather to gather census data, please inform OSEP and revise your SPP accordingly.</p>
<p><b>Indicator 7:</b> 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. (20 USC 1416(a)(3)(B) and 1442)</p>	<p><b>Noncompliance:</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. See Table B.</p>	<p>See Table B.</p>
<p><b>Indicator 8:</b> 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> <ul style="list-style-type: none"> <li>A. IFSPs with transition steps and services;</li> <li>B. Notification to LEA, if child potentially eligible for Part B; and</li> <li>C. Transition conference, if child potentially eligible for Part B.</li> </ul> <p>(20 USC 1416(a)(3)(B) and 1442)</p>	<p><b>Indicator 8A - Noncompliance:</b> The State reported a 96% level of compliance with the requirements at 34 CFR §303.344(h) and 303.148(b)(4) (transition steps and services). While this level of compliance is below 100% and requires continued implementation of improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p> <p><b>Indicator 8C - See Table B.</b></p>

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<p><b>Indicator 9:</b> 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) and 1442)</p>	<p><u>Noncompliance:</u> See Table B.</p>	<p>See Table B.</p>
<p><b>Indicator 13:</b> Percent of mediations held that resulted in mediation agreements. (20 U.S.C. 1416(a)(3)(B) and 1442)</p>	<p><u>Other:</u> The State included targets regarding mediation; however, baseline data indicated that the total number of mediations requested was fewer than ten. OSEP guidance on developing the SPP indicated that targets and improvement strategies were not needed until the total number of mediations requested totaled ten or greater.</p>	<p>The State may remove the targets related to mediation in the APR, due February 1, 2007, if the number of mediations for 2004-2005 is less than 10. In a reporting period when the number of mediations reaches ten or greater, the State must develop targets and improvement activities, and report them in the corresponding APR.</p>