

NM  
Part B

FFY2013  
State Performance Plan /  
Annual Performance Report

## Introduction to the State Performance Plan (SPP)/Annual Performance Report (APR)

### General Supervision System:

The systems that are in place to ensure that IDEA Part B requirements are met, e.g., monitoring, dispute resolution, etc.

The State has a comprehensive guide on the provision of general supervision in accordance with the Individuals with Disabilities Education Act (IDEA). The State's system is entitled the Integrated Special Education Accountability System (ISEAS) and can be viewed at <http://ped.state.nm.us/SEB/technical/ISEAS%20November%202013%20final%20DK.pdf>.

The State's general supervision system consists of eight components:

1. State Performance Plan
2. Policies, Procedures, and the Effective Implementation
3. Data on Processes and Results
4. Targeted Technical Assistance and Professional Development
5. Effective Dispute Resolution
6. Integrated Monitoring Activities
7. Improvement, Corrections, Incentives and Sanctions
8. integrated Fiscal Accountability

Each of the eight components and how the State implements the general supervision system are described in detail in the ISEAS.

According to the State's Integrated Special Education Accountability System (ISEAS), every LEA is monitored each year. All LEAs are desk-top monitored through the Student Teacher Accountability Reporting System (STARS) data warehouse on the SPP indicators. Data are submitted by the LEAs on the second Wednesdays of October, December and February and at the end of year. Procedures on how to validate State Performance Plan (SPP) indicators are described in detail in the ISEAS appendices. Desk-top monitoring also occurs for noncompliance identified through formal complaints and due process hearings. Mediation agreements are followed up on by staff and due process hearing resolution sessions are tracked. SPP self-assessment tools are also used when monitoring LEAs.

SPP Indicator 13, secondary transition, requires additional student file data pertaining to the student's Individualized Education Program (IEP) to be reviewed by staff utilizing the National Secondary Transition Technical Assistance Center (NSTTAC) checklist. Initial indicator data are submitted into STARS and data are validated through a random selection of a reasonable sample of IEPs, for each LEA.

On-site monitoring occurs for LEAs assigned the determination of Needs Intervention. The State also completes on-site visits and monitoring when issues brought to the State's attention warrant it. LEAs' compliance were tracked and monitored through the Educational Plan for Student Success or a Corrective Action Plan.

The Levels of Intervention are applied to LEAs based upon the annual determination assigned in accordance with 34 CFR Sec. 300.604. The Levels of Intervention Matrix is attached to this section.

### Technical Assistance System:

The mechanisms that the State has in place to ensure the timely delivery of high quality, evidenced based technical assistance and support to LEAs.

#### **Targeted Technical Assistance**

##### *Compliance Data*

The Integrated Monitoring Activities section of the ISEAS highlights the various data systems and activities used for monitoring of the LEAs. Those data systems and activities are used in the following manner:

- Improvement of program and systems operations
- Improved/Sustained compliance and improved performance
- Inform technical assistance and new initiatives

The data gathered through the various systems (monitoring, self-assessment, STARS, due process hearings and State complaints) are used to improve programs at the State level and the LEA level. Data are examined over time in order to have an understanding of what is happening and to determine if there are isolated problems or systemic issues. Correlations are drawn with multiple data points at the State level and LEA level.

The data from the data systems are used to ensure improved and sustained compliance. This is done through the correction of the individual cases of noncompliance (prong one) the review of updated data and information to ensure the LEA is implementing the specific regulatory requirements (prong two). The LEAs participation in the Root Cause Analysis identifies issues at the systems level that are addressed through strategies in the EPSS or CAP in order to sustain performance.

Data from the State's data system is used to inform targeted technical assistance and professional development at the State level and at the LEA level. Section 618 data, SPP indicator data, dispute and alternative dispute data are used to provide the large scale professional development for the LEAs at the Directors' academies and the monthly webinars. This information is also used to development technical assistance manuals or guidance documents.

LEA level data is examined by SEB staff to determine what type of targeted technical assistance is needed. The data examined includes the indicator data, self-assessments, root cause analysis and rubrics. The SEB staff works directly with the LEA on how to use data to inform decision making and the development of improvement strategies to be included in the EPSS or CAP. The level of collaboration and prescription depends on the LEA's annual determination.

Tiers of Interventions and Tiers of Sanctions are applied as part of the Targeted Technical Assistance System. The Tiers are attached to this section.

Although the majority of the targeted technical assistance focuses on compliance and the improvement of the State's and LEA's determination, the improvement of educational results and functional outcomes for all children with disabilities is also addressed.

*Results Data*

## Graduation, drop-out, and post-school outcomes

If LEAs miss the targets for these indicators, they must include strategies in their EPSS or CAP. Targeted technical assistance can be provided through the Regional Education Cooperative and the Utah State University Technical Assistance for Excellence in Special Education center. LEAs are referred to the National Secondary Transition Technical Assistance Center (NSTAAC) and the National Post School Outcomes Center (NPSO). Depending on the LEAs determination, LEAs can be issued a sub-grant to address these indicators.

## Least Restrictive Environment (students aged 6 – 21)

If the LEA misses the target for the LRE indicator for students aged 6 – 21, they must include it in their EPSS or CAP. The LEA examines its data to determine why the target was missed. Data is reviewed by grade level, school, disability, and race and ethnicity. The LEA also reviews individual IEPs to glean what is written in the LRE statements.

The State recently updated its IEP technical assistance manual and State recommended IEP form to address the LRE consideration. The following three questions must be answered when considering the LRE continuum:

1. Explain why supplementary aids and services are not adequate to meet the student's needs in the general education class [34 CFR §300.320 (a)(4), and 34 CFR §300.114 (a)(2)(ii)]:
2. Explain how placement in a special education setting will be more advantageous in meeting student's needs [34 CFR §300.320 (a)(4)(iii)]:
3. Explain why placement in a general education setting is reduced or limited and what is being done to reintegrate the student back to a general education setting [34 CFR §300.320 (a)(5)]:

## Preschool Least Restrictive Environment (students aged 3 – 5)

Preschool data is also reviewed annually. LEAs are encouraged to increase the number of typically developing peers in the regular preschool settings. If the LEA has one of the State funded Pre-Kindergarten programs, LEAs are encouraged to consider four-year-olds with disabilities when enrolling students in their programs. The LEAs must answer the three questions above when considering the preschool LRE environment. This area is also addressed in the EPSS or CAP.

Preschool outcome data are collected on every student through a census data collection. The data is used to write IEP goals. The data is entered into STARS by the students' unique identification number, and can be accessed by the LEA for future use and planning.

LEAs are referred to the National Early Childhood Technical Assistance Center (NECTAC) for promising and evidence based practices.

**Professional Development System:**

The mechanisms the State has in place to ensure that service providers have the skills to effectively provide services that improve results for students with disabilities.

Data from the State's data system are used to inform targeted technical assistance and professional development at the State level and at the LEA level. Section 618 data, SPP indicator data, dispute and alternative dispute data are used to provide the large scale professional development for the LEAs at the Directors' academies and the monthly webinars. This information is also used to development technical assistance manuals or guidance documents.

Each year the LEA special education directors and coordinators are surveyed and asked to identify their professional development needs. Data from these surveys along with data from the State's monitoring system are utilized to develop the State's professional development system. Mandatory webinars or trainings are provided when updates are provided to federal and state laws. Two face-to-face and one virtual academy are provided annually with the assistance and support of the Regional Education Cooperative (REC) and the New Mexico Coalition of Administrators of Special Education (NMCASE). Monthly webinars are presented by the special education bureau staff with the support of the REC. All webinars are archived for further use at the State or LEA level. On-line modules for teachers and principals that are funded by the state are provided on the REC's website. The Special Education Bureau provides financial support to NMCASE to assist them with the mentoring program for new special education directors. Funding for professional development and technical assistance is provided in accordance with 34 CFR Sec. 300.704(b)(4)(ii).

Individual LEAs can be provided additional professional development as needed in accordance with the Levels of Intervention, Tiers of Intervention and Tiers of Sanctions. This is determined by district's data from the indicators, root cause analysis, self-assessments, review of policies, procedures and practices, dispute resolution and alternative dispute resolution.

Recently, the Office of Special Education Programs (OSEP) is implementing a revised accountability framework designed to more directly support States in improving results for infants, toddlers, children and youth with disabilities, and their families. Section 616(a)(2) of the IDEA requires that the primary focus of IDEA monitoring be on improving educational results and functional outcomes for children with disabilities, and ensuring that States meet the IDEA program requirements.

Many of the indicators in the State Performance Plan (SPP) focus on compliance with the IDEA. Indicators 4b, 9, 10, 11, 12, and 13 measure the State's and LEA's compliance with specific IDEA regulations. This year, as part of the Results Driven Accountability (RDA) Framework a new indicator was added to the SPP, indicator 17, State Systemic Improvement Plan (SSIP). This indicator is related to SPP indicator 3 and will focus on improving reading growth rates of students with disabilities in grades K-3. Detailed information about the SSIP will be located under indicator 17 of this report which is required to be submitted no later than April 1, 2015.

In 2011 as part of the State's Continuous Improvement Visit (CIV), the State was required to submit a Results Plan that focused on improving results and functional outcomes for students with disabilities. The State focused on improving reading growth rates of students with disabilities (indicator 3c). The New Mexico Real Results (NMRR) program is a collaborative effort amongst multiple bureaus at the department including Special Education, Title I, Priority Schools and Literacy. NMRR supports the State's waiver under ESEA, strategic plan for education "Kids First, New Mexico Wins!" and A-F school grading system. Schools selected to participate had an overall grade of D or F, with a lowest quartile grade of D or F, had school-wide Title I programs, and had high numbers of students with disabilities. At least 50% of the sites must have high percentages of Native American students. Additional sites are added each year as part of the SSIP scaling up.

Each NMRR school receives IDEA B funds in accordance with 34 CFR Sec. 300.704(b)(4)(xi) to assist them with professional development and technical assistance. In addition, the State provides professional development on data-driven instruction and progress monitoring, building capacity and sustaining improvement efforts and mentors and specialist are provided as needed for teachers. For more information on NMRR, see the attached information sheet.

The State's Systemic Improvement Plan (SSIP) is comprehensive, ambitious, yet achievable multi-year plan for improving results of students with disabilities. The SSIP contains three phases of implementation. The State's RDA focuses on reading and includes rigorous benchmark assessment, tiered interventions, progress monitoring and grouping. The department's State Personnel Development Grant (SPDG) Achieving Student Success with Effective Tiered Support (ASSETS) will be used in part to support the SSIP. The SPDG focuses on providing teachers and principals professional development and support in the area of Response to Intervention (Student Assistance Team interventions) for reading, math and behavior. For more information on ASSETS, see the attached information sheet.

#### **Stakeholder Involvement:**

The mechanism for soliciting broad stakeholder input on targets in the SPP, including revisions to targets.

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State's Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State's progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

At the State's IDEA Advisory Panel on December 4<sup>th</sup> and 5<sup>th</sup>, 2014, the panel gave input on the State Systemic Improvement Plan (SSIP) indicator 17. Further detail will be submitted with indicator 17 on April 1, 2015. The IDEA Panel did adopt "Improving Reading Growth Rates" as one of its goals for the 2014-2015 school year and required an annual report on the New Mexico Real Results program.

#### **Reporting to the Public:**

How and where the State reported to the public on the FFY 2012 performance of each LEA located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days following the State's submission of its FFY 2012 APR, as required by 34 CFR §300.602(b)(1)(i)(A); and a description of where, on its Web site, a complete copy of the State's SPP, including any revision if the State has revised the SPP that it submitted with its FFY 2012 APR in 2014, is available.

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A copy of the PDF version of the FFY 2013 State Performance Plan (SPP) and Annual Performance Report (APR) downloaded from the GRADS 360 site will be posted on the Special Education Bureau's homepage at <http://ped.state.nm.us/SEB/index.html>.

No changes or revisions were made to the FFY 2012 SPP submitted in 2014.

The performance of each LEA located in the State on the targets in the FFY 2013 SPP/APR and previous years as required by 34 CFR Sec. 300.602(b)(1)(i)(A) are located at <http://ped.state.nm.us/SEB/data/index.html>.

### OSEP Response

### Required Actions

## Indicator 1: Graduation

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of youth with IEPs graduating from high school with a regular diploma. (20 U.S.C. 1416 (a)(3)(A))

### Historical Data

Baseline Data: 2011

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target ≥		70.00%	78.00%		57.00%	67.00%	69.00%	71.80%
Data	58.00%	52.10%	53.60%	53.10%	57.60%	36.40%	50.50%	56.00%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target ≥	71.80%	73.70%	75.60%	77.40%	79.30%	81.20%

### Targets: Description of Stakeholder Input

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State's Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State's progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel reviewed the ESEA Cohort targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

### Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2012-13 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec C151; Data group 696)	9/15/2014	Number of youth with IEPs graduating with a regular diploma	2,014	2014
SY 2012-13 Cohorts for Regulatory Adjusted-Cohort Graduation Rate (EDFacts file spec C151; Data group 696)	9/15/2014	Number of youth with IEPs eligible to graduate	3,352	3,352
SY 2012-13 Regulatory Adjusted Cohort Graduation Rate (EDFacts file spec C150; Data group 695)	9/23/2014	2012-13 Regulatory four-year adjusted-cohort graduation rate table	60.08%	Calculate <input type="checkbox"/>

### Explanation of Alternate Data

The FFY 2013 graduation rates were calculated using the FFY 2012 (2012-2013 SY) data. Under New Mexico law, there are three diploma options for students with disabilities see <http://ped.state.nm.us/SEB/technical/GraduationOptionsStudentsWithDisabilities.pdf>.

The three options are 1) Standard Option, 2) Career Option and 3) Ability Option. All diploma options lead to a regular diploma under State rule/law (New Mexico Administrative Code (NMAC) Subsection J(13) 6.29.1.9 see <http://164.64.110.239/nmac/parts/title06/06.029.0001.htm>. Under 34 C.F.R. §200.19(b)(1)(iv), a "regular high school diploma" means the standard high school diploma awarded to students in a State that is fully aligned with the State's academic content standards and does not include a GED credential, certificate

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of attendance, or any alternative award. The term "regular high school diploma" also includes a "higher diploma" that is awarded to students who complete requirements above and beyond what is required for a regular diploma. Under State law, all diplomas awarded by a school district or charter school shall be identical in appearance, content and effect, except that symbols or notations may be added to individual students' diplomas to reflect official school honors or awards earned by students. The diploma options are determined by the student's Individualized Education Program (IEP) team during the student's 8<sup>th</sup> grade transition IEP meeting. The graduation options are reviewed at least annually until the student exits high school. The criteria for each graduation option is defined in State rule (law) i.e. course requirements, course(s) of study, applicable State testing and cut scores, etc. All diploma options must be considered and documented in the Prior Written Notice portion of the IEP. This includes the differences in the diploma options and requirements see <http://ped.state.nm.us/SEB/community/dl11/Graduation%20Options%20Fact%20Sheet%20Final.pdf> Diploma options cannot be changed after the 20<sup>th</sup> day of school for those students in their last year of high school. Any changes require a waiver and the department's approval.

Those students who meet or exceed all of the graduation requirements under State Statute 22-13-1.1 NMSA 1978 and local board of education policies, with or without accommodations, are considered graduating on the standard option. The career and ability diploma options have specific criteria that must be met in order for student to graduate from high school and receive a diploma.

In the FFY 2012 APR, data was provided for those students who graduated on the standard option. In FFY 2012, using 11-12 data, 56% of students with IEPs graduated on the standard option. In FFY 2013, using 12-13 data, 42.6% of students with IEPs (excluding gifted education) graduated on the standard option. Comparing these two cohort graduation rates, the State experienced slippage of 13.4% and did not meet the ESEA target of 71.8%.

The Part B Indicator Measurement Table (OMB NO: 1820-0624/Expiration Date 5/31/2017) States about the data source: "Same data as used for reporting to the Department under Title I of the Elementary and Secondary Education Act (ESEA)." In addition, the measurement table requires a narrative that describes the conditions youth must meet in order to graduate with a regular diploma and if there is a difference, an explanation is required.

In New Mexico, all diploma options lead to a regular diploma; however only the standard option meets the State Statute graduation requirements under 22-13-1.1 NMSA 1978. The Career and Ability Options have requirements under State law/rule NMAC that also must be met in order for the students to graduate and receive a regular diploma.

The cohort data reported under Title I of the ESEA includes all students (regardless of graduation option) that graduate using the adjusted cohort rates. In FFY 2013, using 12-13 data, 60.1% of all students with disabilities (all three graduation options) graduated from high school with a regular diploma. In FFY 2012, using 11-12 data, 56% of all students with disabilities (all three graduation options) graduated from high school with a regular diploma. Although the State did not meet the target of 71.8%, the State showed progress with this indicator with an increase of 4.1%.

**FFY 2013 SPP/APR Data**

Number of youth with IEPs in the current year's adjusted cohort graduating with a regular diploma	Number of youth with IEPs in the current year's adjusted cohort eligible to graduate	FFY 2012 Data	FFY 2013 Target	FFY 2013 Data
2,014	3,352	56.00%	71.80%	60.08%

**Graduation Conditions Field**

Provide the four-year graduation cohort rate. The four-year graduation rate follows a cohort, or a group of students, who begin as first-time 9th graders in a particular school year and who graduate with a regular high school diploma in four years or less. An extended-year graduation rate follows the same cohort of students for an additional year or years. The cohort is "adjusted" by adding any students transferring into the cohort and by subtracting any students who transfer out, emigrate to another country, or die during the years covered by the rate.

Under 34 C.F.R. §200.19(b)(1)(iv), a "regular high school diploma" means the standard high school diploma awarded to students in a State that is fully aligned with the State's academic content standards and does not include a GED credential, certificate of attendance, or any alternative award. The term "regular high school diploma" also includes a "higher diploma" that is awarded to students who complete requirements above and beyond what is required for a regular diploma.

The four-year graduation rate follows a cohort, or a group of students, who begin as first-time 9th graders in a particular school year and who graduate with a regular high school diploma in four years or less. An extended-year graduation rate follows the same cohort of students for an additional year or years. The cohort is "adjusted" by adding any students transferring into the cohort and by subtracting any students who transfer out, emigrate to another country, or die during the years covered by the rate.

Graduation requirements 23-13-1.1 NMSA 1978 (standard option) are:

A. At the end of grades eight through eleven, each student shall prepare an interim next-step plan that sets forth the coursework for the grades remaining until high school graduation. Each year's plan shall explain any differences from previous

interim next-step plans, shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent and the student's guidance counselor or other school official charged with coursework planning for the student.

B. Each student must complete a final next-step plan during the senior year and prior to graduation. The plan shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent and the student's guidance counselor or other school official charged with coursework planning for the student.

C. An individualized education program that meets the requirements of Subsections A and B of this section and that meets all applicable transition and procedural requirements of the federal Individuals with Disabilities Education Act for a student with a disability shall satisfy the next-step plan requirements of this section for that student.

D. A local school board shall ensure that each high school student has the opportunity to develop a next-step plan based on reports of college and workplace readiness assessments, as available, and other factors and is reasonably informed about:

(1) curricular and course options, including honors or advanced placement courses, dual-credit courses, distance learning courses, career clusters, pre-apprenticeship programs or remediation programs that the college and workplace readiness assessments indicate to be appropriate;

(2) opportunities available that lead to different post-high-school options; and

(3) alternative opportunities available if the student does not finish a planned curriculum.

E. The secretary shall:

(1) establish specific accountability standards for administrators, counselors, teachers and school district staff to ensure that every student has the opportunity to develop a next-step plan;

(2) promulgate rules for accredited private schools in order to ensure substantial compliance with the provisions of this section;

(3) monitor compliance with the requirements of this section; and

(4) compile such information as is necessary to evaluate the success of next-step plans and report annually, by December 15, to the legislative education study committee and the governor.

F. Once a student has entered ninth grade, the graduation requirements shall not be changed for that student from the requirements specified in the law at the time the student entered ninth grade.

G. Successful completion of a minimum of twenty-three units aligned to the state academic content and performance standards shall be required for graduation. These units shall be as follows:

(1) four units in English, with major emphasis on grammar and literature;

(2) three units in mathematics, at least one of which is equivalent to the algebra 1 level or higher;

(3) two units in science, one of which shall have a laboratory component; provided, however, that with students entering the ninth grade beginning in the 2005-2006 school year, three units in science shall be required, one of which shall have a laboratory component;

(4) three units in social science, which shall include United States history and geography, world history and geography and government and economics;

(5) one unit in physical education;

(6) one unit in communication skills or business education, with a major emphasis on writing and speaking and that may include a language other than English;

(7) one-half unit in New Mexico history for students entering the ninth grade beginning in the 2005-2006 school year; and

(8) nine elective units and seven and one-half elective units for students entering the ninth grade in the 2005-2006 school year that meet department content and performance standards. Student service learning shall be offered as an elective. Financial literacy shall be offered as an elective. Preapprenticeship programs may be offered as electives. Media literacy may

be offered as an elective.

H. For students entering the ninth grade beginning in the 2009-2010 school year, at least one of the units required for graduation shall be earned as an advanced placement or honors course, a dual-credit course offered in cooperation with an institution of higher education or a distance learning course.

I. The department shall establish a procedure for students to be awarded credit through completion of specified career technical education courses for certain graduation requirements.

J. Successful completion of the requirements of the New Mexico diploma of excellence shall be required for graduation for students entering the ninth grade beginning in the 2009-2010 school year.

Successful completion of a minimum of twenty-four units aligned to the state academic content and performance standards shall be required to earn a New Mexico diploma of excellence. These units shall be as follows:

(1) four units in English, with major emphasis on grammar, nonfiction writing and literature;

(2) four units in mathematics, of which one shall be the equivalent to or higher than the level of algebra 2, unless the parent submitted written, signed permission for the student to complete a lesser mathematics unit; and provided that a financial literacy course that meets state mathematics academic content and performance standards shall qualify as one of the four required mathematics units;

(3) three units in science, two of which shall have a laboratory component;

(4) three and one-half units in social science, which shall include United States history and geography, world history and geography, government and economics and one-half unit of New Mexico history;

(5) one unit in physical education, as determined by each school district, which may include a physical education program that meets state content and performance standards or participation in marching band, junior reserve officers' training corps or interscholastic sports sanctioned by the New Mexico activities association or any other co-curricular physical activity;

(6) one unit in one of the following: a career cluster course, workplace readiness or a language other than English; and

(7) seven and one-half elective units that meet department content and performance standards. Student service learning shall be offered as an elective. Financial literacy shall be offered as an elective. Pre-apprenticeship programs may be offered as electives. Media literacy may be offered as an elective.

K. For students entering the eighth grade in the 2012-2013 school year, a course in health education is required prior to graduation. Health education may be required in either middle school or high school, as determined by the school district. Each school district shall submit to the department by the beginning of the 2011-2012 school year a health education implementation plan for the 2012-2013 and subsequent school years, including in which grade health education will be required and how the course aligns with department content and performance standards. Health education shall include age appropriate sexual abuse and assault awareness and prevention training that meets department standards developed in consultation with the federal centers for disease control and prevention that are based on evidence-based methods that have proven to be effective.

L. Final examinations shall be administered to all students in all classes offered for credit.

M. Until July 1, 2010, a student who has not passed a state graduation examination in the subject areas of reading, English, mathematics, writing, science and social science shall not receive a high school diploma. The state graduation examination on social science shall include a section on the constitution of the United States and the constitution of New Mexico. If a student exits from the school system at the end of grade twelve without having passed a state graduation examination, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system the student takes and passes the state graduation examination, the student may receive a high school diploma. Any student passing the state graduation examination and completing all other requirements within five years of entering ninth grade, including a final summer session if completed by August 1, may be counted by the school system in which the student is enrolled as a high school graduate for the year in which completion and examination occur.

N. Beginning with the 2010-2011 school year, a student shall not receive a New Mexico diploma of excellence if the student has not demonstrated competence in the subject areas of mathematics, reading and language arts, writing, social studies and science, including a section on the constitution of the United States and the constitution of New Mexico, based on a standards-based assessment or assessments or a portfolio of standards-based indicators established by the department by rule. The standards-based assessments required in Section 22-2C-4 NMSA 1978 may also serve as the assessment required for high school graduation. If a student exits from the school system at the end of grade twelve without having satisfied the requirements of this subsection, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system the student satisfies the requirement of this subsection, the student may receive a New Mexico diploma of excellence. Any student satisfying the requirements of this subsection and completing all other requirements within five years of entering ninth grade, including a final summer session if completed by August 1, may be counted by the school system in which the student is enrolled as a high school graduate for the year in which all requirements are satisfied.

O. As used in this section:

(1) "final next-step plan" means a next-step plan that shows that the student has committed or intends to commit in the near future to a four-year college or university, a two-year college, a trade or vocational program, an internship or apprenticeship, military service or a job;

(2) "interim next-step plan" means an annual next-step plan in which the student specifies post-high school goals and sets forth the coursework that will allow the student to achieve those goals; and

(3) "next-step plan" means an annual personal written plan of studies developed by a student in a public school or other state-supported school or institution in consultation with the student's parent and school counselor or other school official charged with coursework planning for the student that includes one or more of the following:

(a) advanced placement or honors courses;

(b) dual-credit courses offered in cooperation with an institution of higher education;

(c) distance learning courses;

(d) career-technical courses; and

(e) pre-apprenticeship programs.

P. The secretary may establish a policy to provide for administrative interpretations to clarify curricular and testing provisions of the Public School Code.

Graduation Requirements under Subsection J(13) 6.29.1.9 NMAC (career and ability options) are:

Graduation requirements for issuance of a conditional certificate of transition for students with an IEP. The development of a program of study and the granting of a diploma, or use of a conditional certificate of transition in the form of a continuing or transition individualized educational program (IEP) for students receiving special education services, includes the following governing principles:

(a) The IEP team is responsible for determining whether the student has completed a planned program of study based on the student's strengths, interests, preferences, identified educational and functional needs and long-term educational or occupational goals, making the student eligible to receive either a diploma or a conditional certificate of transition. A conditional certificate of transition allows the student to participate in graduation activities. If a student receives a conditional certificate of transition, the student shall then return to the program specified in the IEP to complete the student's secondary program and meet the requirements for a diploma. In addition, all IEPs shall provide a description of how the student's progress toward meeting annual goals and graduation requirements will be measured, and at what intervals progress will be reported to parents or guardians. A student shall be awarded a diploma upon completion of a planned program of study that meets the requirements of paragraph (b).

(b) A student may be awarded a diploma (Section 22-13-1.1 NMSA 1978) using any of the following programs of study described in (i) through (iii). All IEP team discussion points and decisions identified herein, including the identification of the student's program of study and any student or parent proposals accepted or rejected by the IEP team (if the student has not reached the age of majority), shall be documented on the student's IEP and in the prior written notice (PWN) of proposed action.

(i) A standard program of study is based upon meeting or exceeding all requirements for graduation based on the New Mexico standards for excellence (Subsection J of 6.29.1.9 NMAC) with or without reasonable accommodations of delivery and assessment methods. In addition, a student shall pass all sections of the current state graduation examination(s) administered pursuant to Section 22-13-1.1(I) NMSA 1978 under standard administration or with state-approved accommodations, and shall meet all other standard graduation requirements of the district.

(ii) A career readiness alternative program of study is developed to provide relevance and is based on a student's career interest as it relates to one of the career clusters, with or without reasonable accommodations of delivery and assessment methods. In addition, a student shall take the current state graduation examination(s) administered pursuant to Section 22-13-1.1(K) NMSA 1978, under standard administration or with state-approved accommodations, and achieve a level of competency pre-determined by the student's IEP team; the student shall earn at least the minimum number of credits required by the district or charter school for graduation through standard or alternative courses that address the employability and career development standards with benchmarks and performance standards, as determined by the IEP team. Course work shall include a minimum of four units of career development opportunities and learning experiences that may include any of the following: career readiness and vocational course work, work experience, community-based instruction, student service learning, job shadowing, mentoring or entrepreneurships related to the student's occupational choices. Credits for work experience shall be related to the program of study that the school offers and specific to the district's ability to offer work experience or community-based instruction credits. The student shall achieve competency in all areas of the employability and career development standards with benchmarks and performance standards, as determined by the IEP team and the student's interest as it relates to the career clusters. The program of study shall address the New Mexico content standards with benchmarks and performance standards in other subject areas as appropriate.

(iii) An ability program of study was developed for students who have a significant cognitive disability or severe mental health issues. The IEP goals and functional curriculum course work shall be based on the New Mexico standards with benchmarks and performance standards and employability and career development standards with benchmarks and performance standards. Students in this program of study shall earn the minimum number of credits or be provided equivalent educational opportunities required by the district or charter school, with course work individualized to meet the unique needs of the student through support of the IEP. In addition, a student shall take either the current state graduation examination(s) administered pursuant to Section 22-13-1.1(K) NMSA 1978, under standard administration or with state-approved accommodations, or the state-approved alternate assessment. The student shall achieve a level of competency pre-determined by the student's IEP team on the current graduation examination or the state-approved alternate assessment, and meet all other graduation requirements established by the IEP team.

(c) The new requirements for the career readiness and ability pathways become effective beginning with students graduating in 2009.

(d) By the end of the eighth grade, each student's IEP shall contain a proposed individual program of study for grades nine through twelve. The program of study shall identify by name all course options the student may take and shall align with the student's long-range measurable post-secondary goals and transition services to facilitate a smooth transition to high school and beyond. This program of study shall be reviewed on an annual basis and adjusted to address the student's strengths, interests, preferences and areas of identified educational and functional needs. The IEP team shall document on the IEP the student's progress toward earning required graduation credits and passing the current graduation examination.

(e) A district or charter school shall provide each student, who has an IEP and who graduates or reaches the maximum age for special education services, a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting post-secondary goals.

(f) Students graduating on the standard program of study shall meet the state's minimum requirements on all sections of the graduation examination. IEP teams shall document a plan of action on the IEP and the PWN to be carried out by both the student and the district or charter school, to ensure that the student will pass all sections of the graduation examination.

(g) To establish a level of proficiency on the current graduation examination or the state-approved alternate assessment for students on a career readiness program of study or ability program of study, IEP teams shall review the student's performance on the first attempt, and establish a targeted proficiency on all sections that are below the state's minimum requirement. For those students who meet participation criteria for the New Mexico alternate assessment, IEP teams shall set targeted levels of proficiency based upon previous performance on the test. If the student has previously been administered the New Mexico alternate assessment and has achieved an advanced level of overall performance, the IEP team shall arrange for the student to participate in the general graduation examination, and shall identify appropriate accommodations that the student may require. IEP teams shall document the targeted levels of proficiency on the IEP and the PWN, outlining the plan of action to be taken by both the student and the district or charter school to ensure that the student will meet the targeted levels of proficiency. Districts or charter schools may submit a written request for a waiver to the secretary in cases where a student has

medical or mental health issues that may result in regression or that negatively influence the student's ability to achieve targeted levels of proficiency. The written request shall be signed by the superintendent or charter school administrator and shall include documentation of the medical or mental health issues.

(h) Changes in programs of study.

(i) Departures from the standard program of study for students receiving special education services and supports shall be considered in the order of the options listed in Subparagraph (b) of Paragraph (13) of Subsection J of 6.29.1.9 NMAC. Any modified program of study may depart from a standard program of study only so far as is necessary to meet an individual student's educational needs as determined by the IEP team. Districts and charter schools are obligated to meet the requirements of IDEA to provide students with IEPs on any one of the three programs of study, and access to the general curriculum in the least restrictive environment. When an alternative program of study is developed, a building administrator or designee who has knowledge about the student shall be a member of the IEP team

(ii) Districts and charter schools shall document changes from the standard program of study on the PWN. IEP teams shall identify the reasons for changing the student's program of study, shall provide parents with clear concise explanations of the career readiness or ability programs of study, shall notify parents and students of the potential consequences that may limit the student's post-secondary options, and shall make required changes to the IEP and course of study, to ensure that the student meets the requirements of that program of study.

(iii) The IEP team shall not change the program of study for a student entering the final year of high school from the standard program of study to the career readiness program of study, nor from the career readiness program of study to the ability program of study, after the 20th school day of the final year of high school. IEP teams may change a student's program of study from the ability program of study to the career readiness program of study, or from the career readiness program of study to the standard program of study, if the student meets the graduation requirements of that program of study and if the change is made and documented appropriately in a revised IEP and PWN by a properly constituted IEP team in a properly convened meeting.

(iv) Beginning with students entering the 10th grade, districts and charter schools shall maintain an accurate accounting of graduation programs of study for students with IEPs. Districts and charter schools shall ensure that 80% or more of students with IEPs are in the standard program of study, no more than 10 - 15% of students with IEPs shall graduate in the career readiness program of study, and no more than 1- 3% of students with IEPs shall graduate in the ability program of study. Districts or charter schools exceeding the above maximum percentages shall submit a request for a waiver regarding each student affected. The request for waiver shall include the district name, the high school name, a list of all students on the alternate program of study exceeding the maximum percentage (including student demographics, unique student identifiers and the justification for changing each student's program of study). The waiver request shall be signed and submitted by the superintendent or charter school administrator to the secretary.

(i) A student who receives special education services may be granted a conditional certificate of transition in the form of a continuing or transition IEP when:

(i) the IEP team provides sufficient documentation and justification that the issuance of a conditional certificate of transition for an individual student is warranted;

(ii) prior to the student's projected graduation date, the IEP team provides a PWN stating that the student will receive a conditional certificate of transition;

(iii) the district or charter school ensures that a conditional certificate of transition is not a program of study and does not end the student's right to a FAPE;

(iv) the district or charter school ensures that a conditional certificate of transition entitles a student who has attended four years or more of high school to participate in graduation activities, and requires that the student continue receiving special education supports and services needed to obtain the high school diploma;

(v) the district or charter school ensures that, prior to receiving a conditional certificate of transition, the student has a continuing or transition IEP;

(vi) the student's continuing or transition IEP outlines measures, resources and specific responsibilities for both the student and the district or charter school to ensure that the student receives a diploma.

(j) A student who does not return to complete the program of study as outlined in the continuing or transition IEP will be

considered as a dropout.

(k) A student who receives a conditional certificate of transition is eligible to continue receiving special education services until receipt of a diploma or until the end of the academic year in which the student becomes 22 years of age.

(l) Graduation plans shall be a part of all IEPs:

(i) by the end of eighth grade, or by the time the student turns 14 years of age, and concurrent with the development of the student's transition plan in accordance with federal regulations at 34 CFR 300.320;

(ii) when a student returns to a school after an extended absence, and if an IEP program of study may have been developed but needs to be reviewed; or

(iii) when evaluations warrant the need for a modified program of study at any time after development of an initial graduation plan.

(m) Graduation plans shall be a part of all of all IEPs and annual reviews, and shall follow the student in all educational settings. Receiving institutions that fall under the department's jurisdiction will recognize these graduation plans, subject to revision by new IEP teams, if appropriate to meet a student's changing needs.

(n) At the exit IEP meeting, the team shall review the student's transition plan, and shall confirm and document that all state and district requirements for graduation under the final IEP have been satisfied. A building administrator who has knowledge about the student shall be a member of this team, and shall sign specifically to verify and accept completed graduation plans, goals and objectives pursuant to (i) - (iii) of Subparagraph (b) of Paragraph (13) of Subsection J of 6.29.1.9 NMAC, or plans for a conditional certificate of transition with a continuing or transition IEP, pursuant to Subparagraph (i) of Paragraph (13) of Subsection J of 6.29.1.9 NMAC. The IEP team shall ensure that the student has current and relevant evaluations, reports or other documentation necessary to support a smooth and effective transition to post-secondary services for a student who will graduate on one of the three programs of study. The school shall arrange for any necessary information to be provided at no cost to the students or parents. The school shall submit a list of students who will receive the diploma through a career readiness or ability program of study to the local superintendent or charter school administrator, using the students' identification numbers. This list shall be totaled and submitted to the local school board or governing body of a charter school. This information shall be treated as confidential in accordance with the FERPA.

(o) Students eligible for special education services are entitled to a FAPE through age 21. If a student turns 22 during the school year, the student shall be allowed to complete the school year. If a student becomes 22 prior to the first day of the school year, the student is no longer eligible to receive special education services.

#### Actions required in FFY 2012 response table

None

#### Responses to actions required in FFY 2012 response table

None required.

#### OSEP Response

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

#### Required Actions

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## Indicator 2: Drop Out

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of youth with IEPs dropping out of high school. (20 U.S.C. 1416 (a)(3)(A))

### Historical Data

Baseline Data: 2011

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target ≤		0.68%	0.68%	0.77%	0.76%	6.15%	6.13%	6.11%
Data	0.69%	0.90%	0.87%	6.98%	6.15%	7.51%	6.51%	5.70%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target ≤	24.75%	23.72%	23.22%	22.97%	22.72%	22.47%

### Targets: Description of Stakeholder Input

The State used a new baseline measurement in the FFY 2013 APR for measurement of Percent of youth with IEPs dropping out of high school, in accordance with regulatory requirement (20 U.S.C. 1416 (a)(3)(A)). The state adopted Option 1. Option 1 uses the same data as used for reporting to the Department under IDEA section 618.

The measurement changed from OPTION 2, which used “lag” data from the prior year to calculate the percent of you with IEPs dropping out of high school using the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistic's Common Core of Data.

Therefore, no progress or slippage can be reported for FFY 2013. The State cannot report on meeting or not meeting the FFY 2013 target since the target was set utilizing a different calculation (OPTION 2). A new baseline has been set using the FFY 2013 data (Exiting Data from 12-13). Targets set through FFY 2018 reflect the baseline data from FFY 2013 (OPTION 1) going forward with a slight decrease each year.

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State’s Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State’s progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

### FFY 2013 SPP/APR Data

Number of youth with IEPs (ages 14-21) who exited special education due to dropping out	Total number of all youth with IEPs who left high school (ages 14-21)	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
656	2,651	5.70%	24.75%	24.75%

Use a different calculation methodology

Please explain the methodology used to calculate the numbers entered above.

The State used a new baseline measurement in the FFY 2013 APR for measurement of Percent of youth with IEPs dropping out of high school, in accordance with regulatory requirement (20 U.S.C. 1416 (a)(3)(A)). The state adopted Option 1. Option 1 uses the same data as used for reporting to the Department under IDEA section 618. Exiting data accurately captures the students with disabilities aged 14-21 who have exited special education due to dropping out of school. This use of this table expands the age range of students to include 14 and 15 year olds.

The measurement changed from OPTION 2, which used "lag" data from the prior year to calculate the percent of you with IEPs dropping out of high school using the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistic's Common Core of Data.

Therefore, no progress or slippage can be reported for FFY 2013 because a new baseline, using an updated measure, has been established.

**Baseline Discussion:**

Every student enrolled in New Mexico Public Schools is assigned a unique identification number. That number along with student demographic information (ethnicity/race, disability type, DOB, etc.) is entered into the Student Teacher Accountability Reporting System (STARS). This unique identification number stays with the students their entire educational career. Students are tracked each reporting period 40<sup>th</sup> (second Wednesday in October), 80<sup>th</sup> (second Wednesday in December) 120<sup>th</sup> (second Wednesday in February) and End-of-Year. Whenever a student aged 14-21 exits special education services, a reason for exiting i.e. graduated with regular diploma, returned to regular education, dropped out of school, etc must be entered. This information is utilized to generate the OSEP "Exiting Special Education Report". The LEA superintendents validate the data at the local level before submitting it to the State and assure the State that the data is valid and accurate. New Mexico used a Shared Accountability method for calculating its drop out rates.

**Revised Measurement (Option 1):**

States must report a percentage using the number of youth with IEPs (ages 14-21) who exited special education due to dropping out in the numerator and the number of all youth with IEPs who left high school (ages 14-21) in the denominator.

Include in the denominator the following exiting categories: (a) graduated with a regular high school diploma; (b) received a certificate; (c) reached maximum age; (d) dropped out; or (e) died.

Do not include in the denominator the number of youths with IEPs who exited special education due to: (a) transferring to regular education; or (b) who moved, but are known to be continuing in education

<http://www2.ed.gov/about/inits/ed/edfacts/eden/non-xml/c009-9-0.doc>

**Revised Baseline Target:**

denominator

a) graduated with a regular high school diploma;	1,122
(b) received a certificate;	854
(c) reached maximum age;	10
(d) dropped out;	656
(e) died	9
<b>Total:</b>	<b>2651</b>

numerator

(d) dropped out;

656

**Calculation:  $d/(a+b+c+d+e)$ :  $656/2651=24.75\%$**

**Actions required in FFY 2012 response table**

None

**Responses to actions required in FFY 2012 response table**

None required.

**OSEP Response**

The State revised the baseline for this indicator using the FFY 2013 data of 24.75% and OSEP accepts that revision.

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

### Indicator 3A: Districts Meeting AYP/AMO for Disability Subgroup

Monitoring Priority: FAPE in the LRE

Results indicator: Participation and performance of children with IEPs on Statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP/AMO targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

#### Historical Data

Baseline Data: 2012

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target ≥					50.00%	55.50%		
Data				44.40%	1.69%	0%	1.64%	0.92%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

#### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target ≥	60.50%	3.00%	5.00%	8.00%	12.00%	20.00%

#### Targets: Description of Stakeholder Input

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State’s Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State’s progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to Local Education Agencies, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

The State IDEA Advisory panel adjusted the targets for indicator 3A to more accurately reflect the data and trends over the past several years. In FFY 2013 only one LEA out of the 105 that met the "n" size met the AMO. This was the same as in FFY 2012.

During FFY 2014 (July 1, 2014 through June 30, 2015) the State will be administering the Partnership for Assessment of Readiness for College and Careers (PARCC) in reading/language arts and math. A new baseline will be established for this indicator using FFY 2014 data.

#### FFY 2013 SPP/APR Data

Does your State have an ESEA Flexibility Waiver of determining AYP?

Yes  No

Are you reporting AYP or AMO?

AYP  AMO

Number of districts in the State	Number of districts that met the minimum "n" size	Number of districts that meet the minimum "n" size AND met AMO	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data

**FFY 2013 Part B State Performance Plan (SPP)/Annual Performance Report (APR)**

Number of districts in the State	Number of districts that met the minimum "n" size	Number of districts that meet the minimum "n" size AND met AMO	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
143	105	1	0.92%	60.50%	0.95%

**Actions required in FFY 2012 response table**

None

**Responses to actions required in FFY 2012 response table**

None required.

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

### Indicator 3B: Participation for Students with IEPs

Monitoring Priority: FAPE in the LRE

Results indicator: Participation and performance of children with IEPs on Statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP/AMO targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

#### Historical Data

	Group Name	Baseline Year	FFY	2005	2006	2007	2008	2009	2010	2011	2012
Reading	A Overall	2008	Target ≥		95.00%	95.10%		95.00%	95.00%	95.00%	95.00%
			Data	98.00%	99.90%	97.74%	97.80%	98.79%	98.90%	98.83%	98.60%
Math	A Overall	2008	Target ≥		95.20%	95.30%		95.00%	95.00%	95.00%	95.00%
			Data	98.00%	99.90%	97.86%	97.70%	98.77%	98.90%	98.89%	98.50%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

#### FFY 2013 - FFY 2018 Targets

	FFY	2013	2014	2015	2016	2017	2018
Reading	A ≥ Overall	98.40%	95.00%	95.00%	95.00%	95.00%	95.00%
Math	A ≥ Overall	98.20%	95.00%	95.00%	95.00%	95.00%	95.00%

#### Targets: Description of Stakeholder Input

The State met the target for Indicator 3B in reading and math for FFY 2013. The state demonstrated an increase in reading of .11% from 98.6% (FFY 2012) to 98.71% (FFY 2013). The State demonstrated an increase of .03% in math from 98.50% (FFY 2012) to 98.53% (FFY 2013).

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State’s Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State’s progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

During FFY 2014 (July 1, 2014 through June 30, 2015) the State will be administering the Partnership for Assessment of Readiness for College and Careers (PARCC) in reading/language arts and math. A new baseline will be established for this indicator using FFY 2014 data.

#### FFY 2013 SPP/APR Data: Reading Assessment

**FFY 2013 Part B State Performance Plan (SPP)/Annual Performance Report (APR)**

Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A Overall	27,469	27,114	98.60%	98.40%	98.71%

**FFY 2013 SPP/APR Data: Math Assessment**

Group Name	Number of Children with IEPs	Number of Children with IEPs Participating	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A Overall	27,466	27,063	98.50%	98.20%	98.53%

**Public Reporting Information**

Provide links to the page(s) where you provide public reports of assessment results.

The FFY 2013 performance data along with data from previous years can be viewed at <http://www.ped.state.nm.us/SEB/data/index.html>.  
 The IDEA at 34 CFR 300.160(f) requires States to report assessment data, for participation rates of students with disabilities and the proficiency rates of students with disabilities at the State, district and/or school level:  
<http://ped.state.nm.us/SEB/data/index.html>

**Actions required in FFY 2012 response table**

None

**Responses to actions required in FFY 2012 response table**

None required.

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

### Indicator 3C: Proficiency for Students with IEPs

Monitoring Priority: FAPE in the LRE

Results indicator: Participation and performance of children with IEPs on Statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP/AMO targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

#### Historical Data

	Group Name	Baseline Year	FFY	2005	2006	2007	2008	2009	2010	2011	2012
Reading	A Overall	2008	Target ≥		24.00%	28.00%		64.00%	75.00%	75.00%	56.70%
			Data	17.00%	18.00%	18.42%	20.10%	19.85%	17.80%	25.11%	16.60%
Math	A Overall	2008	Target ≥		17.00%	22.00%		52.00%	66.00%	66.00%	50.00%
			Data	10.00%	12.10%	12.84%	15.50%	16.33%	15.47%	15.31%	13.70%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

#### FFY 2013 - FFY 2018 Targets

	FFY	2013	2014	2015	2016	2017	2018
Reading	A ≥ Overall	56.70%	61.00%	65.30%	65.30%	69.70%	74.00%
Math	A ≥ Overall	50.00%	55.00%	60.00%	60.00%	65.00%	70.50%

#### Targets: Description of Stakeholder Input

The State did not meet the targets for Indicator 3C in reading and math for FFY 2013. The state demonstrated a slight decrease in reading of .27% from 16.60% (FFY 2012) to 16.33% (FFY 2013). The State demonstrated a slight decrease of .22% in math from 13.70% (FFY 2012) to 13.48% (FFY 2013).

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State’s Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State’s progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

During FFY 2014 (July 1, 2014 through June 30, 2015) the State will be administering the Partnership for Assessment of Readiness for College and Careers (PARCC) in reading/language arts and math. A new baseline will be established for this indicator using FFY 2014 data.

## FFY 2013 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

Group Name	Children with IEPs who received a valid score and a proficiency was assigned	Number of Children with IEPs Proficient	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A Overall	27,091	4,425	16.60%	56.70%	16.33%

### FFY 2013 SPP/APR Data: Math Assessment

Group Name	Children with IEPs who received a valid score and a proficiency was assigned	Number of Children with IEPs Proficient	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A Overall	27,051	3,646	13.70%	50.00%	13.48%

### Public Reporting Information

Provide links to the page(s) where you provide public reports of assessment results.

The FFY 2013 performance data along with data from previous years can be viewed at <http://www.ped.state.nm.us/SEB/data/index.html>.

The IDEA at 34 CFR 300.160(f) requires States to report assessment data, for participation rates of students with disabilities and the proficiency rates of students with disabilities at the State, district and/or school level. New Mexico's data is available at <http://ped.state.nm.us/SEB/data/index.html>. At the bottom of the webpage, click on "2013-2014 New Mexico Standards Based Assessment and Alternate Reports."

### Actions required in FFY 2012 response table

None

### Responses to actions required in FFY 2012 response table

None required.

### OSEP Response

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

### Required Actions

## Indicator 4A: Suspension/Expulsion

Monitoring Priority: FAPE in the LRE

Results indicator: Rates of suspension and expulsion:

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

### Historical Data

Baseline Data: 2005

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target ≤		6.20%	2.20%	2.20%	0%	1.96%	1.96%	1.96%
Data	5.60%	4.50%	0%	0%	0%	1.96%	0%	0%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target ≤	1.96%	1.93%	1.90%	1.87%	1.84%	1.81%

### Targets: Description of Stakeholder Input

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State’s Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State’s progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

### FFY 2013 SPP/APR Data

Please indicate the type of denominator provided

- Number of districts in the State
- Number of districts that met the State’s minimum n-size

Number of districts that have a significant discrepancy	Number of districts in the State	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
0	141	0%	1.96%	0%

Choose one of the following comparison methodologies to determine whether significant discrepancies are occurring (34 CFR §300.170(a)):

- Compare the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs among LEAs in the State
- The rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA compared to the rates for nondisabled children in the same LEA

**State’s definition of “significant discrepancy” and methodology**

Data on the suspensions and expulsions of children with disabilities was derived from the IDEA Section 618 data submitted by the LEAs via the STARS data warehouse as part of the annual End-of-Year data collection. The information was submitted by the student’s unique identification number. The data was verified through the checks and balances of STARS and validated by SEB staff.

This data was used to populate the Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days) for the school year 2012-2013 due in November 2013. Table 5 was used to determine significant discrepancy. The State defines a significant discrepancy in the rates of suspension and expulsions of greater than 10 days in a school year for students with IEPs (disabilities) among LEAs in the State if the following criteria are met:

The LEA must have an “n” size of greater than 10 suspensions and expulsions of students with disabilities greater than 10 days in a school year; and

The rate of suspensions/expulsions for students with IEPs is more than 1% higher than the average rate of suspensions and expulsions greater than 10 days among LEAs in the State.

The rates of suspensions and expulsions of greater than 10 days in a school year for students with IEPs were compared among LEAs in the State. If the LEA had an “n” size of greater than 10 students with disabilities suspended or expelled greater than 10 days and a long term suspension and expulsion rate for students with IEPs that was 1% or higher than the State average (1.2% or above), they were considered to have a significant discrepancy in the rates of suspensions and expulsions.

Out of 141 LEAs, 139 were excluded from the calculation because the district did not meet the minimum “n” size.

**Provide additional information about this indicator (optional)**

See Indicator Four Self-Assessment and IEP Checklist in Appendix.

**Actions required in FFY 2012 response table**

None

**Responses to actions required in FFY 2012 response table, not including correction of findings**

None required.

**FFY 2012 Identification of Noncompliance**

**Review of Policies, Procedures, and Practices** (completed in FFY2013 using 2012-2013 data)

Description of review

The rates of suspensions and expulsions of greater than 10 days in a school year for students with IEPs were compared among LEAs in the state. If the LEA had an “n” size of greater than 10 students with disabilities suspended or expelled greater than 10 days and a long term suspension and expulsion rate for students with IEPs that was 1% or higher than the average rate of suspensions and expulsions greater than 10 days among LEAs in the State, they were considered to have a significant discrepancy in the rates of suspensions and expulsions.

Two LEAs out of 141 met the “n” size of greater than 10 suspensions and expulsions of students with disabilities for greater than 10 days in a school year. One hundred thirty-nine LEAs did not meet the “n” size of greater than 10 suspensions and expulsions of students with disabilities for greater than 10 days in a school year.

**FFY 2013 Part B State Performance Plan (SPP)/Annual Performance Report (APR)**

During FFY 2013 (using 2013-2014 data), none of the LEAs in the State were considered to have a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year for students with IEPs. If LEAs had been identified, the LEAs would be required to complete the Indicator Four self-assessment located in Appendix A. The self-assessment includes the LEA's use of positive behavioral interventions and supports and procedural safeguards. The State also uses the self-assessment to review the LEA's policies, procedures, and practices relating to the development and implementation of IEP.

No LEAs were found noncompliant. If an LEA had been identified, the LEA's policies, procedures and practices would have been reviewed in the fall of 2013.

There was no noncompliance. However, if the State identifies noncompliance with Part B requirements, the LEA is required to revise policies, procedures, and practices. The revision includes any areas of noncompliance (development of IEPs, implementation of IEPs, use of positive behavioral interventions and supports, procedural safeguards), which are identified through the self-assessment and are verified by the State through a review of the policies, procedures and practices. Based upon the self-assessment, an LEA is required to develop a corrective action plan. The corrective action plan is monitored by the Special Education Bureau (SEB). The LEA must meet all the conditions of the corrective action plan in a timely manner. All individual cases of noncompliance must be corrected.

Prior to the State considering an LEA compliant with this indicator, the State completes a subsequent review of an updated set of data. Based upon this review of data and the correction of the LEA's practices, it would be determined that the LEA is correctly implementing the specific regulatory requirements.

The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)

The State DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b). If YES, select one of the following:

**Correction of Findings of Noncompliance Identified in FFY 2012**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

## Indicator 4B: Suspension/Expulsion

Monitoring Priority: FAPE in the LRE

Compliance indicator: Rates of suspension and expulsion:

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

### Historical Data

Baseline Data: 2009

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		0%	0%	0%	0%	0%	0%	0%
Data					0%	0%	0%	0%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	0%	0%	0%	0%	0%	0%

### FFY 2013 SPP/APR Data

Please indicate the type of denominator provided

- Number of districts in the State
- Number of districts that met the State's minimum n-size

Number of districts that have a significant discrepancy, by race or ethnicity	Number of those districts that have policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements	Number of districts in the State	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
1	0	141	0%	0%	0%

All races and ethnicities were included in the review

### State's definition of "significant discrepancy" and methodology

Data for Indicator 4B were gathered from Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Subject to Disciplinary Removal) submitted to OSEP in November 2013 (discipline data from the 2012-2013 school year). The LEAs were required to submit their discipline data during the End- Of-Year (EOY) data collection period, which was submitted to the State on June 30, 2013. The suspension and expulsion data was disaggregated by LEA and race and ethnicity to determine if the LEA had a significant discrepancy, by race and ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEP's.

In order for a LEA to be flagged for possible significant discrepancy, by race and ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEP's, the LEA must meet the following criteria:

- An "n" size of greater than 10 students or more suspended or expelled for greater than 10 days in a school year; and

- An “n” size of greater than 10 students in any race or ethnicity category; and
- The rate of suspension/expulsions, by race and ethnicity, for children with IEPs is more than 1% greater than the average rate of suspension/expulsions greater than 10 days in a school year for students with IEPs among LEAs in the State.

This represents the first stage (flagging) in the significant discrepancy determination process. In order to determine if the LEA had significant discrepancy by race and ethnicity in the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs, and to determine if the LEA’s policies, procedures, or practices contributed to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, use of positive behavioral interventions and supports, and procedural safeguards, the LEA is required to complete the Indicator 4 self assessment attached to this indicator. The State reviews the self-assessment along with the LEA’s policies, procedures and practices, including student data. After that review, it is determined if the deficient or noncompliant policies, procedures, and practices contributed to the significant discrepancy in the rates of suspension and expulsions by race and ethnicity for children with IEPs.

The state has established a minimum “n” size of greater than 10 students with IEPs in any of the race or ethnicity categories who have suspensions and expulsions of greater than 10 days in a school year.

If the LEA had an “n” size of greater than 10 students with disabilities with suspensions or expulsions greater than 10 days and a long term suspension and expulsion rate for students with IEPs that was 1% or higher than the State average, they were considered to have a significant discrepancy in the rates of suspensions and expulsions.

Two LEAs out of 141 met the “n” size of greater than 10 suspensions and expulsions in any of the race or ethnicity categories of greater than 10 days in a school year. One hundred thirty-nine LEAs did not meet the “n” size of greater than 10 suspensions and expulsions of students in the race or ethnicity categories of greater than 10 days in a school year.

**Actions required in FFY 2012 response table**

None

**Responses to actions required in FFY 2012 response table, not including correction of findings**

None required.

**FFY 2012 Identification of Noncompliance**

**Review of Policies, Procedures, and Practices** (completed in FFY2013 using 2012-2013 data)

Description of review

During FFY 2013 (using 2012-2013 data), none of the LEAs in the State were considered to have a significant discrepancy by race and ethnicity in the rates of suspensions and expulsions of greater than 10 days in a school year of students with IEPs in which the policies, procedures, or practices contributed to the significant discrepancy. If an LEA had been identified, the LEA would be required to complete the Indicator 4 self- assessment located in Appendix. The self-assessment includes the LEA’s use of positive behavioral interventions and supports and the implementation of the procedural safeguards. The State would also use the self-assessment to review the LEAs policies, procedures, and practices relating to the development and implementation of IEPs. In addition, the IEPs would be reviewed for all students who were suspended or expelled for greater than 10 days. The IEP checklist is attached to this indicator.

Based upon the review of the policies, procedures, and practices along with the student’s IEPs, the State would then determine if the LEA was meeting the requirements of 34 CFR §170(b). If noncompliance was identified, the LEA would have been notified in accordance with the Integrated Special Education Accountability System (ISEAS).

No LEAs were found noncompliant. However, if the State identifies noncompliance with Part B requirements, the LEA is required to revise policies, procedures, and practices. The revision includes any areas of noncompliance (development of

**FFY 2013 Part B State Performance Plan (SPP)/Annual Performance Report (APR)**

IEPs, implementation of IEPs, use of positive behavioral interventions and supports, procedural safeguards), which are identified through the self-assessment and are verified by the State through a review of the policies, procedures, and practices. Based upon the self-assessment, an LEA is required to develop a corrective action plan. The corrective action plan is monitored by the Special Education Bureau (SEB). The LEA must meet all the conditions of the corrective action plan in a timely manner. All individual cases of noncompliance must be corrected.

Prior to the State considering an LEA compliant with this indicator, the State completes a subsequent review of an updated set of data. Based upon this review of data and the correction of the LEA's practices, it would be determined that the LEA is correctly implementing the specific regulatory requirements.

- The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)
- The State DID identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b).

**Correction of Findings of Noncompliance Identified in FFY 2012**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

## Indicator 5: Education Environments (children 6-21)

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

### Historical Data

	Baseline Year	FFY	2005	2006	2007	2008	2009	2010	2011	2012
A	2005	Target ≥		54.00%	58.00%	62.00%	66.00%	60.00%	60.00%	60.00%
		Data	50.00%	51.00%	52.48%	53.10%	54.89%	53.84%	52.35%	50.40%
B	2005	Target ≤		18.50%	17.00%	15.50%	14.00%	15.00%	17.00%	11.00%
		Data	19.00%	19.00%	18.80%	19.50%	20.19%	20.26%	20.63%	20.60%
C	2005	Target ≤		2.01%	2.00%	1.99%	1.98%	1.97%	1.96%	1.95%
		Data	1.60%	2.02%	1.34%	1.50%	1.36%	1.15%	1.10%	1.09%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target A ≥	60.00%	50.00%	50.00%	53.00%	57.00%	60.00%
Target B ≤	11.00%	20.00%	19.00%	18.00%	17.00%	15.00%
Target C ≤	1.95%	1.95%	1.90%	1.85%	1.80%	1.59%

### Targets: Description of Stakeholder Input

**Actual Target Data for FFY 2013:**

**Indicator 5 A - Target Not Met.** The State did not meet its target of 60% of students with IEPs aged 6 – 21 served inside the regular class 80% or more of the day. Actual data for FFY 2013 was 49.74%.

**Indicator 5 B - Target Not Met.** The State did not meet its target of 11% of students with IEPs aged 6 – 21 served inside the regular class less than 40% of the day. Actual data for FFY 2013 was 20.68%.

**Indicator 5 C - Target Met.** The State exceeded its target of 1.95% of students with IEPs aged 6 – 21 served in separate schools, residential facilities, or homebound/hospital placements. Actual data for FFY 2013 was 0.93%.

The State did not meet its targets for Indicator 5 A and 5 B. The State showed slippage with Indicator 5 A from FFY 2012 by 0.66%. Indicator 5 B showed slippage from FFY 2012 of 0.08%. The State exceeded its target for Indicator 5 C, 1.95% and showed progress from FFY 2012 of 0.16%.

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State's Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State's progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

**Prepopulated Data**

Source	Date	Description	Data	Overwrite Data
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/3/2014	Total number of children with IEPs aged 6 through 21	42,936	null
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/3/2014	A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day	21,357	null
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/3/2014	B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day	8,879	null
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/3/2014	c1. Number of children with IEPs aged 6 through 21 in separate schools	204	null
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/3/2014	c2. Number of children with IEPs aged 6 through 21 in residential facilities	80	null
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C002; Data group 74)	7/3/2014	c3. Number of children with IEPs aged 6 through 21 in homebound/hospital placements	115	null

**FFY 2013 SPP/APR Data**

	Number of children with IEPs aged 6 through 21 served	Total number of children with IEPs aged 6 through 21	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data

**FFY 2013 Part B State Performance Plan (SPP)/Annual Performance Report (APR)**

	Number of children with IEPs aged 6 through 21 served	Total number of children with IEPs aged 6 through 21	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A. Number of children with IEPs aged 6 through 21 inside the regular class 80% or more of the day	21,357	42,936	50.40%	60.00%	49.74%
B. Number of children with IEPs aged 6 through 21 inside the regular class less than 40% of the day	8,879	42,936	20.60%	11.00%	20.68%
C. Number of children with IEPs aged 6 through 21 inside separate schools, residential facilities, or homebound/hospital placements [c1+c2+c3]	399	42,936	1.09%	1.95%	0.93%

**Actions required in FFY 2012 response table**

None

**Responses to actions required in FFY 2012 response table**

None required.

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

## Indicator 6: Preschool Environments

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

(20 U.S.C. 1416(a)(3)(A))

### Historical Data

	Baseline Year	FFY	2005	2006	2007	2008	2009	2010	2011	2012
A	2011	Target ≥								48.80%
		Data							47.70%	44.70%
B	2011	Target ≤								32.00%
		Data							33.50%	36.90%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target A ≥	48.80%	50.00%	50.00%	52.00%	55.00%	60.00%
Target B ≤	32.00%	30.00%	28.00%	26.00%	25.00%	25.00%

### Targets: Description of Stakeholder Input

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State's Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State's progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

### Prepopulated Data

Source	Date	Description	Data	Overwrite Data
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/3/2014	Total number of children with IEPs aged 3 through 5	4,347	null
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/3/2014	a1. Number of children attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	1,878	null
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/3/2014	b1. Number of children attending separate special education class	1,311	null

**FFY 2013 Part B State Performance Plan (SPP)/Annual Performance Report (APR)**

Source	Date	Description	Data	Overwrite Data
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/3/2014	b2. Number of children attending separate school	441	null
SY 2013-14 Child Count/Educational Environment Data Groups (EDFacts file spec C089; Data group 613)	7/3/2014	b3. Number of children attending residential facility	n	null

**FFY 2013 SPP/APR Data**

	Number of children with IEPs aged 3 through 5 attending	Total number of children with IEPs aged 3 through 5	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A. A regular early childhood program and receiving the majority of special education and related services in the regular early childhood program	1,878	4,347	44.70%	48.80%	43.20%
B. Separate special education class, separate school or residential facility	1,752	4,347	36.90%	32.00%	40.30%

**Explanation of A Slippage**

The State did not meet its target for Indicator 6 A. The State showed 1.5% slippage in Indicator 6 A from the FFY 2012. The overall number of students enrolled in preschool decreased from FFY 2012 to FFY 2013 (-147 students) therefore having an impact on the indicator calculations due to a lesser denominator. Although there were less students enrolled in preschool, more students received services in a non-regular early childhood program. The percentages by disability category for those students attending a regular early childhood program and receiving the majority of services in the regular program were essentially the same except for those students considered developmentally delayed. The number of students who were developmentally delayed attending a regular early childhood program and receiving the majority of services in the regular program decreased approximately 2% from FFY 2012 to FFY 2013.

**Explanation of B Slippage**

Indicator 6 B showed a slight increase of 3.4% from the FFY 2012. The State did not meet the target since the percentage increased and did not decrease. The overall number of students with disabilities enrolled in preschool decreased from FFY 2012 to FFY 2013. However, the number of students enrolled in a special education separate program, not a regular early childhood program, increased. Most notable, is the number of students with a developmental delay in a special education program, separate school, increased 4.07% from FFY 2012 to FFY 2013.

The State recently received a "Race to the Top - Early Learning Challenge" grant and is in the process of implementing the State plan. The State plan focuses on the State and LEA infrastructure of preschool and pre kindergarten programs, building capacity, scaling up and the development of programmatic standards for all students.

**Actions required in FFY 2012 response table**

None

**Responses to actions required in FFY 2012 response table**

None required.

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

## Indicator 7: Preschool Outcomes

*Monitoring Priority: FAPE in the LRE*

Results indicator: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

Historical Data

	Baseline Year	FFY	2005	2006	2007	2008	2009	2010	2011	2012
A1	2008	Target ≥					74.90%	75.00%	75.00%	75.20%
		Data				74.70%	71.40%	78.30%	76.50%	74.00%
A2	2008	Target ≥					66.10%	66.20%	66.20%	66.40%
		Data				64.90%	59.60%	68.20%	37.10%	58.30%
B1	2008	Target ≥					74.70%	74.80%	74.80%	75.00%
		Data				74.60%	73.00%	75.60%	77.50%	76.00%
B2	2008	Target ≥					62.80%	62.90%	62.90%	63.10%
		Data				62.70%	62.10%	61.70%	34.20%	54.00%
C1	2008	Target ≥					74.40%	74.50%	74.50%	74.70%
		Data				74.30%	73.40%	76.30%	76.60%	75.70%
C2	2008	Target ≥					71.90%	72.00%	72.00%	72.20%
		Data				71.70%	71.00%	71.90%	46.00%	65.20%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target A1 ≥	75.20%	73.00%	73.00%	74.00%	74.00%	75.00%
Target A2 ≥	66.40%	45.00%	45.00%	46.00%	47.00%	65.00%
Target B1 ≥	75.00%	73.00%	73.00%	74.00%	74.00%	75.00%
Target B2 ≥	63.10%	50.00%	52.00%	54.00%	56.00%	63.00%
Target C1 ≥	74.70%	72.00%	72.00%	73.00%	74.00%	75.00%
Target C2 ≥	72.20%	60.00%	62.00%	64.00%	66.00%	72.00%

Targets: Description of Stakeholder Input

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State’s Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State’s progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

FFY 2013 SPP/APR Data

Number of preschool children aged 3 through 5 with IEPs assessed	2,560
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Outcome A: Positive social-emotional skills (including social relationships)

	Number of Children
a. Preschool children who did not improve functioning	80
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	490
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	855
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	654
e. Preschool children who maintained functioning at a level comparable to same-aged peers	481

	Numerator	Denominator	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. (c+d)/(a+b+c+d)	1,509	2,079	74.00%	75.20%	72.58%
A2. The percent of preschool children who were functioning within age expectations in Outcome A by the time they turned 6 years of age or exited the program. (d+e)/(a+b+c+d+e)	1,135	2,560	58.30%	66.40%	44.34%

**Explanation of A1 Slippage**

**A1:** The State did not meet its target of 75.20% for Indicator 7A1. The State showed slight slippage in Indicator 7A1 of 1.6% from the FFY 2012 (74.00%) to FFY 2013 (72.4%). The State has provided technical assistance and training to agencies and schools on assembling and working within diagnostic teams, developing summary statements that inform present levels of performance and progress determinations. The State has provided ongoing monitoring of submitted data for this Indicator to determine accuracy of data and report. Overall there appears to be a generally clear understanding of the progress categories a-d among staff performing assessments and improvement in ECO assessment and reporting. There is a need for continued professional development at all levels to improve outcomes for preschool children in the Indicator 7 categories.

**Explanation of A2 Slippage**

**A2:** The State did not meet its target of 66.40% for Indicator 7A2. The State showed slippage in Indicator 7A2 of 13.96% from the FFY 2012 (58.30%) to FFY 2013 (44.34%). The State has provided technical assistance and training to agencies and schools on assembling and working within diagnostic teams, developing summary statements that inform present levels of performance and progress determinations. The State has provided ongoing monitoring of submitted data for this Indicator to determine accuracy of data and report. Historically, the State has experienced challenges with inconsistent use of the ECO calculator to translate COSF numerical categories to OSEP letter categories, and a lack of understanding the meaning of progress category (e). There is a need for continued professional development at all levels to improve outcomes for preschool children in the Indicator 7 categories.

**Outcome B: Acquisition and use of knowledge and skills (including early language/communication)**

	Number of Children
a. Preschool children who did not improve functioning	74
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	461
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	763
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	667
e. Preschool children who maintained functioning at a level comparable to same-aged peers	595

	Numerator	Denominator	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
B1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they turned 6 years of	1,430	1,965	76.00%	75.00%	72.77%

FFY 2013 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

	Numerator	Denominator	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
age or exited the program. (c+d)/(a+b+c+d)					
B2. The percent of preschool children who were functioning within age expectations in Outcome B by the time they turned 6 years of age or exited the program. (d+e)/(a+b+c+d+e)	1,262	2,560	54.00%	63.10%	49.30%

**Explanation of B1 Slippage**

**B1:** The State did not meet its target of 75.00% for Indicator 7B1. The State showed slippage in Indicator 7B1 of 3.23% from the FFY 2012 (76.00%) to FFY 2013 (72.77%). The State has provided technical assistance and training to agencies and schools on assembling and working within diagnostic teams, developing summary statements that inform present levels of performance and progress determinations. The State has provided ongoing monitoring of submitted data for this Indicator to determine accuracy of data and report. Overall, there appears to be a generally clear understanding of the progress categories a-d among staff performing assessments and improvement in ECO assessment and reporting. There is a need for continued professional development at all levels to improve outcomes for preschool children in the Indicator 7 categories.

**Explanation of B2 Slippage**

**B2:** The State did not meet its target of 63.10% for Indicator 7B2. The State showed slippage in Indicator 7B2 of 4.7% from the FFY 2012 (54.00%) to FFY 2013 (49.30%). The State has provided technical assistance and training to agencies and schools on assembling and working within diagnostic teams, developing summary statements that inform present levels of performance and progress determinations. The State has provided ongoing monitoring of submitted data for this Indicator to determine accuracy of data and report. Historically, the State has experienced challenges with inconsistent use of the ECO calculator to translate COSF numerical categories to OSEP letter categories, and a lack of understanding the meaning of progress category (e). There is a need for continued professional development at all levels to improve outcomes for preschool children in the Indicator 7 categories.

**Outcome C: Use of appropriate behaviors to meet their needs**

	Number of Children
a. Preschool children who did not improve functioning	86
b. Preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	403
c. Preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	586
d. Preschool children who improved functioning to reach a level comparable to same-aged peers	629
e. Preschool children who maintained functioning at a level comparable to same-aged peers	856

	Numerator	Denominator	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
C1. Of those preschool children who entered or exited the preschool program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program. (c+d)/(a+b+c+d)	1,215	1,704	75.70%	74.70%	71.30%
C2. The percent of preschool children who were functioning within age expectations in Outcome C by the time they turned 6 years of age or exited the program. (d+e)/(a+b+c+d+e)	1,485	2,560	65.20%	72.20%	58.01%

**Explanation of C1 Slippage**

**C1:** The State did not meet its target of 74.70% for Indicator 7C1. The State showed slippage in Indicator 7C1 of 4.4% from the FFY 2012 (75.70%) to FFY 2013 (71.3%). The State has provided technical assistance and training to agencies and schools on assembling and working within diagnostic teams, developing summary statements that inform present levels of performance and progress determinations. The State has provided ongoing monitoring of submitted data for this Indicator to determine accuracy of data and report. Overall, there appears to be a generally clear understanding of the progress categories

a-d among staff performing assessments and improvement in ECO assessment and reporting. There is a need for continued professional development at all levels to improve outcomes for preschool children in the Indicator 7 categories.

**Explanation of C2 Slippage**

**C2:** The State did not meet its target of 72.20% for Indicator 7C2. The State showed slippage in Indicator 7C2 of 7.19% from the FFY 2012 (65.20%) to FFY 2013 (58.01%). The State has provided technical assistance and training to agencies and schools on assembling and working within diagnostic teams, developing summary statements that inform present levels of performance and progress determinations. The State has provided ongoing monitoring of submitted data for this Indicator to determine accuracy of data and report. Historically, the State has experienced challenges with inconsistent use of the ECO calculator to translate COSF numerical categories to OSEP letter categories, and a lack of understanding the meaning of progress category (e). There is a need for continued professional development at all levels to improve outcomes for preschool children in the Indicator 7 categories.

**Was sampling used?** No

**Did you use the Early Childhood Outcomes Center (ECO) Child Outcomes Summary Form (COSF)?** Yes

**Actions required in FFY 2012 response table**

The State must report progress data and actual target data for FFY 2013 in the FFY 2013 APR.

**Responses to actions required in FFY 2012 response table**

The State did not make progress with this indicator from FFY 2012 to FFY 2013 as indicated in the charts below. Based upon the review of the baseline year data and subsequent year's data, the targets were adjusted. Growth will still be expected; however the targets will more closely reflect the actual data.

All LEAs were asked to complete and submit the following progress information using the ECO calculator:

- . Use of Appropriate Behaviors to Meet Their Needs;
- . Acquisition and Use of Knowledge and Skills (including early language communication and early literacy); and
- . Positive Social-Emotional Skills (including social relationships). In addition to reporting student progress data, school districts report:
- . What instruments were used to assess progress in the identified skills areas?
- . What problems, if any, were encountered in collecting valid and reliable data?

The chart below represents the summary for statement 1 for all three categories. The current year (2013) data is in black, the actual performance from the previous year (in blue), and the target for the current year (in red):

A. Positive social-emotional skills (%)	B. Acquisition and use of knowledge and skills (%)	C. Use of appropriate behaviors (%)
72.58	72.77%	71.30%
74.00%	76.00%	75.70%
75.20%	75.00%	74.70%

The chart below represents the summary for statement 2 for all three categories. The current year (2013) data is in black, the actual performance from the previous year (in blue), and the target for the current year (in red):

A. Positive social-emotional skills (%)	B. Acquisition and use of knowledge and skills (%)	C. Use of appropriate behaviors (%)
44.34%	49.30%	58.01%
58.30%	54.00%	65.20%
66.40%	63.10%	72.20%

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

## Indicator 8: Parent involvement

Monitoring Priority: FAPE in the LRE

Results indicator: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

Do you use a separate data collection methodology for preschool children? No

### Historical Data

Baseline Data: 2005

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target ≥		86.50%	87.00%	87.50%	88.00%	80.80%	81.30%	81.80%
Data	86.00%	89.50%	75.30%	83.90%	80.30%	80.20%	84.70%	82.90%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target ≥	81.80%	82.00%	83.00%	84.00%	85.00%	86.50%

### Targets: Description of Stakeholder Input

In FFY 2013, a stratified random sample of 15,196 parents was generated from all parents who had students age 3-21 receiving special education services during the 2013-14 school year. These parents were mailed a survey. A total of 1,536 were returned for a response rate of 10.1%.

To determine the state's Overall Parental Involvement Percentage, the percentage of parents who agreed, strongly agreed, or very strongly agreed to the question "The school facilitated parent involvement as a means of improving services for my child(ren)" was calculated. (Thirty-five parents did not answer the survey question used to calculate parent involvement; thus the parent involvement percentage is based on 1,501 parents.)

The Parental Involvement Percentage increased 1.9 percentage points from 2012-13 to 2013-14 (from 82.9% to 84.8%) and surpassed the target (82.3%)

### Display 8-1: Percent of Parents Who Report that the School Facilitated Their Involvement, Results Over Time

	FFY 2005*	FFY 2006*	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011	FFY 2012	FFY 2013
Total number of Parent respondents	641	598	914	1243	1284	1278	1140	1784	1501
Number who reported school facilitated their	552	535	688	1043	1031	1025	966	1479	1273

**FFY 2013 Part B State Performance Plan (SPP)/Annual Performance Report (APR)**

involvement									
Percentage who reported school facilitated their involvement	86.1%	89.5%	75.3%	83.9%	80.3%	80.2%	84.7%	82.9%	84.8%

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State’s Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State’s progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

**FFY 2013 SPP/APR Data**

Number of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities	Total number of respondent parents of children with disabilities	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
1,273	1,501	82.90%	81.80%	84.81%

**Since the State did not report preschool children separately, discuss the procedures used to combine data from school age and preschool surveys in a manner that is valid and reliable.**

In FFY 2013, the survey was distributed to a stratified, representative number of 15,196 parents of children receiving special education services, including parents of preschool children. A total of 1,536 surveys were returned for a response rate of 10.1%. The representativeness of the surveys was assessed by examining the demographic characteristics of the children of the parents who responded to the survey to the demographic characteristics of all special education students. This comparison indicates the results are representative (1) by geographic region where the child attends school and (2) by the grade level of the child. Preschool children are identified as a target group in the survey (See attached Parent Survey for demographic questions that include preschool as a reporting option). Data are analyzed specific to grade level. Preschool parents represented 7% of the total respondents, with 102 parents responding.

**Describe how the State has ensured that any response data are valid and reliable, including how the data represent the demographics of the State.**

The representativeness of the survey responses was assessed by examining the demographic characteristics of the children of the parents who responded to the survey to the demographic characteristics of all special education students. This comparison indicates the results are representative (1) by geographic region where the child attends school and (2) by the grade level of the child. However, results indicate some differences by race/ethnicity and primary disability. Parents of Hispanic students are slightly less likely to respond than parents of white students. 49% of parents who responded indicated that their child is Hispanic and 58% of the special education students are Hispanic. 32% of parents who responded indicated that their child is white and 24% of special education students are white. In addition while 42% of special education students have a specific learning disability, 32% of the parents who returned a survey indicated that their children’s primary disability is a specific learning disability. However, please note that parent respondents self-report ethnicity and primary disability.

Was sampling used? Yes

Has your previously-approved sampling plan changed? No

Was a collection tool used? Yes

Is it a new or revised collection tool? No

Yes, the data accurately represent the demographics of the State

No, the data does not accurately represent the demographics of the State

**Describe the sampling methodology outlining how the design will yield valid and reliable estimates.**

A stratified random sample of 15,196 parents was generated, by an external contractor, from all parents who had students age 3-21 receiving special education services during the 2013-14 school year. These parents were mailed a survey along with a postage-paid envelope. The survey was returned directly to the external contractor. A total of 1,536 were returned for a response rate of 10.1%.

To determine the state's Overall Parental Involvement Percentage, the percentage of parents who agreed, strongly agreed, or very strongly agreed to the question "The school facilitated parent involvement as a means of improving services for my child(ren)" was calculated.

The Parental Involvement Percentage increased 1.9 percentage points from 2012-13 to 2013-14 (from 82.9% to 84.8%) and surpassed the target (82.3%)

#### Actions required in FFY 2012 response table

In the FFY 2013 APR, the State must report whether its FFY 2013 data are from a group representative of the population, and, if not, the actions the State is taking to address this issue.

#### Responses to actions required in FFY 2012 response table

The sample of parents of students with disabilities is representative of the State's population and is drawn by an external contractor. See page 42 of FFY 2012 APR. "The representative number was completed at the LEA and school level. A group of 20 students with disabilities were randomly selected from each of the 976 schools in each of the 146 LEAs. If a school had fewer than 20 students with disabilities, all students were selected for the survey. For those schools for which a group of 20 was chosen, the population was stratified by gender, race/ethnicity, primary disability, and grade level to ensure representativeness. When calculating the state-level results, responses were weighted by school and district."

The representative list is sent to the school district or charter school along with all of the materials. The survey, together with a postage-paid envelope is sent to the families selected for participation. If the parent decides to complete the survey, the survey is returned to the external contractor in the postage-paid envelope. Although the survey includes an English and Spanish letter stressing the importance of completing the anonymous survey in order to improve results for students with disabilities in our State, it is still optional. The State does not have control over the return rate. However, the State's IDEA Advisory Panel is working on strategies to improve the questions in order to increase the return rate. This is one of the Panel's goals for the 14-15 school year.

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

## Indicator 9: Disproportionate Representations

Monitoring Priority: Disproportionate Representations

Compliance indicator: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

### Historical Data

Baseline Data: 2005

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		0%	0%	0%	0%	0%	0%	0%
Data	7.90%	0%	0%	0%	0%	0%	0%	0%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	0%	0%	0%	0%	0%	0%

### FFY 2013 SPP/APR Data

Please indicate the type of denominator provided

- Number of districts in the State
- Number of districts that met the State's minimum n-size

Number of districts with disproportionate representation of racial and ethnic groups in special education and related services	Number of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification	Number of districts in the State	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
3	0	143	0%	0%	0%

All races and ethnicities were included in the review

### Define “disproportionate representation” and describe the method(s) used to calculate disproportionate representation

In order that a LEA be considered to have disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification, the following criteria must be met:

- . An “n” size of greater than 10 students or more in the racial and ethnic groups; and
- . Risk Ratio (RR) and Weighted Risk Ratio (WRR) of 3.0 or above (over-representation) for students aged 6 – 21; and
- . Deficient policies, procedures, and/or practices.

Out of 143 LEAs, 36 were excluded from the calculation because the LEA did not meet the minimum "n" size. In other words, the LEA did not have greater than 10 students in any of the seven racial/ethnic categories.

Using the criteria established above, the State determined that three LEAs were flagged for possible disproportionate representation. In other words, the LEA had a “n” size of greater than 10 and a risk ratio and weighted risk ratio of 3.0 or above

(over-representation).

LEA	Race/ Ethnicity	Risk Ratio	Weighted Risk Ratio	Policies		Procedures		Practices	
				Review	Accept	Review	Accept	Review	Accept
1	Hispanic	3.93	5.60	Yes	Yes	Yes	Yes	Yes	Yes
2	White	3.31	3.65	Yes	Yes	Yes	Yes	Yes	Yes
3	Hispanic	3.05	3.35	Yes	Yes	Yes	Yes	Yes	Yes

**Actions required in FFY 2012 response table**

None

**Responses to actions required in FFY 2012 response table, not including correction of findings**

None required.

**Correction of Findings of Noncompliance Identified in FFY 2012**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

## Indicator 10: Disproportionate Representations in Specific Disability Categories

Monitoring Priority: Disproportionate Representations

Compliance indicator: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

### Historical Data

Baseline Data: 2005

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		0%	0%	0%	0%	0%	0%	0%
Data	7.90%	5.60%	3.30%	5.37%	3.92%	3.28%	0.78%	0.71%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	0%	0%	0%	0%	0%	0%

### FFY 2013 SPP/APR Data

Please indicate the type of denominator provided

- Number of districts in the State
- Number of districts that met the State's minimum n-size

Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories	Number of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification	Number of districts in the State	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
7	0	143	0.71%	0%	0%

All races and ethnicities were included in the review

### Define “disproportionate representation” and describe the method(s) used to calculate disproportionate representation

In order that a LEA be considered to have disproportionate representation of racial and ethnic groups in a specific disability category that was the result of inappropriate identification, the following criteria must be met:

- An “n” size of greater than 10 students or more in the racial and ethnic groups and the specific disability category; and
- A risk ratio (RR) and weighted risk ratio (WRR) of 3.0 or above (over representation) for students aged 6 – 21; and
- Deficient policies, procedures, and/or practices.

Using the criteria established above, the State identified 7 LEAs with 7 flags for possible disproportionate representation out of the 143 LEAs. In other words, the LEAs had an “n” size of greater than 10 and a risk ratio and weighted risk ratio of 3.0 or above. The 7 LEAs flagged for possible occurrences of over representation and were required to complete a self-assessment. The completed self-assessment was submitted to the SEB for review. The self-assessment the LEAs were required to complete is located in the Appendix. The SEB also reviewed the LEA’s policies, procedures, and practices. Desk audits were completed of the self-assessments, policies, procedures, and practices.

Based upon the findings obtained through the process described above, no LEAs were found to have disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification. The 7 LEAs were found to be correctly implementing the regulatory requirements.

- 34 CFR § 300.111 (Child Find)
- 34 CFR § 300.300 (Parental Consent)
- 34 CFR § 300.131 (Child Find for Parentally Placed Private School Children With Disabilities)
- 34 CFR § 300.321 (IEP Team)
- 34 CFR § 300.304(b)(4) (Use of a Variety of Assessment Tools and Strategies)
- 34 CFR § 300.304(c) (Assessments are not Discriminatory and Administered in the Child's Native Language)
- 34 CFR § 300.301 through 300.306(b)(iii) (Initial Evaluations - Limited English Proficiency)

The FFY 2013 data from the specific 7 LEAs are highlighted in Tables 10 – 1 through 10 – 5 below. None of the 7 LEAs were considered to have disproportionate representation due to inappropriate identification.

Table 10 – 1 Autism

LEA	Race/ Ethnicity	Risk Ratio	Weighted Risk Ratio	Policies		Procedures		Practices	
				Review	Accept	Review	Accept	Review	Accept
1	White	4.59	5.34	Yes	Yes	Yes	Yes	Yes	Yes

Table 10 – 2 Emotional Disturbance

LEA	Race/ Ethnicity	Risk Ratio	Weighted Risk Ratio	Policies		Procedures		Practices	
				Review	Accept	Review	Accept	Review	Accept
1	White	4.00	4.46	Yes	Yes	Yes	Yes	Yes	Yes

Table 10 – 3 Other Health Impaired

LEA	Race/ Ethnicity	Risk Ratio	Weighted Risk Ratio	Policies		Procedures		Practices	
				Review	Accept	Review	Accept	Review	Accept
1	White	4.11	4.70	Yes	Yes	Yes	Yes	Yes	Yes
2	White	3.07	3.53	Yes	Yes	Yes	Yes	Yes	Yes

Table 10 – 4 Specific Learning Disability

LEA	Race/ Ethnicity	Risk Ratio	Weighted Risk Ratio	Policies	Procedures	Practices
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				Review	Accept	Review	Accept	Review	Accept
1	Hispanic/Latino	3.36	4.75	Yes	Yes	Yes	Yes	Yes	Yes
2	American Indian or Alaska Native	3.51	3.86	Yes	Yes	Yes	Yes	Yes	Yes

Table 10 – 5 Speech Language Impairment

LEA	Race/Ethnicity	Risk Ratio	Weighted Risk Ratio	Policies		Procedures		Practices	
				Review	Accept	Review	Accept	Review	Accept
1	Hispanic/Latino	3.41	4.81	Yes	Yes	Yes	Yes	Yes	Yes

Provide additional information about this indicator (optional)

The State has met the target for Indicator 10 for FFY 2013 with zero (0) LEAs demonstrating disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.

**Actions required in FFY 2012 response table**

None

**Responses to actions required in FFY 2012 response table, not including correction of findings**

None required.

**Correction of Findings of Noncompliance Identified in FFY 2012**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
1	1	0	0

**FFY 2012 Findings of Noncompliance Verified as Corrected**

*Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements*

The State reviewed the one LEA's FFY 2012 data to determine if the LEA corrected the findings of noncompliance in the area of disproportionate representation due to inappropriate identification. This was done through the LEA's annual child count taken on October 23, 2013. The LEA's data was disaggregated by race and ethnicity and the six disability categories. The LEA's risk ratio and weighted risk ratio were recalculated to determine if the ratios were 3.0 or above. The one LEA had a risk ratio and weighted risk ratio below 3.0.

SEB staff also reviewed the updated policies, procedures, and practices identified as deficient to determine if they were corrected. It was concluded that the one LEA was correctly implementing the specific regulatory requirements in 34 CFR §§ 300.111, 300.201, and 300.301 through 300.311. Individual student data was also reviewed in STARS.

*Describe how the State verified that each LEA corrected each individual case of noncompliance*

The one LEA considered noncompliant with indicator 10 in FFY 2012 has corrected the noncompliance in a timely manner, in other words within one year of identification. This was determined through a subsequent review of updated data from the annual child count taken on October 23, 2013, review of the LEAs risk ratio and weighted risk ratio, the correction of any deficient policies, procedures, and practices and the review of updated STARS data. Any individual cases of noncompliance have been corrected.

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

## Indicator 11: Child Find

Monitoring Priority: Effective General Supervision Part B / Child Find

Compliance indicator: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

### Historical Data

Baseline Data: 2005

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		100%	100%	100%	100%	100%	100%	100%
Data	80.00%	37.10%	97.10%	98.90%	99.30%	99.20%	98.20%	98.10%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	100%	100%	100%	100%	100%	100%

### FFY 2013 SPP/APR Data

(a) Number of children for whom parental consent to evaluate was received	(b) Number of children whose evaluations were completed within 60 days (or State-established timeline)	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
5,750	5,679	98.10%	100%	98.77%

Number of children included in (a), but not included in (b) [a-b]	71
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Account for children included in (a) but not included in (b). Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Seventy-one student evaluations from 16 LEAs went beyond the 60 day timeline. However, all of the students had their evaluations completed 1-155 days beyond the 60-day timeline. All of the individual cases on noncompliance identified in FFY 2013 have been corrected and the prong one criteria has been met. This was validated through the review of the 71 students' files in STARS (state database) and included review of the consent dates, evaluation dates, eligibility determination and IEP information for those students who qualified for special education and related services.

Indicate the evaluation timeline used

- The State used the 60 day timeframe within which the evaluation must be conducted.
- The State established a timeline within which the evaluation must be conducted.

What is the source of the data provided for this indicator?

- State monitoring
- State database that includes data for the entire reporting year

Describe the method used to collect these data, and if data are from the State’s monitoring, describe the procedures used to collect these data.

LEAs were required to submit data on initial evaluations for special education and related services, each reporting period, into STARS (state database). In FFY 2013 the reporting periods were the second Wednesdays in October, December and February and the end-of-year. In addition to the student’s demographic data and information, LEAs were required to enter the date of parental consent and the date the evaluation was completed. STARS then automatically calculated the number of days between parental consent, and the initial evaluation. If the number of days was beyond 60, the individual file was “red flagged” and the LEA was required to enter a code indicating the reason for the delay in the completion of the evaluation. The only reasons for delay that were considered compliant with the IDEA were those included in 34 CFR § 300.301(d): the parent repeatedly fails or refuses to produce the child for the evaluation or the child enrolls in a school of another LEA after the timeframe for the initial evaluation has begun. Any other reason for delay was considered noncompliance with 34 CFR § 300.301 (c)(1)(i).

**Actions required in FFY 2012 response table**

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate, in the FFY 2013 APR, that the remaining finding of noncompliance identified in FFY 2011 and the remaining three uncorrected findings of noncompliance identified in FFY 2010 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2012 and each LEA with remaining findings of noncompliance identified in FFY 2011 and identified in FFY 2010: (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 LEA, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

**Responses to actions required in FFY 2012 response table, not including correction of findings**

Based upon the findings obtained through the process described above, six of the eight LEAs with initial findings for FFY 2012 and the one LEA with initial finding for FFY 2011 were corrected. The State has verified that the LEA 1) is correctly 1) 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.

The one LEA with continued non-compliance from FFY 2012 and the one LEA with continued non-compliance from FFY 2010 have not corrected. Specific action taken by the State to address the non-compliance includes:

- LEAs completion of Root Cause Analysis
- SEB monitoring of data
- SEB technical assistance to district
- Provision of sub-grants to the district to support technical assistance and professional development on Indicator 11

In addition to the above, one LEA with initial non-compliance from FFY 2010 was placed on a corrective action plan with specific strategies to address areas found in the root cause analyses, receives on-site monitoring and was assigned a Special Education Technical Assistance Team through TAESE.

**Correction of Findings of Noncompliance Identified in FFY 2012**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
8	6	1	1

**FFY 2012 Findings of Noncompliance Verified as Corrected**

*Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements*

Based on the State’s review of updated data such as data from subsequent on-site monitoring or data collected through the State’s data system, six out of the eight LEAs from FFY 2012 were found to be correctly implementing the following specific regulatory requirements:

- . 34 CFR § 300.300
- . 34 CFR § 300.301
- . 34 CFR § 300.304
- . 34 CFR § 300.305
- . 34 CFR § 300.307
- . 34 CFR § 300.309
- . 34 CFR § 300.310

The six LEAs corrected the noncompliance as soon as possible and in no case later than one year after the State’s identification.

Additional data points were reviewed to assist with the validation. These included following up with STARS to determine if the LEAs membership count report increased to account for the new students. The students’ initial IEP dates were also verified. The STARS templates built by the State allowed the LEAs to monitor their progress throughout the year in addition to the continuous monitoring by SEB staff.

LEAs were required to submit data on initial evaluations for special education and related services each reporting period into STARS. In FFY 2012 and FFY 2013, the reporting periods were the second Wednesdays in October, December and February and the end-of-year. In addition to the student’s demographic data and information, LEAs were required to enter the date of parental consent and the date the evaluation was completed. STARS then automatically calculated the number of days between parental consent and the initial evaluation. If the number of days was beyond 60, the individual file was “red flagged” and the LEA was required to enter a code indicating the reason for the delay in the completion of the evaluation. The only reasons for delay that were considered compliant with the IDEA were those included in 34 CFR § 300.301(d): the parent repeatedly fails or refuses to produce the child for the evaluation or the child enrolls in a school of another LEA after the timeframe for the initial evaluation has begun. Any other reason for delay was considered noncompliance with 34 CFR § 300.301 (c)(1)(i).

Based upon a subsequent review of an updated set of data, one of the two LEAs identified in FFY 2012 corrected the outstanding noncompliance. This was determined after a new set of data from FFY 2014 (100% of student files) were reviewed on the 80th day reporting period taken on the second Wednesday of December, 2014. 100% of the students received a timely evaluation.

*Describe how the State verified that each LEA corrected each individual case of noncompliance*

One hundred nine initial student evaluations from the eight LEAs identified in FFY 2012 (page 57 of the FFY 2012 APR) went beyond the 60-day timeline. However, all of the students had their evaluations completed 1-193 days beyond the 60-day timeline. All of the individual cases on noncompliance have been corrected and the prong one criteria has been met. This was validated through the review of the 109 students’ files in STARS and included review of the consent dates, evaluation dates, eligibility determination and IEP information for those students who qualified for special education and related services.

**FFY 2012 Findings Not Yet Verified as Corrected**

*Actions taken if noncompliance not corrected*

For non-compliant LEAs, additional data points were reviewed to assist with the validation. These included following up with STARS to determine if the LEAs membership count report increased to account for the new students. The students’ initial IEP dates were also verified. The STARS templates built by the State allowed the LEAs to monitor their progress throughout the year. In addition to the continuous monitoring by SEB staff. In addition, the noncompliant LEAs were required to complete a Root Cause Analysis to assist with determining the cause of the continued noncompliance. These LEAs are being monitored by SEB staff. In addition, the LEAs received sub-grants to support the district with technical assistance and professional

development for Indicator 11.

### FFY 2011 Findings of Noncompliance Verified as Corrected

*Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements*

In FFY 2011, one LEA went beyond the 60-day timeline and was initially identified as noncompliant (page 61 of the FFY 2011 APR). The LEA had continuing noncompliance in FFY 2012.

The State completed a subsequent review of data on 100% of the files in STARS of those students whose parents consented for an initial evaluation for special education and related services. The one LEA initially identified in FFY 2011 was found to be correctly implementing the following specific regulatory requirements:

- . 34 CFR § 300.300
- . 34 CFR § 300.301
- . 34 CFR § 300.304
- . 34 CFR § 300.305
- . 34 CFR § 300.307
- . 34 CFR § 300.309
- . 34 CFR § 300.310

*Describe how the State verified that each LEA corrected each individual case of noncompliance*

The State completed a subsequent review of data, or 100% of the files, in STARS of those students whose parents consented for an initial evaluation for special education and related services and included review of the consent dates, evaluation dates, eligibility determination and IEP information for those students who qualified for special education and related services. All of the individual cases on noncompliance have been corrected and the prong one criteria has been met. Through that review, it was determined that the LEA corrected the noncompliance and met the target with 100%.

### FFY 2010 Findings of Noncompliance Verified as Corrected

*Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements*

Based upon a subsequent review of an updated set of data, two of the three LEAs identified in FFY 2010 corrected the outstanding noncompliance. This was determined after a new set of data from FFY 2014 (100% of student files) were reviewed on the 80th day reporting period taken on the second Wednesday of December, 2014. 100% of the students received a timely evaluation. The LEAs were found to be correctly implementing the following specific regulatory requirements:

- . 34 CFR § 300.300
- . 34 CFR § 300.301
- . 34 CFR § 300.304
- . 34 CFR § 300.307
- . 34 CFR § 300.309
- . 34 CFR § 300.310
- . 34 CFR § 300.305

*Describe how the State verified that each LEA corrected each individual case of noncompliance*

The State completed a subsequent review of data, or 100% of the files, in STARS of those students who parents consented for an initial evaluation for special education and related services and included review of the consent dates, evaluation dates, eligibility determination and IEP information for those students who qualified for special education and related services. All of the individual cases on noncompliance have been corrected and the prong one criteria has been met. Through that review, it was determined that the LEA corrected the noncompliance and met the target with 100%.

**FFY 2010 Findings Not Yet Verified as Corrected**

*Actions taken if noncompliance not corrected*

The one noncompliant LEA was required to complete a Root Cause Analysis to assist with determining the cause of the continued noncompliance. The LEA is being monitored by SEB staff and is being provided with technical assistance and professional development for Indicator 11. In addition, the one remaining LEA was placed on a corrective action plan with specific strategies to address areas found in the root cause analyses, is receiving on-site monitoring, and was assigned a Special Education Technical Assistance Team through TAESE. The continued and longstanding noncompliance was considered in the LEA's annual determination.

A subsequent review of data was conducted from the 120<sup>th</sup> day reporting period on February 11, 2015. 100% of the LEA's files were reviewed to determine the percentage of children who were evaluated within 60 days of receiving parental consent for an initial evaluation. Based upon that review, it was determined that 99.22% of the students received a timely evaluation. One evaluation was late by 2 days because the LEA failed to meet the timeline. The individual case of noncompliance was corrected and the student received the evaluation, though 2 days late. Another review of subsequent data will be conducted during the State's next counting and reporting period to determine if the LEA is meeting the specific regulatory requirements.

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

Because the State reported less than 100% compliance for FFY 2013, the State must report on the status of correction of noncompliance identified in FFY 2013 for this indicator. In addition, the State must demonstrate, in the FFY 2014 APR, that the remaining one uncorrected finding of noncompliance identified in FFY 2012 and the remaining one uncorrected finding of noncompliance identified in FFY 2010, were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2014 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2013 and each LEA with remaining findings of noncompliance identified in FFY 2012 and in FFY 2010, (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 LEA, consistent with OSEP Memo 09-02. In the FFY 2014 APR, the State must describe the specific actions that were taken to verify the correction.

**Required Actions**

## Indicator 12: Early Childhood Transition

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Compliance indicator: 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.

(20 U.S.C. 1416(a)(3)(B))

### Historical Data

Baseline Data: 2005

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		100%	100%	100%	100%	100%	100%	100%
Data	94.40%	97.20%	95.20%	99.10%	99.30%	97.70%	98.50%	83.20%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	100%	100%	100%	100%	100%	100%

### FFY 2013 SPP/APR Data

a. Number of children who have been served in Part C and referred to Part B for Part B eligibility determination.	787
b. Number of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday.	31
c. Number of those found eligible who have an IEP developed and implemented by their third birthdays.	611
d. Number for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	29
e. Number of children who were referred to Part C less than 90 days before their third birthdays.	79

	Numerator (c)	Denominator (a-b-d-e)	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
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. $[c/(a-b-d-e)] \times 100$	611	648	83.20%	100%	94.29%

Number of children who have been served in Part C and referred to Part B for eligibility determination that are not included in b, c, d, e	37
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Account for children included in (a), but not included in b, c, d, or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed, and the reasons for the delays.

Thirty-seven students did not have their eligibility determined, IEP developed and implemented by their third birthday. The range of days beyond the students third birthday were 4-133. This was due to the LEAs missing the timelines.

What is the source of the data provided for this indicator?

- State monitoring
- State database that includes data for the entire reporting year

Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.

Every preschool student served in Part C and referred for Part B eligibility determination were submitted into the STARS data warehouse by LEA. Each LEA is monitored on this indicator every year. Students who did not qualify were entered into the Student Template of STARS, and students who did qualify were entered into the Special Education Template of STARS. As part of additional data validation other important information about the students were required to be entered into the Special Education Template. This included the date of the transition conference, date of parental consent, evaluation completion date, date of eligibility determination and the date of the initial IEP. Indicator 11 and 12 were correlated to determine the accuracy of the data.

All fields must be completed. If data were missing, the LEA was required to correct the data within the specified period of time. Failure to do so impacted the LEA's indicator 20 calculation. The LEA was required to enter compliance or noncompliance codes pertaining to the eligibility determination and IEP development if it went beyond the student's third birthday. The STARS template automatically calculated the number of days beyond the student's birthday, using the student's birth date.

Provide additional information about this indicator (optional)

The FFY 2013 percentage was 94.29% resulting in a increase of 11.09% from FFY 2012's 83.20%. Three LEAs missed the 100% target for the first time (initial findings of noncompliance). There was one LEA with continued or repeated noncompliance from FFY 2012 to FFY 2013. There was one LEA with continued or repeated noncompliance from FFY 2010 through FFY 2013.

#### Actions required in FFY 2012 response table

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate, in the FFY 2013 APR, that the remaining finding of noncompliance identified in FFY 2011 and the remaining one uncorrected finding of noncompliance identified in FFY 2010 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2012 and each LEA with remaining findings of noncompliance identified in FFY 2011 and identified in FFY 2010: (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 LEA, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

#### Responses to actions required in FFY 2012 response table, **not including correction of findings**

Based upon the findings obtained through the process described above, the one initial LEA finding for FFY 2011 was corrected and the State has verified that the LEA (1) is correctly implementing the specific regulatory requirements of 34 CFR §300.124(b) (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 LEA, consistent with OSEP Memo 09-02.

The one LEA with continued non-compliance from FFY 2010 has not corrected the noncompliance.

Specific actions taken by the state included:

- LEAs completion of Root Cause Analysis;
- SEB monitoring of data;
- Trained LEAs on data entry for how to properly enter preschool data into STARS;
- The SEB provided fiscal support to the University of New Mexico Preschool Network to provide training to LEAs and targeted technical assistance for the LEAs unable to meet target;
- On-site monitoring;
- Weekly conference calls;
- Assignment of Special Education Technical Assistance Team through TAESE.

A subsequent review of data was conducted from the 120<sup>th</sup> day reporting period on February 11, 2015. 100% of the

LEA's files were reviewed to determine the percent of children referred by Part C prior to age 3, who were found eligible for Part B, and who had an IEP developed and implemented prior to their third birthday. Based upon this review of subsequent data, it was determined that the LEA was in compliance and was properly implementing the specific regulatory requirements at 34 CFR § 300.124(b). All individual cases of noncompliance have been corrected.

**Correction of Findings of Noncompliance Identified in FFY 2012**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
11	9	2	0

**FFY 2012 Findings of Noncompliance Verified as Corrected**

*Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements*

In FFY 2012, eleven LEAs missed the indicator. Nine out of the eleven LEAs were new findings with one LEA as a repeat from FFY 2011 and one LEA with continuing noncompliance from FFY 2010. Eight of the 9 FFY 2012 initial LEAs met the target of 100% for FFY 2013 with one LEA with continued non-compliance. The one LEA with a repeat non-compliance from FFY 2011 met the target with 100%.

*Describe how the State verified that each LEA corrected each individual case of noncompliance*

For the eight out of nine findings of noncompliance identified in FFY 2012 that were timely corrected, the State conducted Prong I and Prong II reviews with subsequent data. In other words, the State verified that the LEAs are: correctly implementing the specific regulatory requirements for 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data subsequently collected through the State data system (STARS) and have corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.

**FFY 2011 Findings of Noncompliance Verified as Corrected**

*Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements*

The one LEA with initial noncompliance in FFY 2011 had subsequent reviews of data in November 2013. Through that review, it was determined that the LEA corrected the noncompliance and met the target with 100%.

*Describe how the State verified that each LEA corrected each individual case of noncompliance*

For the one LEA with findings of noncompliance identified in FFY 2011 that was timely corrected in FFY 2013, the State conducted Prong I and Prong II reviews with subsequent data. In other words, the State verified that the LEAs are: correctly implementing the specific regulatory requirements for 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data subsequently collected through the State data system (STARS) and have corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.

**FFY 2010 Findings of Noncompliance Verified as Corrected**

*Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements*

As of December 10, 2014 (80<sup>th</sup> day reporting period) the one LEA has continued noncompliance from FFY 2010. The LEA has not corrected the noncompliance. This was determined through a subsequent review of data. Through this review, it was determined that the LEA was not in compliance and was not properly implementing the specific regulatory requirements at 34 CFR § 300.124(b).

The one remaining LEA was required to complete a Root Cause Analysis to determine the cause of the continued noncompliance. This LEA was placed on a Corrective Action Plan (CAP) in accordance with 34 CFR § 300.604(b) due to a determination of Needs Intervention for three consecutive years. The LEA is receiving weekly conference calls, on-site monitoring and was assigned a Special Education Technical Assistance Team (SETAT) in accordance the State's Levels of Intervention System.

A subsequent review of data was conducted from the 120<sup>th</sup> day reporting period on February 11, 2015. 100% of the LEA's files were reviewed to determine the percent of children referred by Part C prior to age 3, who were found eligible for Part B, and who had an IEP developed and implemented prior to their third birthday. Based upon this review of subsequent

data, it was determined that the LEA was in compliance and was properly implementing the specific regulatory requirements at 34 CFR § 300.124(b). All individual cases of noncompliance have been corrected.

*Describe how the State verified that each LEA corrected each individual case of noncompliance*

A subsequent review of data was conducted from the 120<sup>th</sup> day reporting period on February 11, 2015. 100% of the LEA's files were reviewed to determine the percent of children referred by Part C prior to age 3, who were found eligible for Part B, and who had an IEP developed and implemented prior to their third birthday. Based upon this review of subsequent data, it was determined that the LEA was in compliance and was properly implementing the specific regulatory requirements at 34 CFR § 300.124(b). All individual cases of noncompliance have been corrected and the students have an IEP in place. This was validated through the IEP implementation date in STARS.

### OSEP Response

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

Because the State reported less than 100% compliance for FFY 2013, the State must report on the status of correction of noncompliance identified in FFY 2013 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2014 APR, that it has verified that each LEA with noncompliance identified in FFY 2013 for this indicator: (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 LEA, consistent with OSEP Memo 09-02. In the FFY 2014 APR, the State must describe the specific actions that were taken to verify the correction.

### Required Actions

## Indicator 13: Secondary Transition

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Compliance indicator: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

### Historical Data

Baseline Data: 2009

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		100%	100%	100%	100%	100%	100%	100%
Data					98.45%	95.48%	96.86%	91.56%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	100%	100%	100%	100%	100%	100%

### FFY 2013 SPP/APR Data

Number of youth aged 16 and above with IEPs that contain each of the required components for secondary transition	Number of youth with IEPs aged 16 and above	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
883	939	91.56%	100%	94.04%

What is the source of the data provided for this indicator?

- State monitoring
- State database that includes data for the entire reporting year

Describe the method used to collect these data, and if data are from the State's monitoring, describe the procedures used to collect these data.

The State experienced progress with this indicator from FFY 2012 to FFY 2013. The indicator percentage increased 2.48% from 91.56% in FFY 2012 to 94.04%. A total of 151 LEAs submitted IEP data for youth aged 16 or above into STARS. The STARS data included all of the required transition elements that are a part of the checklist prepared by the National Secondary Transition Technical Assistance Center (NSTTAC). A random sample of students from the 151 LEAs was selected. A total of 939 IEPs were reviewed and 56 IEPs were considered noncompliant. All 56 IEPs have been reviewed and considered corrected and the individual cases of noncompliance have been corrected. A total of twenty-two LEAs were considered noncompliant with indicator 13 in FFY 2013. Seventeen LEAs missed the indicator for the first time in FFY 2013 (new finding); four LEAs had continued noncompliance identified in FFY 2012; one LEA had continued compliance identified in FFY 2011.

**Actions required in FFY 2012 response table**

Because the State reported less than 100% compliance for FFY 2012, the State must report on the status of correction of noncompliance identified in FFY 2012 for this indicator. In addition, the State must demonstrate, in the FFY 2013 APR, that the remaining findings of noncompliance identified in FFY 2011 and the remaining one uncorrected finding of noncompliance identified in FFY 2010 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2013 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2012 and each LEA with remaining findings of noncompliance identified in FFY 2011 and identified in FFY 2010: (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 LEA, consistent with OSEP Memo 09-02. In the FFY 2013 APR, the State must describe the specific actions that were taken to verify the correction.

**Responses to actions required in FFY 2012 response table, not including correction of findings**

In order to ensure that full correction was made and that the LEAs were correctly implementing the specific regulatory requirements, an updated reasonable sample of IEPs were reviewed using the NSTTAC checklist. The reasonable sample of students aged 16 or above were selected from STARS. The SEB staff requested the IEPs from the LEAs for review. Based upon those subsequent reviews, it was determined that:

1) For FFY 2012, 17 out of the 21 LEAs that missed the indicator for the first time in FFY 2012 were in compliance with 34 CFR §§ 300.320(b) and 300.321(b). In other words, the State verified that the LEAs were: correctly implementing the specific regulatory requirements for 34 CFR §§ 300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data subsequently collected through the State data system (STARS); and have corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.

2) For FFY 2011, 1 of the 2 that missed the indicator for the first time in FFY 2011 was in compliance with 34 CFR §§ 300.320(b) and 300.321(b). In other words, the State verified that the LEA was: correctly implementing the specific regulatory requirements for 34 CFR §§ 300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data subsequently collected through the State data system (STARS); and have corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.

3) For FFY 2010, the one remaining LEA that missed the indicator for the first time in FFY 2010 was in compliance with 34 CFR §§ 300.320(b) and 300.321(b). In other words, the State verified that the LEA was: correctly implementing the specific regulatory requirements for 34 CFR §§ 300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data subsequently collected through the State data system (STARS); and have corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA. The finding was corrected.

**Correction of Findings of Noncompliance Identified in FFY 2012**

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
21	17	0	4

**FFY 2012 Findings of Noncompliance Verified as Corrected**

*Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements*

In order to ensure that full correction was made and that the LEAs were correctly implementing the specific regulatory requirements, an updated reasonable sample of IEPs were reviewed using the NSTTAC checklist. The reasonable sample of students aged 16 or above were selected from STARS. The SEB staff requested the IEPs from the LEAs for review. Based upon those subsequent reviews, it was determined that 17 out of the 21 LEAs that missed the indicator for the first time in FFY 2012 were in compliance with 34 CFR §§ 300.320(b) and 300.321(b). In other words, the State verified that the LEAs are correctly implementing the specific regulatory requirements for 34 CFR §§ 300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data subsequently collected through the State data system (STARS) and have corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.

*Describe how the State verified that each LEA corrected each individual case of noncompliance*

In FFY 2012, a total of 110 LEAs submitted IEP data for youth aged 16 or above into STARS. The STARS data included all of the required transition elements that are a part of the checklist prepared by the National Secondary Transition Technical Assistance Center (NSTTAC). A random sample of students from the 110 LEAs was selected. A total of 782 IEPs were reviewed

## FFY 2013 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

and 66 IEPs were considered noncompliant. All 66 IEPs were reviewed and considered corrected and the individual cases of noncompliance were corrected. Twenty-one LEAs missed the indicator for the first time in FFY 2012.

In FFY 2013, 17 of the 21 initial non-compliant LEAs met the target of 100% for Indicator 13.

### FFY 2012 Findings Not Yet Verified as Corrected

*Actions taken if noncompliance not corrected*

Four of the 21 initial non-complaint LEAs for FFY 2012 had continuing non-compliance. Based upon the findings obtained through the process described above, the State took specific actions against the four LEAs identified as noncompliant with Indicator 13 in FFY 2012. The LEAs had to complete updated root cause analyses to determine the causes of the continued noncompliance. The LEAs were placed on corrective action plan with specific strategies to address areas found in the root cause analyses. The length of time the problem existed along with the LEAs' response to the issue was considered in each of the four LEAs annual determination. The LEA will continue to be monitored by SEB staff to provide them with technical assistance and professional development.

### FFY 2011 Findings of Noncompliance Verified as Corrected

*Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements*

Of the two LEAs that had continuing noncompliance from FFY 2011, one LEA met the target at 100% for FFY 2013. This was determined through the review of the corrected and updated IEPs. In order to ensure that full correction was made and that the LEA was correctly implementing the specific regulatory requirements, an updated reasonable sample of IEPs were reviewed using the NSTTAC checklist. The reasonable sample of students aged 16 or above was selected from the STARS. The SEB staff member requested the IEPs from the LEA for review. Based upon those subsequent reviews, it was determined that the LEA was in compliance with 34 CFR §§ 300.320(b) and 300.321(b) and meeting the specific regulatory requirements. In other words, the State verified that the LEA was correctly implementing the specific regulatory requirements for 34 CFR §§ 300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data subsequently collected through the State data system (STARS) and has corrected each individual case of noncompliance unless the child is no longer within the jurisdiction of the LEA.

One LEA was determined to have continuing noncompliance from FFY 2011. This was determined through the review of the corrected and updated IEPs. In order to ensure that full correction was made and that the LEA was correctly implementing the specific regulatory requirements, an updated reasonable sample of IEPs were reviewed using the NSTTAC checklist. The reasonable sample of students aged 16 or above was selected from the STARS. The SEB staff member requested the IEPs from the LEA for review. Based upon those subsequent reviews, it was determined that the LEA was in not in compliance with 34 CFR §§ 300.320(b) and 300.321(b) and not meeting the specific regulatory requirements.

*Describe how the State verified that each LEA corrected each individual case of noncompliance*

All of the individual cases of noncompliance were corrected. This was determined through the review of the corrected and updated IEPs as described above.

### FFY 2011 Findings Not Yet Verified as Corrected

*Actions taken if noncompliance not corrected*

One LEA was identified as continuing non-compliant from FFY 2011. The State took specific actions against the LEA identified as noncompliant with Indicator 13 in FFY 2011 and repeated the noncompliance in FFY 2012. The LEAs had to complete updated root cause analyses to determine the causes of the continued noncompliance. The LEA was placed on corrective action plans with specific strategies to address areas found in the root cause analyses. The length of time the problem existed along with the LEA's response to the issue was considered in the LEA's annual determination. The LEA was monitored by SEB staff to provide them with technical assistance and professional development.

### FFY 2010 Findings of Noncompliance Verified as Corrected

*Describe how the State verified that each LEA with noncompliance is correctly implementing the regulatory requirements*

The one LEA that had continuing noncompliance from FFY 2010 met the target at 100% for FFY 2013. This was determined through the review of the corrected and updated IEPs. In order to ensure that full correction was made and that the LEA was correctly implementing the specific regulatory requirements, an updated reasonable sample of IEPs were reviewed using the

NSTTAC checklist. The reasonable sample of students aged 16 or above was selected from the STARS. The SEB staff member requested the IEPs from the LEA for review. Based upon those subsequent reviews, it was determined that the LEA was in compliance with 34 CFR §§ 300.320(b) and 300.321(b) and meeting the specific regulatory requirements. In other words, the State verified that the LEA is: correctly implementing the specific regulatory requirements for 34 CFR §§ 300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data subsequently collected through the State data system (STARS); and has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA.

*Describe how the State verified that each LEA corrected each individual case of noncompliance*

All of the individual cases of noncompliance were corrected. This was determined through the review of the corrected and updated IEPs as described above.

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

Because the State reported less than 100% compliance for FFY 2013, the State must report on the status of correction of noncompliance identified in FFY 2013 for this indicator. In addition, the State must demonstrate, in the FFY 2014 APR, that the remaining four uncorrected findings of noncompliance identified in FFY 2012 and the remaining one uncorrected finding of noncompliance identified in FFY 2011 were corrected. When reporting on the correction of noncompliance, the State must report, in its FFY 2014 APR, that it has verified that each LEA with findings of noncompliance identified in FFY 2013 and each LEA with remaining findings of noncompliance identified in FFY 2012 and identified in FFY 2011: (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 LEA, consistent with OSEP Memo 09-02. In the FFY 2014 APR, the State must describe the specific actions that were taken to verify the correction.

**Required Actions**

## Indicator 14: Post-School Outcomes

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Results indicator: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

### Historical Data

	Baseline Year	FFY	2005	2006	2007	2008	2009	2010	2011	2012
A	2009	Target ≥						48.50%	48.50%	49.00%
		Data					48.00%	47.30%	47.30%	40.80%
B	2009	Target ≥						75.50%	75.50%	76.00%
		Data					75.00%	71.50%	74.30%	71.50%
C	2009	Target ≥						79.50%	79.50%	80.00%
		Data					79.00%	75.20%	81.30%	79.00%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target A ≥	49.00%	49.00%	49.00%	49.00%	49.00%	49.00%
Target B ≥	76.00%	76.00%	76.00%	76.00%	76.00%	76.00%
Target C ≥	80.00%	80.00%	80.00%	80.00%	80.00%	80.00%

### Targets: Description of Stakeholder Input

The chart below represents the three measurable categories. The current year is (in black), the previous year (in blue), and the target for the current year (in red).

A. enrolled in Higher Ed (%)	B. enrolled in higher education or competitively employed (%)	C. enrolled in higher education or in some other postsecondary education or training program or competitively employed or in some other employment
43.83%	74.92%	81.17%
40.80%	71.50%	79.00%
49%	76%	80%

In the current year, there was an increase (3.03%) in students reported enrolled in higher education and an increase in students reported enrolled in higher education or competitively employed (3.42%). Targets were not met for 14A and 14B for FFY 2013.

In the current year, there was an increase in students enrolled in higher education or in some other postsecondary education or training program or competitively employed or in some other implement of 2.17%. The target for Indicator 14C was met for

FFY 2013.

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State's Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State's progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

**FFY 2013 SPP/APR Data**

Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	1,216
1. Number of respondent youth who enrolled in higher education within one year of leaving high school	533
2. Number of respondent youth who competitively employed within one year of leaving high school	378
3. Number of respondent youth enrolled in some other postsecondary education or training program within one year of leaving high school (but not enrolled in higher education or competitively employed)	39
4. Number of respondent youth who are in some other employment within one year of leaving high school (but not enrolled in higher education, some other postsecondary education or training program, or competitively employed).	37

	Number of respondent youth	Number of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
A. Enrolled in higher education (1)	533	1,216	40.80%	49.00%	43.83%
B. Enrolled in higher education or competitively employed within one year of leaving high school (1 +2)	911	1,216	71.50%	76.00%	74.92%
C. Enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment (1+2+3+4)	987	1,216	79.00%	80.00%	81.17%

Was sampling used? No

**Provide additional information about this indicator (optional)**

The New Mexico post-school outcomes census data collection was designed as a census of former students with disabilities who received special education services and exited high school in the 2012-2013 school year, including graduates and those who dropped out between grades 9-12. The current data collection method is designed to efficiently collect the data as specified by OSEP requirements for FFY 2013. New Mexico utilized the definitions of employment, post-secondary education and other employment, other post-secondary education or training specified in the OSEP definition (May 2010). The data collection is assembled, conducted and analyzed through a contract with the Northeast Regional Education Cooperative.

Students who received special education services under the Individuals with Disabilities Education Act, (IDEA), had exited in 2012-2013 and had been out of high school for a minimum of one year were interviewed beginning in May 2014 and September 2014. Schools were instructed to appoint a coordinator for the data collection efforts to assume responsibility for accurate completion of the data collection and reporting. Staff assigned by the schools conducted phone and in-person

interviews of former students or family members and entered responses on the online form; which were then downloaded to a database. Survey data were submitted electronically via an online site for compilation and analysis.

**Actions required in FFY 2012 response table**

In the FFY 2013 APR, the State must report whether its FFY 2013 data are from a group representative of the population, and, if not, the actions the State is taking to address this issue.

**Responses to actions required in FFY 2012 response table**

The New Mexico post-school outcomes data collection was designed as a census of former students in grades 9-12 with IEPs, not gifted, who received special education services and exited high school in the 2012-2013 school year and included graduates and those who dropped out. The current data collection is designed to efficiently collect the data as specified by OSEP requirements for FFY 2013. New Mexico utilized the definitions of employment, post-secondary education and other employment, other post-secondary education or training specified in the OSEP definition (May 2010). The data collection is assembled, conducted and analyzed through a contract with the Northeast Regional Education Cooperative, (NEREC).

Students who received special education services under the Individuals with Disabilities Education Act (IDEA), had exited in 2012-2013 and had been out of high school for a minimum of one year were surveyed between May 2014 and September 2014. Schools were instructed to appoint a coordinator for the data collection to assume responsibility for accurate completion of the survey and reporting. Staff assigned by the schools conducted phone and in-person interviews of former students or their family members and entered responses on the online form. Responses were then downloaded to a database. Data were submitted electronically via an online site for compilation and analysis.

Of the 2,781 students that received special education services and exited high schools in New Mexico in the 2012-2013 school year, responses were obtained from 1,216 (a return rate of 43.7%). The table below demonstrates that the collected data is representative of the sub-groups in the complete state data in major categories, including gender, race/ethnicity and exceptionality.

The chart below highlights the data which are from a group representative of the population. For example: the STARS data for Male “leavers” is 65% and the Male “leavers” response data is 63%. Or, the STARS data for the number of Hispanic “leavers” is 58.9% and the Hispanic “leavers” response is 52.9%.

	<b>STARS Demographic data (%) of “Leavers”</b>	<b>“Leavers” Response data (%)</b>	<b>Difference (%)</b>
<b>Male</b>	65.0	63.0	2.0
<b>Female</b>	35.0	37.0	2.0
<b>Asian</b>	.61	.80	.19
<b>African American</b>	2.5	3.5	1.0
<b>Caucasian</b>	25.6	28.2	2.6
<b>Hispanic</b>	58.9	52.9	6.0
<b>Native American</b>	12.4	14.6	2.2
<b>Autistic</b>	3.6	4.1	.5
<b>DB</b>	.01	0	.01

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<b>ID</b>	8.2	6.0	2.2
<b>ED</b>	8.8	4.9	3.9
<b>Other Health Impair.</b>	9.3	8.1	1.2
<b>SLD</b>	60.0	61.4	1.4
<b>Speech Language</b>	3.5	3.4	.1
<b>MD</b>	3.0	2.9	.1
<b>Hearing Impaired</b>	1.5	1.2	.3
<b>Visually Impaired</b>	.5	.4	.1
<b>Orthopedic Impair.</b>	.8	.1	.7
<b>Traumatic Brain Inj</b>	.9	.3	.4

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

## Indicator 15: Resolution Sessions

Monitoring Priority: Effective General Supervision Part B / General Supervision

Results indicator: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3(B)))

### Historical Data

Baseline Data: 2005

FFY	2005	2006		2007		2008		2009		2010		2011		2012			
Target		-		-		-		-		-		75.00%	-	85.00%	75.00%	-	85.00%
Data	100%			0%		100%		100%		100%		100%			42.31%		

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013			2014			2015			2016			2017			2018		
Target	75.00%	-	85.00%	55.00%	-	70.00%	55.00%	-	70.00%	55.00%	-	70.00%	55.00%	-	70.00%	55.00%	-	70.00%

### Targets: Description of Stakeholder Input

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State's Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State's progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

### Prepopulated Data

Source	Date	Description	Data	Overwrite Data
EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints	11/5/2014	3.1(a) Number resolution sessions resolved through settlement agreements	13	null
EMAPS IDEA Part B Dispute Resolution Survey; Section C: Due Process Complaints	11/5/2014	3.1 Number of resolution sessions	22	null

### FFY 2013 SPP/APR Data

3.1(a) Number resolution sessions resolved through settlement agreements	3.1 Number of resolution sessions	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
13	22	42.31%	75.00% - 85.00%	59.09%

Provide additional information about this indicator (optional)

The State did not meet the FFY 2013 target range of greater than or equal to 75-85% or due process hearing requests resulting in resolution session agreements. The State's percentage was 59% or 13 out of 22 hearing requests resulted in a resolution session agreement. Although the State did not meet the target, progress (+16.7%) was made with this indicator. Since disputes can be resolved with other methods such as informal meetings, third-party assisted intervention, Facilitated Individualized Education Programs (FIEPs) and mediation, the State's IDEA Panel adjusted the State's targets to reflect other methods utilized to resolve dispute besides resolution sessions. The revised targets are provided in the FFY 2013-FFY 2018 Target section.

The State has a continuum of Dispute Resolution Options for parents and LEAs. Third-party assisted intervention and mediation are provided by State-approved and funded mediators. LEAs and parents are encouraged to participate in a FIEP at LEA expense, when concerns or dispute arises. A FIEP can be provided, at State expense, to assist both parties in resolving formal complaints or due process complaints. See the "Continuum of Dispute Resolution Options in Special Education" document for further explanation.

**Actions required in FFY 2012 response table**

None

**Responses to actions required in FFY 2012 response table**

None required.

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

**Required Actions**

## Indicator 16: Mediation

Monitoring Priority: Effective General Supervision Part B / General Supervision

Results indicator: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3(B)))

### Historical Data

Baseline Data: 2005

FFY	2005	2006	2007	2008	2009	2010	2011	2012
Target		-	63.00% - 70.00%	70.00% - 75.00%	70.00% - 75.00%	75.00% - 80.00%	75.00% - 80.00%	80.00% - 85.00%
Data	61.30%	63.14%		89.20%	80.65%	78.13%	86.96%	100%

Key:  Gray – Data Prior to Baseline  Yellow – Baseline

### FFY 2013 - FFY 2018 Targets

FFY	2013	2014	2015	2016	2017	2018
Target	80.00% - 85.00%	75.00% - 85.00%	75.00% - 85.00%	75.00% - 85.00%	75.00% - 85.00%	75.00% - 85.00%

### Targets: Description of Stakeholder Input

On December 9<sup>th</sup> and 10<sup>th</sup>, 2014 State Performance Plan and Annual Performance Report indicator data were presented to the State's Individuals with Disabilities Education Act State Advisory Panel. The panel members had the opportunity to review FFY 13 (July 1, 2013 – June 30, 2014) data and the State's progress or slippage by each indicator. After the FFY 13 data was reviewed, the advisory panel provided input and set targets for the results targets for FFY 14 through FFY 18. The FFY 13 data and proposed targets set by the State Advisory Panel were presented to the Local Education Agency, State Charter Schools and Regional Education Cooperative Directors on January 14, 2015. The Directors had the opportunity to provide feedback on the targets during the presentation. Both stakeholder groups had the opportunity to provide final feedback on the targets through January 20, 2015.

### Prepopulated Data

Source	Date	Description	Data	Overwrite Data
EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/5/2014	2.1.a.i Mediations agreements related to due process complaints	19	null
EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/5/2014	2.1.b.i Mediations agreements not related to due process complaints	9	null
EMAPS IDEA Part B Dispute Resolution Survey; Section B: Mediation Requests	11/5/2014	2.1 Mediations held	37	null

### FFY 2013 SPP/APR Data

2.1.a.i Mediations agreements related to due process complaints	2.1.b.i Mediations agreements not related to due process complaints	2.1 Mediations held	FFY 2012 Data*	FFY 2013 Target*	FFY 2013 Data
19	9	37	100%	80.00% - 85.00%	75.68%

### Explanation of Slippage

The State did not meet its targets for Indicator 16. The State showed slippage in the amount of 24.33% from the FFY 2012 to FFY 2013.

In FFY 2013, 37 mediations were held and 28 resulted in agreements (19 mediation agreements related to due process complaints and 9 mediation agreements not related to due process complaints). The State did not meet the target for FFY 2013. FFY 2013 data is presented in the table below.

<b>FFY 2013</b>	<b>Total number of mediation requests received through all dispute resolution processes.</b>	<b>43</b>
2.1	Mediations held.	37
2.1.a	Mediations held related to due process complaints.	21
2.1.a.i	Mediation agreements related to due process complaints.	19
2.1.b	Mediations held not related to due process complaints.	16
2.1.b.i	Mediation agreements not related to due process complaints.	9
2.2	Mediations pending.	1
2.3	Mediations withdrawn or not held.	5

Since disputes can be resolved with other methods such as informal meetings, third-party assisted intervention, and resolution sessions, the State’s IDEA Panel adjusted the State’s targets to reflect other methods utilized to resolve dispute besides resolution sessions. The revised targets are provided in the FFY 2013-FFY 2018 Target section.

**Provide additional information about this indicator (optional)**

The State has a continuum of Dispute Resolution Options for parents and LEAs. Third-party assisted intervention is and mediation is provided by State-approved and funded mediators. LEAs and parents are encouraged to participate in a Facilitated Individualized Education Program (FIEP), at LEA expense, when concerns or dispute arises. A FIEP can be provided, at State expense, to assist both parties in resolving formal complaints or due process complaints. See the “Continuum of Dispute Resolution Options in Special Education” document for further explanation.

**Actions required in FFY 2012 response table**

None

**Responses to actions required in FFY 2012 response table**

None required.

**OSEP Response**

The State provided targets for FFYs 2013 through 2018 for this indicator, and OSEP accepts those targets.

Required Actions

## Indicator 17: State Systemic Improvement Plan

Monitoring Priority: General Supervision

Results indicator: The State's SPP/APR includes a State Systemic Improvement Plan (SSIP) that meets the requirements set forth for this indicator.

### Baseline Data

FFY	2013
Data	27.90%

### FFY 2014 - FFY 2018 Targets

FFY	2014	2015	2016	2017	2018
Target	29.90%	31.90%	33.90%	35.90%	37.90%

### Description of Measure

### Targets: Description of Stakeholder Input

### Data Analysis

A description of how the State identified and analyzed key data, including data from SPP/APR indicators, 618 data collections, and other available data as applicable, to: (1) select the State-identified Measurable Result(s) for Children with Disabilities, and (2) identify root causes contributing to low performance. The description must include information about how the data were disaggregated by multiple variables (e.g., LEA, region, race/ethnicity, gender, disability category, placement, etc.). As part of its data analysis, the State should also consider compliance data and whether those data present potential barriers to improvement. In addition, if the State identifies any concerns about the quality of the data, the description must include how the State will address these concerns. Finally, if additional data are needed, the description should include the methods and timelines to collect and analyze the additional data.

### Analysis of State Infrastructure to Support Improvement and Build Capacity

A description of how the State analyzed the capacity of its current infrastructure to support improvement and build capacity in LEAs to implement, scale up, and sustain the use of evidence-based practices to improve results for children with disabilities. State systems that make up its infrastructure include, at a minimum: governance, fiscal, quality standards, professional development, data, technical assistance, and accountability/monitoring. The description must include current strengths of the systems, the extent the systems are coordinated, and areas for improvement of functioning within and across the systems. The State must also identify current State-level improvement plans and initiatives, including special and general education improvement plans and initiatives, and describe the extent that these initiatives are aligned, and how they are, or could be, integrated with, the SSIP. Finally, the State should identify representatives (e.g., offices, agencies, positions, individuals, and other stakeholders) that were involved in developing Phase I of the SSIP and that will be involved in developing and implementing Phase II of the SSIP.

### State-identified Measurable Result(s) for Children with Disabilities

## FFY 2013 Part B State Performance Plan (SPP)/Annual Performance Report (APR)

A statement of the result(s) the State intends to achieve through the implementation of the SSIP. The State-identified result(s) must be aligned to an SPP/APR indicator or a component of an SPP/APR indicator. The State-identified result(s) must be clearly based on the Data and State Infrastructure Analyses and must be a child-level outcome in contrast to a process outcome. The State may select a single result (e.g., increasing the graduation rate for children with disabilities) or a cluster of related results (e.g., increasing the graduation rate and decreasing the dropout rate for children with disabilities).

*Statement*

*Description*

### Selection of Coherent Improvement Strategies

An explanation of how the improvement strategies were selected, and why they are sound, logical and aligned, and will lead to a measurable improvement in the State-identified result(s). The improvement strategies should include the strategies, identified through the Data and State Infrastructure Analyses, that are needed to improve the State infrastructure and to support LEA implementation of evidence-based practices to improve the State-identified Measurable Result(s) for Children with Disabilities. The State must describe how implementation of the improvement strategies will address identified root causes for low performance and ultimately build LEA capacity to achieve the State-identified Measurable Result(s) for Children with Disabilities.

### Theory of Action

A graphic illustration that shows the rationale of how implementing the coherent set of improvement strategies selected will increase the State's capacity to lead meaningful change in LEAs, and achieve improvement in the State-identified Measurable Result(s) for Children with Disabilities.

**Submitted Theory of Action:** No Theory of Action Submitted



Provide a description of the provided graphic illustration (optional)

### OSEP Response

### Required Actions

## Certify and Submit your SPP/APR

I certify that I am the Chief State School Officer of the State, or his or her designee, and that the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report is accurate.

**Selected:** Designated by the Chief State School Officer to certify

Name and title of the individual certifying the accuracy of the State's submission of its IDEA Part B State Performance Plan/Annual Performance Report.

Name: Denise Koscielniak

Title: Director of Federal Programs

Email: denise.koscielniak@state.nm.us

Phone: 505-827-3540