



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

JAN 10, 2017

Honorable Hanna Skandera
Secretary of Education
New Mexico Public Education Department
300 Don Gaspar Avenue
Santa Fe, New Mexico 87501-2786

Dear Secretary Skandera:

The purpose of this letter and attachments is to provide a summary of the monitoring and support activities conducted by the Office of Special Education Programs (OSEP) with New Mexico (NM) on August 31–September 2, 2016. In 2016, OSEP began providing differentiated monitoring and support (DMS) to States as part of its Results Driven Accountability System (RDA). Under RDA, OSEP made a shift from monitoring based solely on compliance to monitoring and support focused on both compliance and improving results for students with disabilities. OSEP differentiates its approach for each State based on the State's unique strengths, progress, challenges, and needs.

With the DMS process, OSEP conducts an organizational assessment (OA) of risk factors States' progress in meeting performance standards and compliance with the legal requirements of the Individuals with Disabilities Education Act, the Education Department General Administrative Regulations and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. OSEP uses the information from the OA and an Engagement Decision Tree to make designations of universal, targeted, or intensive monitoring and support (DMS) for the fiscal year. The FFY 2016 DMS areas were: 1) results; 2) compliance; 3) dispute resolution (Special Focus Area); and 4) fiscal.

On April 26, 2016, OSEP sent Denise Koscielniak, New Mexico's Federal Programs Director, the State's DMS notice. That notice provided a designation of universal, targeted, or intensive engagement in four areas: results, compliance, dispute resolution, and fiscal. The information in the notice was based on FFY 2013 data in the four areas, along with information about the factors contributing to elevated needs, the support your State has accessed, your State's capacity to improve results and compliance, and additional contextual information. We have enclosed a copy of the DMS notice for your convenience.

Based on information in your State's DMS notice, OSEP conducted a DMS visit that focused on improving results. In addition, at the State's request, OSEP, in collaboration with other Federal partners, focused on the State's system for providing special education services to youth with disabilities in correctional facilities. We appreciate the State's willingness to address this area and believe that the discussions and presentations made during the visit brought the successes and challenges of providing services to this population into sharp focus.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Also enclosed is a summary, by area, of the engagement provided by OSE P during the visit. If you have any questions, please contact Marion Crayton—New Mexico State Lead at marion.crayton@ed.gov.

Thank you for your commitment to improving results for children with disabilities in New Mexico

Sincerely,

/s/

Ruth Ryder
Acting Director
Office of Special Education Programs

cc: State Director of Special Education

Enclosures

New Mexico

Monitoring and Support Visit Summary and Next Steps

August 31, 2016–September 2, 2016

Area of Focus and DMS Designation: Results—Intensive

Background:

On April 26, 2016, OSEP issued New Mexico a Differentiated Monitoring and Support (DMS) chart that specified engagement activities that OSEP would conduct with the State, in Summer 2016, across four areas: results, compliance, dispute resolution, and fiscal. Under Results, New Mexico was identified for intensive engagement activities due to New Mexico’s FFY 2013 APR data for the following:

Part B APR Indicators: 1 (Graduation), 2 (Dropout)

DMS Notice Factors:

- 25% Dropout Rate
- 42% Graduation Rate

Performance of CWD on the National Assessment of Educational Progress (NAEP):

- 4th grade Reading—14% scoring at basic or above
- 8th grade Reading—26% scoring at basic or above
- 4th grade Math—40% scoring at basic or above
- 8th grade Math—20% scoring at basic or above

Purpose of Monitoring and Support Activity:

The purpose of the Differentiated Monitoring and Support around the area of “Results” was to provide technical assistance (TA) and support in the areas of graduation, drop out, and post-secondary transition.

Discussion Summary

Staff from the National Technical Assistance Center for Transition (NTACT) presented on “Building State Capacity to Support Local Improvement Across New Mexico.” They walked the participants through the use of the NTACT website that had tools for tracking and reporting on the transition planning for all students. They demonstrated how a local education agency could use this free resource to collect transition data and then report those data to inform decision making going forward. They led discussions to address specific questions that the meeting participants had.

Next Steps

During the on-site visit, participants developed monthly call agendas that included support from OSEP-funded TA providers. The TA providers continue to work closely with New Mexico around graduation, dropout, and transition and they developed a TA plan that includes phone calls with New Mexico and on-site participation in late spring 2017.

Area of Focus-Correctional Education-which was not a DMS Designation for this truncated period

Background:

Although Correctional Education was not a component of OSEP's DMS notice for New Mexico, the State requested that OSEP provide TA and support in the use of the State Correctional Education Self-Assessment (SCES) and in building components for an infrastructure to support work in the provision of special education and related services to students with disabilities in juvenile corrections and detention centers.

Purpose of TA and Support Activity:

The purpose of the Correctional Education TA and Support to New Mexico was to respond to questions about the use of the SCES and to serve as a "thought partner" in conceptualizing the components needed to build infrastructure within the State to support this work.

Correctional Education - On-Site Visit and Discussion Summary

OSEP staff made a presentation on "RDA, DMS, and the State Correctional Education Self-Assessment (SCES)," while New Mexico personnel presented on "New Mexico Correctional Facilities and Populations Served, Funding Sources, and Barriers to be Addressed." Representatives from correctional facilities in New Mexico provided brief descriptions of their roles at their facilities, populations served, and their organizational structure. There was a discussion of State-submitted questions related to Correctional Education. An OSEP staff member conducted a demonstration of the IRIS Center website, highlighting various resources that New Mexico staff may find useful. Another OSEP staff member made a virtual presentation on Positive Behavior Interventions and Supports (PBIS) in Correctional Facilities - Exemplars from Colorado, Georgia, and Texas. Staff from OSEP, the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (NDTAC), and the Title I Part D (Neglected, Delinquent or At Risk Program) presented on the importance of cross-office collaboration in the provision of services to students with disabilities in juvenile corrections and detention centers. New Mexico personnel shared information about the State's data collection system that allows them to track students as they move into and out of correctional facilities.

OSEP provided to the State components of the Department's Correctional Education Package which included the following:

- Partnering for Success in Correctional Education-Slides,
- Correctional Education Guidance Package Frequently Asked Questions,
- Ensuring English Learner Students Can Participate Meaningfully,
- Letter to Chief State School Officers and State Attorneys General,
- IDEA Discipline Questions and Answers June 2009,
- Departments of Justice and Education- Dear Colleague Letter (December 8, 2014),
- Department of Education - Dear Colleague Letter (December 5, 2014),
- Correctional Education Guidance Package Fact Sheet, and
- Federal Pell Grant Eligibility for Students in Juvenile Justice Facilities.

OSEP staff led the discussion about next steps which are listed below:

Next Steps

The Assistant Secretary of New Mexico's Indian Education Division raised several correctional education questions specific to the provision of special education and related services to students with disabilities from tribal and reservation schools. Conference calls to respond to her questions were scheduled with OSEP staff. Several monthly call agendas were developed to continue the discussion about meeting the needs of students with disabilities in correctional facilities.