



Date: August 24, 2020

Prepared By: Juliani

Purpose: Examine New Mexico's means of funding special education to assist school districts and charter schools in providing services to students with disabilities and the results of federal oversight of special education in New Mexico.

Witness: Ronalda Warito Tome, Parent; Joel Davis, Parent and Member, Developmental Disabilities Planning Council; Diane Torres-Velasquez, Ph.D., Associate Professor, University of New Mexico; Laurel Nesbitt, Staff Attorney, Disability Rights New Mexico; Natalie Romero, Chairperson, IDEA-B Advisory Panel and Special Education Director, Moriarty-Edgewood School District.

Expected Outcome: Understand special education funding sources, state funding formula for special education, and the results of federal oversight of the education of students with disabilities.

Serving Students with Disabilities in New Mexico: Challenges and Potential Solutions

Background

Long-standing concerns over largely stagnant outcomes for students with disabilities represent urgent challenges for New Mexico's public education system. While overall education outcomes in New Mexico historically have been low for all student sub-groups, for students with disabilities they are even lower. In FY19, only 12 percent of students with disabilities scored proficient in reading and only 8 percent in math, compared with 34 percent and 20 percent, respectively, of all students statewide. Also, in the same year 64 percent of students with disabilities graduated from high school in four years compared with 75 percent of students statewide. The 1st Judicial District Court's ruling in the consolidated *Martinez* and *Yazzie* lawsuit, finding that the state failed in its constitutional obligation to provide a sufficient education to at-risk students, has illuminated the need for the state to improve the education of students with disabilities.

The unique challenges posed by remote learning raise additional concerns regarding ensuring students with disabilities receive the education and related services to which they are entitled by law, heightening the need to examine how the state funds special education, how school districts and charter schools expend their special education funding, and what accountability or oversight mechanisms the Public Education Department (PED) has in place to ensure services are reaching student with disabilities.

IDEA and the Role of the Federal Government

In 1975, Congress passed the Education for All Handicapped Children Act (P.L. 94-192) to provide programs and services for students with disabilities. The act was reauthorized in 1990 as the Individuals with Disabilities Education Act (IDEA), requiring states to provide all students with a disability with free, appropriate public education tailored to each student's individual needs, regardless of the cost, to prepare them for further education, employment, and independent living. Education for these students should occur in the least restrictive environment to the maximum extent appropriate, meaning that students with disabilities should be educated with their peers as much as possible, given their needs and circumstances.

The federal Individuals with Disabilities Education Act is comprised of four parts:

- Part A covers general provisions of the law;
- Part B details assistance for the education of all school-age children with disabilities;
- Part C covers children from birth to age 3 with disabilities;
- Part D consists of support programs administered at the federal level.

Each part of the law has remained largely the same since originally enacted in 1975.

Part B of IDEA (IDEA-B) provides financial support and requirements for states and school districts in educating and related services to children with disabilities ages 3 to 21 through federal flow-through grants administered by the U.S. Department of Education's Office of Special Education Programs (OSEP). Overall, the goal of IDEA is to provide children with disabilities the same opportunity for education as those students who do not have a disability.

Before IDEA, students with disabilities were not guaranteed the right to attend public schools, and many were turned away due to their disabilities. Today, students with disabilities attend public schools in every state and in most classrooms across the country.

According to the Office of Special Education Programs' most recent annual report to Congress, in 2017, 9.2 percent of students between 6 and 21 years old were served under federal programs for students with disabilities and 63.4 percent were in general education classes for more than three-quarters of the school day.

Over nearly five decades, IDEA has been the most impactful federal law related to special education and has led to improved outcomes for students with disabilities. Yet, its implementation has not been without problems. When IDEA was enacted, Congress promised the federal government would fund 40 percent of states' additional costs to educate students with disabilities. However, this level of federal funding has never materialized. In most years since 2000, federal funding for IDEA has fluctuated between 14 percent and 18 percent of states' additional costs, dropping since FY15 to its current national average of 13 percent. This leaves states to fund the majority of costs related to educating students with disabilities. Where special education is perhaps the most federally-regulated area of student instruction, it remains one of the most underfunded, and ends up accounting for a disproportionate amount of states' total expenditures for public education.

Funding Special Education in New Mexico

In New Mexico, annual funding for the provision of special education and related services for special education students comes from two primary sources — the state's IDEA-B grant and the state's funding formula. Federal funds are combined with state and local funds to provide a free, appropriate public education to children with disabilities. In FY20, 84 percent, or \$516.7 million, of New Mexico's special education allocations came from the general fund.

Federal IDEA-B Funding

IDEA-B includes state formula grant programs for students between 3 and 21 years old who have disabilities, providing all states a grant to support special education and related services. State education agencies reserve a portion of the state's IDEA-B funds for statewide activities in support of special education, while distributing the majority of funds to school districts and charter schools to provide education and related services to students with disabilities. These state-level activities consist of:

- Support and direct services;
- Technical assistance and personnel preparation;
- Assistance to local education agencies (LEAs) in providing positive behavioral interventions and supports; and
- Effective use of technology in the classroom.

States must use a portion of IDEA-B funds for monitoring, enforcement, and compliance investigation, and to establish and implement IDEA's required mediation process, including the cost of mediators and support personnel.

New Mexico's FY20 IDEA-B allocation of \$96.2 million included \$10.6 million in state-level set-aside funds for other state-level activities. Of this latter amount, PED set



aside almost \$2.1 million for grant administration, including technical assistance, personnel preparation, professional development, training, assistance to LEAs in providing mental health services, meeting personnel shortages, and supporting capacity-building activities that improve the delivery of services to students with disabilities. **See Attachment 1, Annual State Application Under Part B of IDEA.**

Additionally, each state can reserve a portion of the funding they withhold for other state-level activities to offset the financial impact incurred by LEAs in providing educational services to high-need children with disabilities through a high-cost fund. In its FY20 budget, PED allocated almost \$1.1 million to its high-cost fund, “Puente Para Los Ninos,” to cover costs associated with providing direct special education and related services, as identified in the student’s individualized education program (IEP). School districts and charter schools must apply to PED’s special education bureau for these funds.

Finally, IDEA-B has state and local maintenance of effort (MOE) provisions. IDEA requires each state to maintain its level of state financial support for special education and related services from year to year, while local-level MOE requires each LEA to maintain its total special education expenditures from year to year.

IDEA-B funds are distributed according to a number of factors. First, each state is allocated an amount equal to the amount that it received in fiscal year 1999. If the total program appropriation increases over the prior year, 85 percent of the remaining funds are allocated based on the number of children in the age range for which the state guarantees FAPE to children with disabilities. The remaining funds are allocated based on the number of children living in poverty in the age range for which the state guarantees FAPE to children with disabilities.

LEAs may use up to 15 percent of their allocation for early intervention services to address the needs of students who require additional academic and behavioral supports to succeed, but who are not identified as needing special education.

Special Education Funding in New Mexico (in millions)

Fiscal Year	2013	2014	2015	2016	2017	2018	2019	2020
IDEA-B Grant	\$91	\$86.4	\$89.9	\$90.1	\$93	\$93.8	\$95.6	\$96.2
Percentage of Total Funding	18.4%	17.2%	17%	16.9%	17.5%	17.7%	17%	15.7%
State formula funding	\$404	\$417.7	\$438.8	\$444.9	\$439.8	\$435.9	\$468.8	\$516.7
Percentage of Total Funding	81.6%	82.8%	83%	83.1%	82.5%	82.3%	83%	84.3%
Total Funding	\$495	\$504.1	\$528.7	\$535	\$532.8	\$529.7	\$564.4	\$612.9

State formula funding includes funding for gifted only students

Source: Federal Funding Information for the States and LESC files

Problems With Federal IDEA-B Funding. Under IDEA-B, students with disabilities who require specialized instruction must receive the services they need without regard to cost. However, due to the federal government’s failure to fully fund IDEA-B, states annually face a funding gap and increased costs for special education. If Congress fully funded IDEA, New Mexico would have received \$241 million in federal IDEA-B funds in FY19, rather than the \$95.6 million provided, representing a \$145.4 million funding gap. An additional \$145.4 million in federal funding represents a 26 percent increase in total funding for special education and would offer the increased funding school districts and charter schools indicate they need to provide adequate services to students with disabilities.

According to [research](#), the federal government's failure to fully fund IDEA-B has two negative effects on schools. First, programs that benefit all students are likely to be cut. Each year that Congress fails to meet the 40 percent threshold, school districts are forced to pay a higher proportion of the special education cost. Combined with the scarcity of resources in many schools, school districts are forced to make hard decisions about which programs to fund, and sometimes must divert funds from programs that serve all students (including students with disabilities) to fund programs for special education students. Second, the inclusion of students with disabilities in general education classrooms benefits all students. Until Congress fully funds IDEA-B, schools will continue to face steep financial obstacles in providing comprehensive and high-quality services to students with disabilities.

State Funding for Special Education

Models of Special Education Funding

Multiple Student Weights

School districts receive funding through assigning students a different weight or dollar amount based on certain factors, such as severity or type of disability or the resources a student receives.

Single Student Weight

School districts receive additional funding for each student identified as having a disability. Weight or dollar amount is the same regardless of the severity, disability, or resources the student receives.

Census-Based

States assume each school district to have the same percentage of students who require special education, regardless of student count, then assign those students an additional weight or dollar amount.

Resource Allocation

States distribute resources (i.e., personnel) – not dollars – based on the number of students who require special education services.

Reimbursement

School districts submit expenditures to the state, which reimburses school districts for all or a portion of their actual spending.

Block Grant

States give school districts a block grant, based on the prior year's spending on special education services.

High-Cost Students

Some states provide additional funding for high-cost students (whose disabilities require greater financial investment), often coupled with another funding mechanism to help offset that cost.

Source: Education Commission of the States

New Mexico's method for funding special education is based on a system of student weights, in which school districts receive funding through a formula that assigns special education students a different weight based on the degree of services they receive. The Public School Finance Act classifies special education programs as class A, B, C, and D service levels, with increasing levels of funding. The number of special education program units for each school district or charter school is determined by adding the following:

- The number of students (MEM) in approved class A and B programs multiplied by the cost differential factor 0.7;
- The number of students (MEM) in approved class C programs multiplied by the cost differential factor 1;
- The number of students (MEM) in approved class D programs multiplied by the cost differential factor 2;
- The number of full-time-equivalent certified or licensed ancillary service and diagnostic service personnel multiplied by the cost differential factor 25.

The amount of state funding allocated to each LEA is based on program units generated by special education students and ancillary service staff employed to provide special education services. Each school district and charter school, through the IEP process, determines student eligibility and appropriate level of service. Each school board or governing body of a charter school is responsible for allocating the appropriation. PED is mandated to ensure LEAs are in compliance with all statutes and rules and are providing a free, appropriate public education to all special education students.

State Funding Formula and Identification of Special Education Students.

Previous evaluations have noted flaws in New Mexico's method of funding special education. As indicated in a 2013 Legislative Finance Committee (LFC) program evaluation, a 2011 joint LFC-LESC evaluation of the funding formula, and a 2008 study by the American Institutes of Research, the state's formula for funding special education encourages

school districts and charter school to identify students for special education services and incentivizes the placement of students at higher service levels and claiming excessive numbers of related (ancillary) service FTEs. Due to the cost differentials in

the funding factors, a class D student generates nearly three times more funding than a student in class A or B programs and twice as much as a class C student. Ancillary service providers generate 25 program units per FTE, or approximately \$115,000.

The individual IEP teams at each school site determine the appropriate level of service for students qualifying for special education. Each school district and charter school submits these data annually at the first, second, and third reporting dates to PED's fiscal grant management team which reviews the student data for any significant changes to determinations, as part of the department's oversight.

Funds Generated by Special Education Students by Program Class, FY20 & FY21

Program Class	Cost Differential	Unit Value (FY20)	Funds Generated (FY20)	Unit Value (FY21 preliminary)	Funds Generated (FY21 preliminary)
Class A/B	0.7	\$4,602	\$3,221	\$4,532	\$3,172
Class C	1	\$4,602	\$4,602	\$4,532	\$4,532
Class D	2	\$4,602	\$9,204	\$4,532	\$9,064

Source: LESC files

An August 2013 LFC report indicated the state's funding formula ran contrary to best practices in special education policy, as it penalizes school districts and charter schools that focus on providing students with early interventions or place special education students at lower service levels. Prior reports and studies have encouraged the state to consider adopting a census-based model. In a census-based funding model, states assume each school district to have the same percentage of students who require special education services, regardless of the actual student count receiving special education services, then assign a weight or dollar amount for educating those students. A census-based model is simpler to administer, provides increased transparency, reduces over-identification of services, encourages school districts to place students in the least restrictive environment (i.e., at lower service levels), and provides increased equity in funding across all school districts.

In FY20, approximately 15.5 thousand, or 16.6 percent, of New Mexico public school students were identified as special education, excluding gifted only students, higher than the national rate of 13.8 percent.

Source: LESC files

A 2002 study by [Greene and Forster](#) concluded that the nation could save over \$1.5 billion per year in special education spending if all states were to adopt funding formulas free of fiscal incentives to identify additional special education students. However, while other studies have found evidence of the effects of funding incentives on special education practice, most have concluded that fiscal provisions are just one part of a complex array of factors explaining the large range in identification rates across states. Nevertheless, evidence exists that the choice of a census-based funding system alone may save states money while having a slight effect on future special education enrollments.

State and Local Maintenance of Effort (MOE) Requirements

IDEA generally requires states, school districts, and charter schools to demonstrate a level of funding for students with disabilities that does not decline from year to year. In addition, federal IDEA-B funds are to be used to supplement, not supplant, the level of a state's special education funding.

State-Level MOE New Mexico meets its state-level MOE with appropriations through the state equalization guarantee (SEG) distribution and funds used by the Children, Youth and Families Department, the Department of Corrections, the Department of Vocational Rehabilitation, the New Mexico School for the Deaf, and the New Mexico School for the Blind and Visually-Impaired. To ensure New Mexico meets state-level MOE requirements, in recent years the Legislature has included a provision in the General Appropriation Act that allows PED to handle any projected shortfall prior to the close of a fiscal year through a technical transfer of funds from the SEG into a separate distribution for special education. Given budget reductions for FY21, PED should monitor this closely to ensure the state meets its MOE targets. If the state fails to meet the state-level MOE target, the state's IDEA-B allocation could be reduced by the shortfall amount for a single fiscal year. While IDEA includes a provision that allows reduced state support for an unforeseen, precipitous decline in state revenues, USDE previously determined a state could not have a significant amount in reserves and qualify, and it could not qualify if revenues grew year over year.

If an LEA fails to meet its local-level MOE requirement, USDE can recover the appropriate amount of funds from the state education agency (SEA), as the IDEA-B grantee. The SEA, in turn, following applicable state procedures, could seek reimbursement from the LEA.

If an LEA fails to meet the MOE compliance standard, the SEA is liable to return to USDE, with non-federal funds, the amount by which the LEA missed its maintenance level for that year, or the amount of the LEA's IDEA-B sub-grant in the same year, whichever is lower.

Local-Level MOE In a meeting with LESC, PED staff indicated no significant challenges related to meeting local-level MOE requirements and an expectation that all school districts and charter schools would be able to maintain their required levels of special education funding in FY21. While the special education bureau indicated it did not monitor this spending, PED's finance division does so, reviewing school districts' and charter schools' monthly requests for reimbursements and performing desktop budget audits to ensure local-level MOE requirements are being met.

While IDEA does not contain a waiver provision for LEAs, it does provide several ways to reduce MOE, including:

- Departure of special education personnel (voluntary or for just cause);
- Decrease in number of special education students;
- End of a costly education program (child moves, graduates, ages out, or no longer needs program);
- End of obligation for long-term purchases (such as the acquisition of equipment or construction of school facilities); and,
- Assumption of cost for high-need students with disabilities by the SEA.

Laws 2019, Chapter 207 (House Bill 5) requires school districts and charter schools to report to PED annually on the program costs generated for and the planned expenditures on services to students with disabilities and for personnel providing ancillary and related services. However, it remains unclear how and to what degree PED scrutinizes these budgets and expenditures for compliance with service requirements.

PED leadership affirmed there were no plans to request any waivers from USDE regarding MOE or other aspects of IDEA-B implementation. However, the department noted challenges in local-level MOE requirements related to ensuring accuracy of reported figures. PED reported the department is in the process of converting to an online local-level MOE calculator that will display enhanced data from all school districts for the last three years in an effort to add greater transparency and to ensure accuracy of the reported dollar amounts. The department's goal is to have this ready to launch by fall 2020.

Federal Oversight and State Support

Federal Determinations of Special Education in New Mexico

OSEP's accountability system focuses resources on supporting states to fully implement federal special education requirements and improve outcomes for students with disabilities pursuant to IDEA-B. The system consists of the state performance plan/annual performance report (SPP/APR) and measures a state's

From FY11 through FY14, New Mexico failed to meet state-level MOE, leading to an \$87.5 million liability. In 2016, PED reached a settlement with USDE that required the state to increase state funds for special education. According to PED staff, budget increases in subsequent years brought the state into compliance with the terms of the settlement.

progress towards meeting a series of 17 student outcomes and compliance indicators. Additionally, it includes the resulting federal determinations and forms of monitoring and support OSEP provides to assist states that are determined to be in need of assistance. **See Attachment 2, OSEP Letter of Determination, 2019.**

PED failed to meet targets on three of these 17 indicators, including:

- Reporting on the participation of students with IEPs on statewide standardized assessments with the same detail as general education students;
- Child find (the percent of students evaluated within 60 days of receipt of parental consent); and
- Early childhood transition (the percent of children referred prior to reaching 3 years of age that are found eligible for services under IDEA-B and have IEPs implemented by their third birthday).

PED addressed its failure to meet these indicators by providing an on-line link demonstrating participation rates by students with disabilities on statewide assessments and verifying each LEA's compliance and corrective actions based on a review of data collected through on-site monitoring. PED indicated a lack of licensed diagnosticians and other related service providers was an obstacle for many LEAs, particularly in rural areas, in completing eligibility evaluations in a timely manner.

For the past two years, OSEP determined the state was in need of assistance in implementing the requirements of IDEA-B and advised PED of available technical assistance to address the state's areas of need. In response, PED utilized the following entities for support:

- The National Center for Systemic Improvement in using data to make program improvements and guide future initiatives;
- The Center for IDEA Fiscal Reporting in developing a local-level MOE calculator and providing fiscal requirement trainings to LEAs;
- The Center for Technical Assistance for Excellence in Special Education (CTAESE) in creating guidance documents and training manuals for state- and local-level staff;
- Regional education cooperatives and CTAESE in providing targeted technical assistance and professional development to LEAs through monthly webinars, a twice-a-year conference for special education directors, and specialized training to schools in need of additional assistance; and
- Utah's special education department in developing a differentiated monitoring system.

OSEP did not have any findings related to disproportionality, or the over-representation of minority students identified as students with disabilities, in its annual review of the state's implementation of special education.

OSEP regarded these steps taken by PED as "substantive." In addition, OSEP indicated the on-line presence of PED's integrated accountability system to ensure the state, school districts, and charter schools were meeting IDEA-B requirements and have in place accountability mechanisms. OSEP also noted the presence of continuum of dispute resolution options for parents, PED's use of state-approved and funded third-party assisted intervention and mediators, and the availability of parent liaisons to discuss dispute resolution options with families. Finally, OSEP found the department to have an effective system of monitoring compliance that requires LEAs to complete a corrective action plan with action steps designed to correct issues of non-compliance. PED is required to include a report on further forms of technical

assistance and the resulting actions taken by the state to improve outcomes for students with disabilities on its next SPP/APR, due February 2021.

In the 2020 legislative session, the following two special education-related bills were proposed, but were not enacted:

- Senator Lopez sponsored SB173 that would have provided financial means for post-secondary students to complete or enhance their teaching preparation or instructional support degree in special education;
- SB174, sponsored by Senator Lopez and Representative Roybal Caballero, proposed a special education division within PED, to increase special education funding by increasing service level cost differentials, and to appropriate more funding for professional development in working with students with disabilities.

The Family Educational Rights and Privacy Act (FERPA) is a federal law affording parents the rights to have access to their children's education records, to seek to have the records amended, and to have some control over the disclosure of personally identifiable information.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a series of regulatory standards outlining the lawful use and disclosure of protected health information.

State Supports for Special Education

Section 22-13-5 NMSA 1978 calls for PED to monitor and enforce the department's rules and standards for the provision of special education in the state. In addition, the state's IDEA-B grant requires similar levels of monitoring by the department of local school districts and charter schools, the results of which PED reports to OSEP in the annual SPP/APR. Currently, much of PED's oversight has involved various forms of technical assistance to help LEAs remain in fiscal and programmatic compliance in serving students with disabilities.

Technical Assistance and Other Supports. PED's Special Education Bureau provides a range of fiscal and programmatic oversight and support to assist school districts and charter schools in ensuring services are provided to students with disabilities. The bureau has assigned one of its staff to each school district and charter school to make site visits and provide technical assistance in program delivery and fiscal and programmatic compliance. The bureau also assists school districts and charter schools in providing behavioral intervention and mental health services, meeting personnel shortages, and supporting capacity-building activities to improve the delivery of services to students with disabilities.

PED also changed its application process for each IDEA-B sub-grantee, requiring each school district and charter school to provide assurances that it is able to uphold all grant requirements. PED should consider developing or obtaining a statewide IEP management system that is both FERPA and HIPPA-compliant to increase consistency and transparency in the IEP process and enhance the department's ability to monitor local special education programs and provide appropriate, targeted technical assistance.

State Systemic Improvement Plan. PED's state systemic improvement plan has been the department's multi-year, results-focused project from its Title I Bureau with support from the Special Education Bureau to improve reading achievement levels of students with disabilities. **See Attachment 3, State Systemic Improvement Plan.** Beginning in fall 2011 as New Mexico real results, this results-driven accountability program became known in March 2019 as reading, achievement, math, and school-culture (RAMS) and focused on supporting whole school improvement through evidence-based interventions, programs, and practices to support reading achievement for all students, especially those in the lower grades. The program provided schools with the following:

- On-going job-embedded professional development for teachers and school administrators;
- On-site instructional coaching for teachers;
- Leadership support for school administrators;
- Book studies for educators;
- Technical assistance;
- Parent trainings; and
- Mini-grants to fund school improvement.

In FY18, the RAMS program was in 88 elementary schools in 44 of the state's 89 school districts and served over 103 thousand students, including nearly 14 thousand students with disabilities. Reading achievement data for kindergarten through third grade students were mixed with small improvements on the DIBELS-Next assessment and steady declines on Istation, but far behind the program's stated goal of 42.5 percent of students with disabilities scoring at benchmark by FY19.

PED systemic improvement plans for FY19 included increased targeted, on-site professional development, differentiated instructional coaching, and continuing leadership development. However, it remains unclear how the RAMS series of supports for general education is improving outcomes for students with disabilities.

Until FY18, PED released school grades each year as part of state and federal accountability mandates for all public schools. With the change in administration, FY17 was the final year that schools received A through F grades from PED.

IDEA-B Advisory Panel. As mandated by federal regulations (34 CFR § 300.167), each state must create and maintain an advisory panel, representative of a broad range of constituencies around the state, to provide policy guidance with respect to special education and related services for children with disabilities. **See Attachment 4, Panel By-Laws and Operating Procedures.** The panel normally meets quarterly each school year at local school sites. With the pandemic-related state health orders, the panel cancelled its planned April meeting in Zuni. PED indicated the advisory panel's annual report that was due July 1 has yet to be approved, but is slated to be reviewed at its next meeting. Once approved, the report will be available on PED's website. PED should prioritize the timely completion and release of this report as it contains a summary of the panel's work and its recommendations to PED.

The IDEA Advisory Panel's most recent annual report from July 2019 included the following recommendations for PED:

- Allow any schools participating in the RAMS program to exit the program if they met state accountability measures for two consecutive years;
- Continue to develop professional development opportunities that support all students with special needs; and
- Continue to monitor disproportionality data annually to ensure schools are providing equal opportunities and services to students with disabilities.

The IDEA advisory panel's bylaws stipulate the governor or other authorizing official appoints to a three-year term members involved with special education to represent a constituency group, i.e., parents, teachers, school administrators, representatives of higher education, and individuals with disabilities. PED indicated it receives nominations for individuals to serve as panel members from throughout the state. PED, in turn, sends recommendations to the governor and secretary of education who make the final selections. **See Attachment 5, IDEA-B Advisory Panel Members.**

OMB NO. 1820-0030
Expires: 8/31/2021

**ANNUAL STATE APPLICATION UNDER PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FOR FEDERAL FISCAL YEAR 2019**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

Washington, DC 20202-2600

Public Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. There are 60 respondents who, under PL 108-446, are required to submit the IDEA Part B Annual State Application in order to receive a grant award under Part B of the IDEA. The data burden is expected to require an average of 14 hours per respondent, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The burden estimate is 840 hours.

Respondents are required to submit information for Sections I-IV of the Annual State Application in order to receive a grant under Section(s) 611 and/or 619 of the Individuals with Disabilities Education Act. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202-4536 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1820-0030. Note: Please do not return the completed *Annual State Application under Part B of The Individuals with Disabilities Education Act as Amended in 2004* to this address.

fd

Section I

A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A of this Application.
2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2020. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

1. **Conditional Approval Related to Assurances in Section II.A:**
 - a. Section II.A provides documentation of completion of all issues identified in the FFY 2018 conditional approval letter.
 - b. As noted in Section II.A, the State has not completed all issues identified in the FFY 2018 conditional approval letter.
2. **Conditional Approval Related to Other Issues:**
 - a. The State previously submitted documentation of completion of all issues identified in the FFY 2018 conditional approval letter.
 - b. The State is attaching documentation of completion of all issues identified in the FFY 2018 conditional approval letter. (*Attach documentation showing completion of all issues.*)
 - c. The State has not completed all issues identified in the FFY 2018 conditional approval letter. (*Attach documentation showing completion of any issues and a list of items not yet completed.*)

Section II

A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

Yes <i>(Assurance is given.)</i>	No <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i>	Assurances Related to Policies and Procedures
X		1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.
X		2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)
X		3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.
X		4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.324, except as provided in §§300.300(b)(3) and 300.300(b)(4). (20 U.S.C. 1412(a)(4); 34 CFR §300.112)
X		5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be

Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) <i>Check and enter date(s) as applicable</i>	Assurances Related to Policies and Procedures
		achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.
X		6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
X		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
X		8. Agencies in the State comply with 34 CFR §§300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
X		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
X		10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §§300.130 through 300.148 (relating to responsibilities for children in private schools), including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)

Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) <i>Check and enter date(s) as applicable</i>	Assurances Related to Policies and Procedures
<input checked="" type="checkbox"/>		11. The State educational agency is responsible for ensuring that the requirements of Part B are met including the requirements of 34 CFR §§300.113, 300.149, 300.150 through 300.153, and 300.175 and 300.176 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)
<input checked="" type="checkbox"/>		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(1)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under §300.154(a)(3). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
<input checked="" type="checkbox"/>		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
<input checked="" type="checkbox"/>		14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E), as amended by the Every Student Succeeds Act; 34 CFR §300.156.
<input checked="" type="checkbox"/>		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C), as amended by the Every Student Succeeds Act; 34 CFR §300.157.
<input checked="" type="checkbox"/>		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized

Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable	Assurances Related to Policies and Procedures
		education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); as amended by the Every Student Succeeds Act; 34 CFR §300.160.
X		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.
X		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year, unless a waiver is granted, in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.
X		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
X		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
X		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
X		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
X		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility

Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.) <i>Check and enter date(s) as applicable</i>	Assurances Related to Policies and Procedures
		Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
	23b. <i>(Note: Check either "23b.1" or "23b.2" whichever applies.</i>	
X		<p>23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to:</p> <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or • purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)
		<p>23b.2 The State educational agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)</p>
X	24.	The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)
X	25.	The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.

B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
X	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
X	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
X	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
X	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

C. Certifications

The State is providing the following certifications:

Yes	
X	1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i> , is on file with the Secretary of Education. With respect to the <i>Certification Regarding Lobbying</i> , the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.
X	2. The State certifies that certification in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §76.104 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.
X	3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A)); 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.

D. Statement

I certify that the State of New Mexico can make the assurances checked as 'yes' in Section II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of the Part B of the Individuals with Disabilities Education Act as found in PL 108-446. The State will operate its Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2020. (34 CFR §76.104)

I, the undersigned authorized official of the

New Mexico Public Education Department

am designated by the Governor of this State to submit this application for FFY 2019 funds under Part B of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:

Karen Trujillo, Ph.D., Secretary of Education

New Mexico Public Education Department

Signature:



Date:

3-14-19

Section III

Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act—20 U.S.C. 1411(e)(5); 34 CFR §300.171

States must provide the Description of Use of Funds by completing and submitting the Excel Interactive Spreadsheet with the FFY 2019 Application.

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7)) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).¹ The dollar amounts listed in the Excel Interactive Spreadsheet by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

Enter whole dollar amounts (do not enter cents) in appropriate cells on the State's Excel Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State's application.

Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR §300.704)

On March 15, 2019, New Mexico Public Education Department published Public Notice on the PED website informing LEAs, RECs, IDEA Advisory Panel and the general public that PED will be accepting public comment for 30 days, beginning March 15, 2019, through April 14, 2019 regarding the proposed distribution of funds.

¹ Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

Section IV

State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local education agencies in writing of such State-imposed rules, regulation or policy. (20 U.S.C. 1407(a); 34 CFR §300.199)

Section V

Maintenance of State Financial Support

Pursuant to the authority established in IDEA section 618(a)(3), each applicant for funds under section 611 must provide the following State fiscal data with a certification of its accuracy by the State budget office or an authorized representative thereof. Amounts should be shown in whole dollars and are for the State fiscal year.

Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities	
SFY 2017	
SFY 2018	

State Budget Officer or Authorized Representative (Printed Name)

Signature of State Budget Officer or Authorized Representative

Date

New Mexico**FFY 2019**

REGULAR AWARD AMOUNT Est.	\$96,223,277
TOTAL AWARD AMOUNT	\$96,223,277
ADMINISTRATION	
Maximum Available for Administration.	
How much do you want to set aside for Administration in dollars?	<input type="text" value=""/>
You must distribute, in whole dollars, the amount you want to set aside for Administration among the following activities:	
For the purpose of administering IDEA Part B including Preschool Grants under 20 U.S.C. 1419, a High Cost Fund, and the coordination of activities under Part B with, and providing technical assistance to, other programs that provide services to children with disabilities. (Note: These funds may be used for Administering but not Financing a High Cost Fund)	
a. <input type="text" value=""/> \$2,066,778	
b. <input type="text" value=""/> \$0	
For the administration of Part C of IDEA, if the SEA is the Lead Agency for the State under Part C.	
You may set aside a portion of your Administration funds resulting from inflation for the following 4 Other State-Level Activities. Additional funds for these purposes may also be set aside under Other State-Level Activities. Based on the amount that you propose to set aside for Administration, the maximum amount of Administration funds that you may use for these 4 activities is:	
\$553,980	
For support and direct services, including technical assistance, personnel preparation, and professional development and training.	<input type="text" value=""/> \$0
To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.	<input type="text" value=""/>

d. \$0

e. \$0

To assist local educational agencies in meeting personnel shortages.
To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

f. \$0

Subtotal, Administration funds used for Other State-Level Activities

If you receive a Preschool Grant under 20 U.S.C. 1419, you may use Administration funds, along with other funds, to develop and implement a State policy jointly with the lead agency under Part C and the SEA to provide early intervention services (which must include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C to children with disabilities who are eligible for services under the Preschool Grant program and who previously received services under Part C until such children enter, or are eligible under State law to enter, kindergarten, or elementary school as appropriate.

g. \$0

The total of details for your Administration set-aside is

\$2,066,778

OTHER STATE-LEVEL ACTIVITIES

If you propose to set aside more than \$850,000 for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$10,659,942

Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

If you propose to set aside more than \$850,000 for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$9,593,948

If you propose to set aside \$850,000 or less for Administration and you DO wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

Of the amount you set aside for Other State-Level Activities at least 10% must be used for the High Cost Fund.

\$11,192,939

If you propose to set aside \$850,000 or less for Administration and you DO NOT wish to use funds for a High Cost Fund, the maximum amount that you may use for Other State-Level Activities is:

\$10,126,945

Yes

Do you wish to use funds for a High Cost Fund? (Yes or No)

Based on the amount that you intend to set aside for Administration, the size of your total award, and your decision TO use set aside funds to support a High Cost Fund, the maximum that you may use for Other State-Level Activities is:

\$10,659,942

How much do you want to set aside for Other State-Level Activities?

\$10,659,942

You must distribute the amount you want to set aside for Other State-Level Activities the following activities.

You can distribute amounts in any order you wish. The total balance remaining to be distributed at any time appears in red.

How much do you want to use for the High Cost Fund?

You must use at least

\$1,065,994

\$1,065,994

For monitoring, enforcement, and complaint investigation. (You must use at least \$1 for this purpose)

h. \$515,000

To establish and implement the mediation process required by 20 U.S.C. 1415(e), including providing for the cost of mediators and support personnel. (You must use at least \$1 for this purpose)

i. \$716,040

Optional Authorized Activities:

For support and direct services, including technical assistance, personnel preparation, and professional development and training

j. \$4,737,971

To assist local educational agencies in providing positive behavioral interventions and supports and appropriate mental health services for children with disabilities.

k. \$358,400

To assist local educational agencies in meeting personnel shortages.

l. \$100,000

To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

n. \$1,054,222

To support paperwork reduction activities, including expanding the use of technology in the IEP process.

n. \$216,015

To improve the use of technology in the classroom by children with disabilities to enhance learning.

o.

To support the use of technology, including technology with universal design principles and assistive technology devices, to maximize accessibility to the general education curriculum for children with disabilities.

p.

Development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of children with disabilities to postsecondary activities.

q. \$193,300

Alternative programming for children with disabilities who have been expelled from school, and services for children with disabilities in correctional facilities, children enrolled in State-operated or State-supported schools, and children with disabilities in charter schools.

r. \$100,000

To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments

that are valid and reliable for assessing the performance of children with disabilities, in accordance with Sections 1111(b) and 1201 of the Elementary and Secondary Education Act of 1965.

s. \$147,000

To provide technical assistance to schools and LEAs, and direct services, including direct student services described in section 1003A(c)(3) of the ESEA to children with disabilities, to schools or LEAs implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the ESEA on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers, who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement based on the challenging academic standards described in section 1111(b)(1) of the ESEA.

t. \$1,456,000

The total of details for your Other State-Level Activities set-aside is
\$10,659,942

You are almost done.
If you are using money for a High Cost Fund. You must report how much you will use for each of the following two activities. You reported that you would use
\$1,065,994

To establish and make disbursements from the high cost fund to local educational agencies in accordance with 20 U.S.C. 1411(e)(3) during the first and succeeding fiscal years of the high cost fund.

u. \$1,065,994

To support innovative and effective ways of cost sharing by the State, by an LEA, or among a consortium of LEAs, as determined by the State in coordination with representatives from LEAs, subject to 20 U.S.C. 1411(e)(3)(B)(ii) (Amount may not be more than 5% of the amount reserved for the LEA Risk Pool.)

v.

Establishment of High Cost Fund (20 U.S.C. 1411(e)(3)(B)(i) - A State shall not use any of the funds the State reserves pursuant to 20 U.S.C. 1411(e)(3)(A)(i), but may use the funds the State reserves under 20 U.S.C. 1411(e)(1), to establish and support the high cost fund.

Subtotal, High Cost Fund \$1,065.994



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

June 20, 2019

Honorable Deborah Clark
 Director, New Mexico Special Education Bureau
 New Mexico Public Education Department
 120 S Federal Pl #206
 Santa Fe, NM 87501

Dear Director Clark:

I am writing to advise you of the U. S. Department of Education's (Department) 2019 determination under section 616 of the Individuals with Disabilities Education Act (IDEA). The Department has determined that New Mexico needs assistance in implementing the requirements of Part B of the IDEA. This determination is based on the totality of the State's data and information, including the Federal fiscal year (FFY) 2017 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

Your State's 2019 determination is based on the data reflected in the State's "2019 Part B Results-Driven Accountability Matrix" (RDA Matrix). The RDA Matrix is individualized for each State and consists of:

- (1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors;
- (2) a Results Matrix that includes scoring on Results Elements;
- (3) a Compliance Score and a Results Score;
- (4) an RDA Percentage based on both the Compliance Score and the Results Score; and
- (5) the State's Determination.

The RDA Matrix is further explained in a document, entitled "How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2019: Part B" (HTDMD).

The Office of Special Education Programs (OSEP) is continuing to use both results data and compliance data in making determinations in 2019, as it did for Part B determinations in 2014, 2015, 2016, 2017, and 2018. (The specifics of the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA Matrix for your State.) In making Part B determinations in 2019, OSEP continued to use results data related to:

- (1) the participation of children with disabilities (CWD) on regular Statewide assessments;

400 MARYLAND AVE. S.W., WASHINGTON DC 20202-2600
www.ed.gov

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

- (2) the participation and performance of CWD on the most recently administered (school year 2016-2017) National Assessment of Educational Progress (NAEP);
- (3) the percentage of CWD who graduated with a regular high school diploma; and
- (4) the percentage of CWD who dropped out.

The Secretary is considering modifying the factors the Department will use in making its determinations in June 2020 as part of its continuing emphasis on results for children with disabilities. Section 616(a)(2) of the IDEA requires that the primary focus of IDEA monitoring must be on improving educational results and functional outcomes for all children with disabilities, and ensuring that States meet the IDEA program requirements, with an emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

The Part B proposed determinations process will include the same compliance factors as in past years, with one addition. For the 2020 determinations, rather than weighting each compliance factor equally, OSEP is considering assigning greater weight to those compliance factors most directly related to improving results for children with disabilities. For the 2020 determinations process we are also considering, as two additional results factors, State-reported data on: preschool child outcomes and the State Systemic Improvement Plan (SSIP). Using preschool outcomes for Part B determinations is consistent with the use of the early childhood outcomes factor that has been used for Part C determinations since 2015. Use of this factor emphasizes the importance of preschool outcomes in promoting later school success for students with disabilities. The inclusion of the SSIP as a results factor in making determinations would continue OSEP’s emphasis on incorporating a results-driven approach as States identify evidence-based practices that lead to improved outcomes for children and youth with disabilities. In addition, we are considering several changes to the results factors related to the participation and performance of children with disabilities on assessments, including: (1) using Statewide assessment results, rather than the NAEP performance data; (2) looking at year-to-year improvements in Statewide assessment results and taking into account the full Statewide assessment system, including alternate assessments; and (3) no longer comparing each State’s assessment performance with that of other States. Finally, OSEP will be revisiting ways of measuring improvement in the graduation rate of students with disabilities. As we consider changes to how we use the data under these factors in making the Department’s 2020 determinations, OSEP will provide parents, States, entities, LEAs, and other stakeholders with an opportunity to comment and provide input through OSEP’s Leadership Conference in July 2019 and other meetings.

You may access the results of OSEP’s review of your State’s SPP/APR and other relevant data by accessing the SPP/APR module using your State-specific log-on information at osep.grads360.org. When you access your State’s SPP/APR on the site, you will find, in Indicators 1 through 16, the OSEP Response to the indicator and any actions that the State is required to take. The actions that the State is required to take are in two places:

- (1) actions related to the correction of findings of noncompliance are in the “OSEP Response” section of the indicator; and
- (2) any other actions that the State is required to take are in the “Required Actions” section of the indicator.

It is important for you to review the Introduction to the SPP/APR, which may also include language in the “OSEP Response” and/or “Required Actions” sections.

You will also find all of the following important documents saved as attachments to the Progress Page:

- (1) the State’s RDA Matrix;
- (2) the HTDMD document;
- (3) a spreadsheet entitled “2019 Data Rubric Part B,” which shows how OSEP calculated the State’s “Timely and Accurate State-Reported Data” score in the Compliance Matrix; and
- (4) a document entitled “Dispute Resolution 2017-18,” which includes the IDEA section 618 data that OSEP used to calculate the State’s “Timely State Complaint Decisions” and “Timely Due Process Hearing Decisions” scores in the Compliance Matrix.

As noted above, the State’s 2019 determination is Needs Assistance. A State’s 2019 RDA Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A State would also be Needs Assistance if its RDA Determination percentage is 80% or above but the Department has imposed Special or Specific Conditions on the State’s last three IDEA Part B grant awards (for FFYs 2016, 2017, and 2018), and those Specific Conditions are in effect at the time of the 2019 determination.

The State’s determination for 2018 was also Needs Assistance. In accordance with section 616(e)(1) of the IDEA and 34 C.F.R. § 300.604(a), if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions:

- (1) advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance and require the State to work with appropriate entities;
- (2) direct the use of State-level funds on the area or areas in which the State needs assistance; or
- (3) identify the State as a high-risk grantee and impose Special Conditions on the State’s IDEA Part B grant award.

Pursuant to these requirements, the Secretary is advising the State of available sources of technical assistance, including OSEP-funded technical assistance centers and resources at the following website: <https://osep.grads360.org/#program/highlighted-resources>, and requiring the State to work with appropriate entities. In addition, the State should consider accessing technical assistance from other Department-funded centers such as the Comprehensive Centers with resources at the following link: <http://www2.ed.gov/programs/newccp/index.html>. The Secretary directs the State to determine the results elements and/or compliance indicators, and improvement strategies, on which it will focus its use of available technical assistance, in order to improve its performance. We strongly encourage the State to access technical assistance related to those results elements and compliance indicators for which the State received a score of zero. Your State must report with its FFY 2018 SPP/APR submission, due February 3, 2020, on:

- (1) the technical assistance sources from which the State received assistance; and
- (2) the actions the State took as a result of that technical assistance.

As required by IDEA section 616(e)(7) and 34 C.F.R. § 300.606, your State must notify the public that the Secretary of Education has taken the above enforcement actions, including, at a minimum, by posting a public notice on its website and distributing the notice to the media and through public agencies.

States were required to submit Phase III Year Three of the SSIP by April 1, 2019. OSEP appreciates the State's ongoing work on its SSIP and its efforts to improve results for students with disabilities. We have carefully reviewed your submission and will provide feedback in the upcoming weeks. Additionally, OSEP will continue to work with your State as it implements the fourth year of Phase III of the SSIP, which is due on April 1, 2020.

As a reminder, your State must report annually to the public, by posting on the State educational agency's (SEA's) website, the performance of each local educational agency (LEA) located in the State on the targets in the SPP/APR as soon as practicable, but no later than 120 days after the State's submission of its FFY 2017 SPP/APR. In addition, your State must:

- (1) review LEA performance against targets in the State's SPP/APR;
- (2) determine if each LEA "meets the requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA;
- (3) take appropriate enforcement action; and
- (4) inform each LEA of its determination.

Further, your State must make its SPP/APR available to the public by posting it on the SEA's website. Within the next several days, OSEP will be finalizing a State Profile that:

- (1) will be accessible to the public;
- (2) includes the State's determination letter and SPP/APR, and all related State and OSEP attachments; and
- (3) can be accessed via a URL unique to your State, which you can use to make your SPP/APR available to the public. We will provide you with the unique URL when it is live.

OSEP appreciates the State's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year as we continue our important work of improving the lives of children with disabilities and their families. Please contact your OSEP State Lead if you have any questions, would like to discuss this further, or want to request technical assistance.

Sincerely,



Laurie VanderPloeg
Director
Office of Special Education Programs

cc: State Director of Special Education

**New Mexico Supports for Reading,
Achievement, Math, and School-Culture
(RAMS)**

**New Mexico's State Systemic
Improvement Plan**

Phase III Year 4

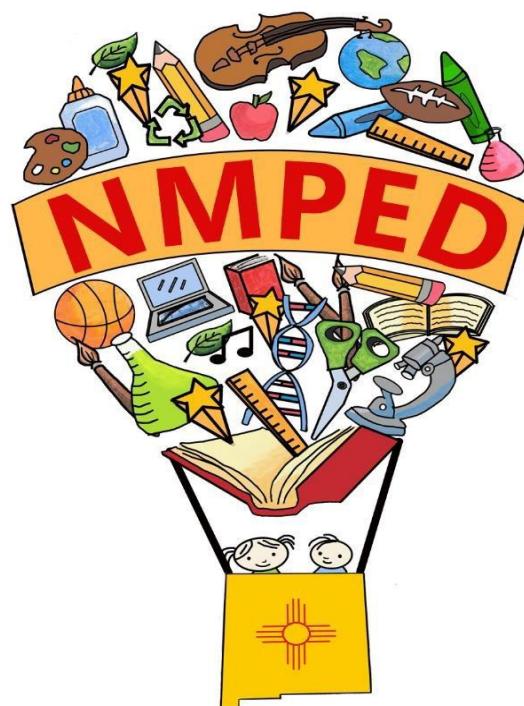


Table of Contents

Executive Summary of Changes to Phase III (Year 4) of New Mexico's SSIP	1
Summary of Phase III	1
A1. Theory of action or logic model for the SSIP, including the SIMR.....	5
A3. The specific evidence-based practices that have been implemented to date	7
A4. Brief overview of the year's evaluation activities, measures, and outcomes.....	9
A5. Highlights of changes to implementation and improvement strategies	10
B. Progress in Implementing the SSIP	12
1. Description of the State's SSIP implementation progress.....	12
B1a. Description of extent to which the State has carried out its planned activities with fidelity	12
B1b. Intended outputs that have been accomplished as a result of the implementation activities	16
B2. Stakeholder involvement.....	16
B2a. How stakeholders have been informed	16
B2b. How stakeholders have had a voice	16
C. Data on Implementation and Outcomes	16
1. How the State monitored and measured outputs	16
C1a. How evaluation measures align with the logic model	17
C1b. Data sources for each key measure.....	18
C1c. Description of baseline data for key measures	18
C1d. Data collection procedures and associated timelines.....	21
C1e. Planned data comparisons.....	25
C1f. How data management and data analysis procedures allow for assessment of progress	25
C2. Demonstrated Progress	26
C2a. Reviewing Key Data	26
C2b. Evidence of change to baseline data for key measures.....	26
C2c. How data support changes that have been made to implementation and improvement strategies	26
C2d. How data are informing next steps in the SSIP implementation	26
C2e. How data supported planned modifications	26

C3.Stakeholder involvement.....	26
C3a. How stakeholders have been informed.....	26
C3b. How stakeholders have had a voice.....	27
Data Quality Issues.....	27
1. Data limitations.....	27
D1a. Concerns or limitations	27
D1c. Plans for improving data quality.....	28
D. Progress Toward Achieving Intended Improvements	28
E1a. Infrastructure changes	28
E1b. Evidence of EBP's	29
E1c. Outcomes regarding progress toward short-term and long-term	30
F. Plans for Next Year	30
1. Additional activities	30
F2. Planned evaluation activities including data collection, measures, and expected outcomes	31
F3. Anticipated continuing and new barriers and steps to address those barriers	32
F4. The State describes any needs for additional support and/or technical assistance	33

Executive Summary of Changes to Phase III (Year 4) of New Mexico's SSIP

April 1, 2020

The Fourth year of Phase III of New Mexico's (NM) State Systemic Improvement Plan (SSIP) is fundamentally consistent with Phase I, Phase II, and the first three years of Phase III. This report references July 2018 through December 2019. Stakeholder input and data driven refinements to the project require practical changes to the plan; changes to these areas/initiatives are generalized below and detailed in section A5 on page 12.

- Program Sustainability Plan
- School Improvement Partner (SIP)
- Differentiated Implementation Fidelity Assessment
- Mini-Grants (in response to stakeholder suggestions to build capacity in the state, the amount of mini-grant funding was slightly decreased in order to increase the number of participants)
- Video Based Coaching
- Online book studies
- Survey Data
- Alignment to State ESSA Plan
- Evidence-based Practices

Summary of Phase III

The New Mexico results-focused project began in fall 2011 during the United States Department of Education, Office of Special Education Programs (OSEP) Continuous Improvement Visit (CIV). The 2011 CIV consisted of several days of an on-site compliance review of the requirements under the Individuals with Disabilities Education Act (IDEA), by the OSEP. At the time of the visit, the U. S. Department of Education announced steps to help close the special education achievement gap by moving away from a compliance only monitoring process to a monitoring process that focuses on both the results plan indicators of students with disabilities and established compliance indicators. OSEP's philosophical shift in monitoring required NM to develop a results-driven plan that focused on improving one or more State Performance Plan (SPP) results indicators. The second facet of the on-site visit consisted of OSEP providing technical assistance and support reviewing the State's data and in the development of the results plan. The State selected SPP Indicator 3c: Reading proficiency rates of students with disabilities, as the 2011 results plan indicator.

The State's stakeholder group developed a multi-year results plan. The results-driven project, called New Mexico Real Results (NMRR), was initiated in 2011. The Title I Bureau, with the

support of the Special Education Bureau (SEB), began implementation of NMRR. Each year, a data analysis was conducted and process improvements were made to NMRR. The project continued to expand each year.

The State experienced success with the NMRR program in 2011-12, and it was decided that the State Systemic Improvement Plan (SSIP) and State Identified Measurable Result (SIMR), which states that by federal fiscal year (FFY) 2018, 42.5% of students with disabilities in 3rd Grade of Cohort 1 in the RAMS schools will score benchmark on the End of Year reading accountability assessment, would adapt to complement the work of NMRR by focusing on the early elementary reading achievement of students with disabilities. This decision was supported by the State's IDEA advisory panel and stakeholder group. Results Driven Accountability (RDA) was chosen as the program's name.

In 2014, the U.S. Department of Education provided guidance to states "Leveraging Federal Funding Focus Groups Proceedings" by the American Institutes for Research (AIR). This guidance provides methods in which state agencies and local education agencies can leverage federal funds to best support improved outcomes for students with disabilities. New Mexico Supports for Reading, Achievement, Math, and School-culture (RAMS) is seeing measurable, statistically significant success across the state by leveraging IDEA Part B, IDEA Part D (SPDG), Title I Part A and Title IV Part A funds and resources.

New Mexico's SPDG

New Mexico's five year (2013-2017) State Personnel Development Grant (SPDG) focused on improving student outcomes in early elementary reading, along with outcomes in math and improving behavior. The SPDG supports increasing student achievement in the areas of reading, math and behavior while decreasing the achievement gap between students with disabilities and all students. The SPDG employs strategies to support students at risk of failing—those who score in the lowest quartile of achievement. As such, the SPDG is administered by New Mexico's Title I Bureau, whose mandate is to support the achievement of at risk students. In 2017, New Mexico was awarded a new five year SPDG to focus of improving student outcomes in early literacy.

In March of 2019, RDA was changed to New Mexico Supports for Reading, Achievement, Math, and School-culture (RAMS). This change reflects New Mexico's leveraging of resources and is consistent with our Secretary's message of leading with support; RAMS will be used throughout this report in reference to the previously titled RDA program.

The NMRR and the SPDG were analogous; the programs were combined to create the Title I Supports for Reading, Achievement, Math, and School-culture (RAMS) professional development program. The resources employed by the SPDG and NMRR were combined to create RAMS while continuing to meet all of their respective program requirements. In New Mexico, the SSIP is known as RAMS.

New Mexico's SIMR states that by federal fiscal year (FFY) 2018, 42.5% of students with disabilities in 3rd Grade of Cohort 1 in the RAMS schools will score benchmark on the End of Year reading accountability assessment. There is broad recognition across the agency and among the stakeholders that the best way to accomplish this is to support whole school improvement, as most special education students spend the majority of their day in the general education setting. Supporting whole school improvement in the early elementary grades while maintaining a focus on at-risk learners is a hallmark of the Title I program, and it was determined that New Mexico's Title I Bureau had the capacity and expertise to best administer the RAMS program.

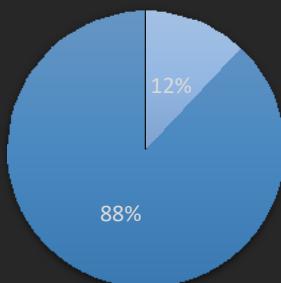
The Title I Bureau is responsible for coordination of the SSIP. The Special Education Bureau (SEB), Priority Schools Bureau, Literacy Bureau, and Assessment and Accountability Bureau have been involved in the planning, implementation, and evaluation of RAMS.

After the Phase II implementation of the SSIP, the State's infrastructure and capacity was reviewed to determine the implementation and monitoring of Phase III of the SSIP. It was determined that two data coordinators would be hired to lead the evaluation process, and coordinate data collection and stakeholder engagement of the RAMS program. Two data coordinators funded with IDEA B funds were hired in July, 2016, and are housed in the Title I Bureau and supervised by Title I staff.

The RAMS Program Manager and data coordinators worked with the internal cross-bureau (Title I, Special Education, Literacy and Priority Schools Bureaus) stakeholder group at the PED to determine what improvements needed to be made in Phase III of the SSIP to better support Local Education Agency (LEA) implementation and scale up of the use of evidence-based interventions, programs, practices and strategies. In addition, the internal stakeholder group discussed strategies to support current state initiatives, without duplicating efforts, to provide meaningful interventions and supports for New Mexico's elementary students.

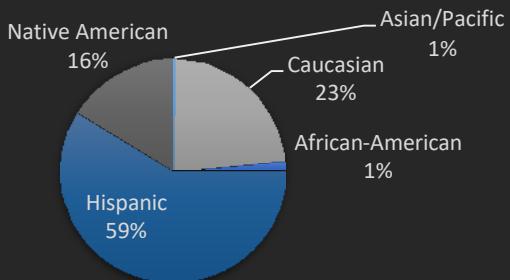
In 2018-19 RAMS worked with 88 elementary schools in 44 of the 89 districts across the State of New Mexico. RAMS served 13,997 students with disabilities (SWD) of a total K-3 student population of 103,125 students in RAMS supported schools. In 2018-19 the State of New Mexico had a total student population of 347,023; 57,483 of which were SWDs. These metrics will define most of the comparative data used in this report. Demographic information for this student population is shown below.

2018-19 K-3rd Grade Students in RAMS Schools with and without disabilities



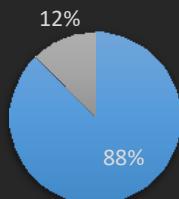
■ Students with Disabilities in RAMS Schools
■ Students without Disabilities in RAMS Schools

2018-19 Ethnicity of all K-3rd Grade Students in RAMS Schools



■ Asian/Pacific ■ Caucasian ■ African-American ■ Hispanic ■ Native American

2018-19 Socioeconomic Status of all K-3rd Grade students in RAMS Schools

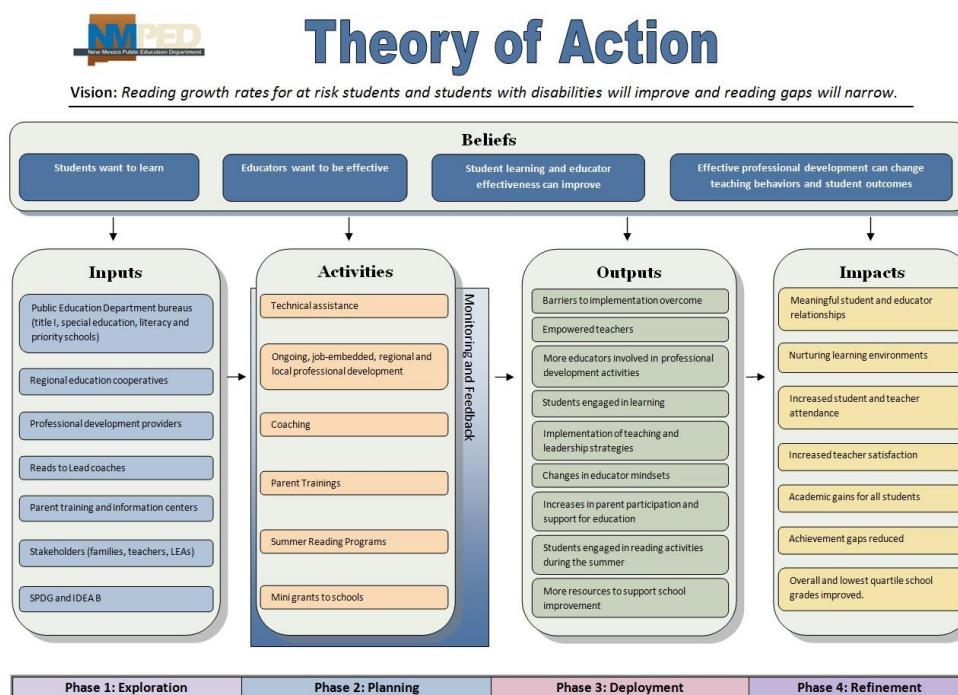


■ Economically Disadvantaged ■ Non Economically Disadvantaged

A1. Theory of action or logic model for the SSIP, including the SIMR

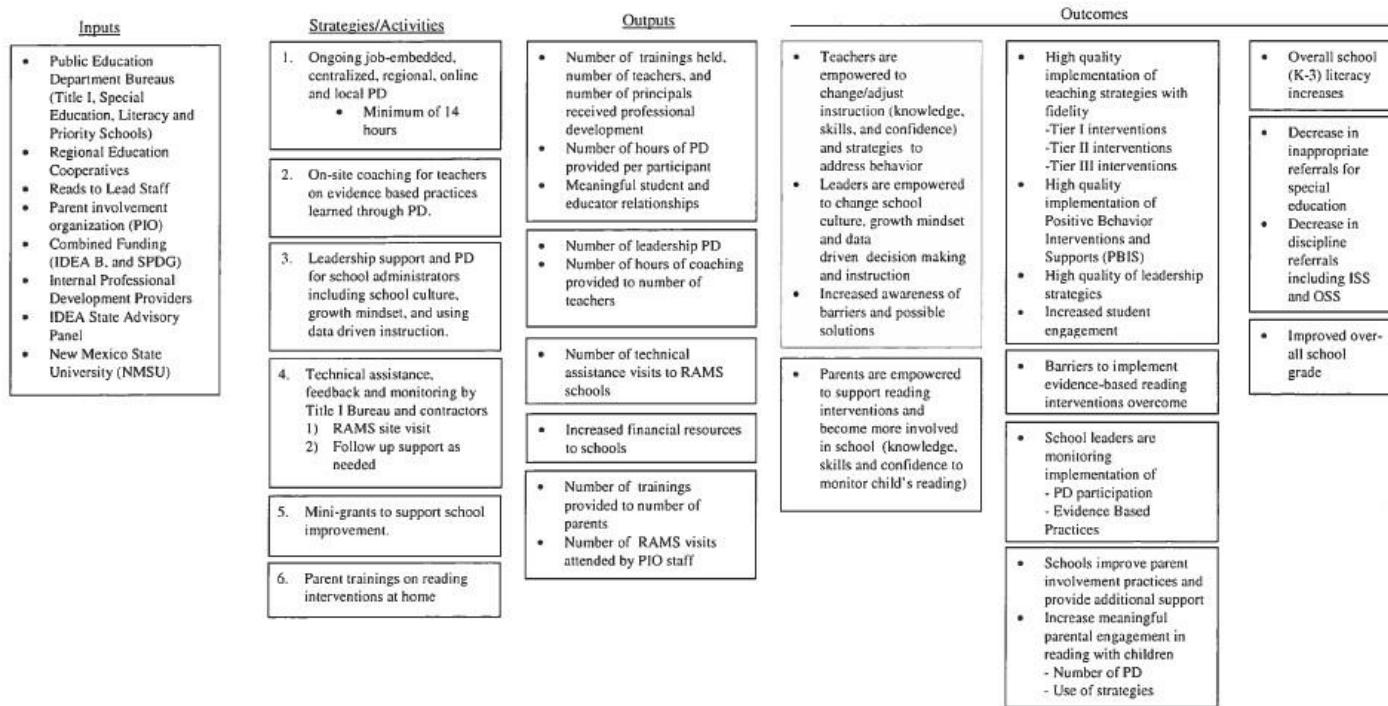
Our Logic Model is the graphic depiction of the logical relationship between our resources (inputs), strategies, activities (outputs), and outcomes. The logic model was developed in Phase II of the SSIP. The logic model was revised during Phase III in a collaboration of Public Education Department (PED), IDEA Data Center (IDC), RAMS Stakeholders, and the State's IDEA Panel. Stakeholder input and the intended results of the RAMS model were the catalysts for these revisions.

On several occasions, the RAMS data coordinators met with the IDEA Panel to review the logic model. This group included the SIMR to support the RAMS logic model. The SIMR states that by federal fiscal year (FFY) 2018, 42.5% of students with disabilities in 3rd Grade of Cohort 1 in the RAMS schools will score benchmark on the End of Year reading accountability assessment. In terms of the SIMR and how the SSIP will support these expected results, this group discussed each major RAMS strategy, including how RAMS could support each strategy, the types of data that could be used to evaluate the effectiveness of each strategy, and future needs and barriers that might arise from each strategy. The expected short, intermediate, and long-term outcomes of the strategies were also refined. The data coordinator used the information and worked with the IDC consultants to revise the logic model and ensure alignment with the evaluation of the SSIP. Proposed changes were incorporated in the logic model and presented to the IDEA Panel for supplementary review.



New Mexico Public Education Department Logic model: New Mexico Title I Supports for Reading, Achievement, Math, and School-culture (RAMS)

New Mexico Public Education Department Logic model: New Mexico Title I Supports for Reading, Achievement, Math, and School-culture (RAMS)
SIMR: By federal fiscal year (FFY) 2018, 42.5% of students with disabilities in NM RAMS schools will score benchmark on the End of Year reading accountability assessment.



SIMR: By federal fiscal year (FFY) 2018, 42.5% of students with disabilities in 3rd Grade of Cohort 1 of NM RAMS schools will score benchmark on the End of Year reading accountability assessment. A2. The coherent improvement strategies or principal activities employed during the year, including infrastructure improvement strategies.

End of Year Reading Accountability Assessment Data

	2013-14 DIBELS	2014-15 DIBELS	2015-16 DIBELS	2016-17 Istation	2017-18 Istation	2018-19 Istation	2019-20 Istation
Target	32.5%	34.5%	36.5%	38.5%	40.5%	42.5%	42.5%
EOY SIMR Data	32.5%	33.0%	33.8%	41.7%	39.9%	17.4%*	Unknown
Difference	Met	-1.5%	-2.7%	+3.2%	-0.6%	-25.1%*	Unknown

*Beginning with the 2018-19 school year, students scoring at or above the 60th percentile were considered proficient. Prior to this change, students scoring at or above the 40th percentile were considered proficient.

As shown in the logic model, NM RAMS has six primary strategies. In year one, two, and three of Phase III, all six strategies were implemented. Year four continued the implementation of these six strategies:

- Ongoing, professional development targeted to the identified evidence-based interventions, programs, practices and strategies and online book studies that provided the research basis for the evidence-based interventions, programs, practices and strategies

- Leadership professional development that provided the facilitative administrative support for evidence-based interventions, programs, practices and strategies
- Onsite coaching services that provided modeling and feedback on implementation of the evidence-based interventions, programs, practices and strategies
- School mini-grants that provided the resources necessary to support implementation of the evidence-based interventions, programs, practices and strategies
- Ongoing training for parents and technical assistance for schools on effective family engagement evidence-based interventions, programs, practices and strategies
- School site visits by Public Education Department (PED) led teams that monitored and revised the implementation of the evidence-based interventions, programs, practices and strategies, to provide targeted assistance, and to provide feedback

A3. The specific evidence-based practices that have been implemented to date

The RAMS program identified six specific school improvement categories which aligned to the NM Data, Accountability, Sustainability, and High Achievement (DASH) 90-day plan. The 90-day plan is a state-wide initiative implemented by the Priority Schools Bureau. Based on annual school needs and the data provided from site visits conducted by PED staff, the schools focused on two of the six categories. The six categories are divided into 32 school improvement criteria, which are the project's evidence-based interventions, programs, practices and strategies (updated fall, 2018). RAMS schools are supported in these areas through Targeted Assistance PD opportunities in all six areas. They are encouraged to align PD with their NM DASH Plans as well as the areas for growth on the RAMS School site visits.

These 32 criteria supplement the Coherent Improvement Strategies (CISs) to support the LEAs. The RAMS professional development program provided professional development, book studies, coaching, technical assistance and monitoring based on the school improvement criteria listed below, with NM DASH categories in parentheses:

Data Driven Instruction	DD1	CCSS assessments are in place and used as universal screening tools. <i>(Standards Alignment)</i>
	DD2	Leaders conduct data analysis meetings following assessments. <i>(Data Driven Instruction)</i>
	DD3	Teachers complete test-in-hand analysis of assessments. <i>(Data Driven Instruction)</i>
	DD4	Teachers write action plans after analysis of assessments. <i>(Data Driven Instruction)</i>
	DD5	Frequency, duration, and group size for interventions are based on data. <i>(Data Driven Instruction)</i>
Observation and Feedback Cycles, Collaboration	EL1	Administrators observe instruction in every class every week and have a system for providing effective feedback. <i>(Observation and Feedback)</i>
	EL2	Leaders use observation and feedback to check for alignment to teacher action plans and data-based student needs. <i>(Observation and Feedback)</i>

	EL3	There are effective shared leadership systems to support school improvement. <i>(School Leadership &Systems)</i>
	EL4	Teacher teams review data and research, and consider implications for school improvement. <i>(Collaboration)</i>
	EL5	Principal has a system to monitor implementation of instructional practices learned through professional development. <i>(Ongoing, Job-embedded Professional Development)</i>
Tier 1 Instruction and Intervention and Standards	T1-1	A rigorous core curriculum in reading and math is used with intentionality. <i>(Standards Alignment)</i>
	T1-2	Instruction purposefully supports the Common Core State Standards at grade level. <i>(Tier I (core) Instruction)</i>
	T1-3	Common formative assessments are used to progress monitor student progress. <i>(Tier II (SAT) process)</i>
	T1-4	Small group instruction occurs with every student every day during core instruction. <i>(Tier I interventions)</i>
	T1-5	Small group instruction is differentiated to meet student needs. <i>(Tier I interventions)</i>
Tier 2 Student Assistance Team (SAT)	T2-1	Objective criteria are used for moving students up and down RtI levels. <i>(Tier II (SAT) Process)</i>
	T2-2	Students move from Tier 2 to Tier 1 with some regularity during the school year. <i>(Tier II (SAT) Process)</i>
	T2-3	There are teacher team meetings to review data and support student achievement prior to referral for Tier 2 interventions. <i>(Tier II (SAT) Process)</i>
	T2-4	Students receive appropriate interventions prior to and after Tier 3 referral. <i>(Tier II (SAT) Process)</i>
School Culture: Positive Learning Environment	PE1	There is a school-wide system for collecting and analyzing behavior data. <i>(School Culture)</i>
	PE2	Five positive reinforcements are provided for each instance of corrective feedback. <i>(School Culture)</i>
	PE3	There are shared behavioral expectations for teachers and students <i>(School Culture)</i>
	PE4	There are common school and classroom procedures and routines. <i>(School Culture)</i>
	PE5	Adult interactions with students are caring and warm. <i>(School Culture)</i>
	PE6	Students with disabilities are supported with non-punitive behavioral supports. <i>(School Culture)</i>
	PE7	Data (non-personally identifiable information) are posted publicly and shared in a meaningful way with stakeholders. <i>(School Culture)</i>

	PE8	The principal spends the majority of his or her time addressing student achievement. <i>(School Culture)</i>
School Culture: Family Engagement	FE1	An active advisory school council meets at least once a month and keeps agendas. <i>(School Culture)</i>
	FE2	There are monthly activities for families outside of work hours. <i>(School Culture)</i>
	FE3	The Title I school compact and family engagement policies include effective strategies and show evidence of parent participation in the development process. <i>(School Culture)</i>
	FE4	For at least 60 minutes/week, families provide reading support for students at home. <i>(School Culture)</i>
	FE5	Parents are notified about student reading progress, how student achievement compares to grade level, and ways to support reading at home. <i>(School Culture)</i>

A4. Brief overview of the year's evaluation activities, measures, and outcomes

Evaluation data was collected and analyzed throughout the year to make immediate process improvements. When the budget was reviewed, all data was evaluated to determine return on investment (ROI). All data was reviewed again at the semiannual stakeholder meetings. The stakeholders were provided data to review in order to participate in informed programmatic decision-making.

School-site Assistance is the program's use of qualitative feedback from the RAMS stakeholder group and from site visit team members to evaluating effectiveness of the project's strategies. Qualitative feedback is particularly important when considering improvements to the targeted assistance component of the project.

Program data was collected at multiple intervals. Evaluation data collected quarterly included the surveys of the school principals, teachers, parents, and outside stakeholders. Qualitative data from the RAMS administrators' stakeholder group continue to be collected annually. This data includes site visit results, surveys of teachers regarding the professional development and coaching and 2018-19 iStation data. Evaluation data included State accountability achievement data.

The data collected from site visits for each strategic category and supplemental criterion were correlated to student achievement data. The correlation data was analyzed by program staff and stakeholders to determine effectiveness of criteria and the changes made based upon this analysis.

Evaluation data was shared with the stakeholder groups at RAMS meeting. RAMS school administrators reviewed RAMS evaluation data during each leadership training.

To produce a quality program and report, the PED utilized the services of the IDEA Data Center (IDC). The Title I RAMS staff worked with IDC consultants to enhance data collection and support data analysis.

The site visit teams assessed evidence-based interventions, programs, practices and strategies implementation through classroom observations and interviews with principals, teachers, and parents. Using a series of rubrics, the site visit teams assessed the fidelity of evidence-based interventions, programs, practices and strategies implementation at each RAMS school and provided the results to school and district administration.

In the first two years of the project, schools received two site visits. For schools in the program for three or more years, the number of site visits was based on the school grade while the state was issuing grades. Once the school grading system was diminished, schools with the lowest site visit scores from the prior year received visits in the fall. All other schools were visited in the spring.

A5. Highlights of changes to implementation and improvement strategies

The fourth year of Phase III of New Mexico's SSIP is largely consistent with Phase I, Phase II, and the first three years of Phase III; however, there have been improvements to the project requiring minimal, purposeful changes to the plan. These changes are described below:

Program Sustainability Plan: In an effort to continue high quality support to all schools as we continue to add new schools, RAMS developed a system of tiered support for all schools based on site visits, NMSTAMELA, and Istation data performance. This tiered support allowed RAMS to determine schools in greater need of support and could assist them accordingly. These tiers, gold, silver, and bronze, helped to determine funding, coaching, and number of site visits.

School Implementation Partner (SIP): The SIP is a site-based teacher or instructional coach working in conjunction with the CORE coach for that site. The SIP receives additional PD which is then communicated to the staff on site. This partnership is a component of our mechanism for sustainability. The SIP serves as the primary resource person for the teachers when the coach is not on site. This in turn helps to provide for a continuous resource for PD at all RAMS schools.

Differentiated Implementation Fidelity Assessment: Istation, NMSTAMELA, and site visit data are used to determine the level of differentiation for each RAMS school. By using multiple sources of data, RAMS schools are able to receive impactful site visits. The site visit tool is a working document that allows the teams to focus on specific areas while at the schools. All of the personnel that conduct site visits, including NMPED RAMS staff, NMPED Special Education Bureau staff, and contracted REC (Regional Education Cooperative) staff participate in a calibration activity prior to conducting site visits to ensure validity.

Mini-grants: Continuing in 2018-19, the provision of mini-grants to support implementation of the RAMS framework of evidence-based practices was continued to provide RAMS services to schools. Based on multiple data sets: Istation, NMSTAMELA, and site visit reports; schools in Cohort 1 received varying amounts (either \$20,000 or \$30,000 based on their status and/or number of years within the program). Again, RAMS developed a system of tiered support for all schools based on site visits, NMSTAMELA, and Istation data performance. This tiered support allowed RAMS to determine schools in greater need of support and could assist them accordingly. These tiers, gold, silver, and bronze, helped to determine funding, coaching, and number of site visits.

Video-based coaching: For the 2018-19 school year, all schools were given Swivl classroom technology. Using Swivl, teachers were encouraged to videotape themselves, upload their video and request that a CORE coach review the video and provide feedback. Teachers that were engaged in the process were able to reflect on their practice, which is a positive step in the process of improving their instruction and student learning.

Online book studies: For the 2018-19 school year all schools were given the opportunity to participate in quarterly book studies in order to grow professionally and improve their practices. Book Studies were on Driven by Data a “practical guide to improve instruction”, Great Habits, Great Readers, and Get Better Faster by Paul Bambrick-Santoyo, and Starting Strong: Evidence-Based Early Literacy Practices by Balmey and Beauchat

Survey Data: In an effort to streamline and centralize survey data, RAMS continued to use Survey Monkey for data collection. Survey Monkey was managed by one of the data coordinators within the NMPED RAMS staff. Surveys were developed to gather feedback and assist the program managers with future planning based on needs.

Alignment to State ESSA Plan: The PED began the stakeholder engagement process for the state’s ESSA plan in fall 2016 through engagement meetings. The meetings were facilitated by *New Mexico First* and their full report can be accessed at [New Mexico Public Education Department](#)

The State’s IDEA Advisory Panel, as one of the SSIP’s stakeholder groups, was presented information about the proposed state plan and had the opportunity to provide feedback. While developing the ESSA state plan, components of the SSIP were incorporated into the ESSA plan. This alignment contributes to better outcomes for all students, including students with disabilities. This innovative and concerted approach has allowed the PED, LEAs, and schools to leverage human and fiscal resources to meet the needs of all students and their families. New Mexico’s ESSA plan has been approved by the U.S. Department of Education and is currently being implemented.

Evidence-Based Practices: In the fall of 2018, a team of educational experts met to review and revise this program’s evidence-based practices to make them more relevant, comprehensive, easier to implement, effective, and to better align them with the school’s 90-day improvement plan initiative (NM DASH). This revision process ensured that the evidence-based practices remained up-to-date and created a school-wide common vocabulary describing evidence-based practices. Again, RAMS schools are supported through Targeted Assistance PD opportunities in

all six areas of the rubric. They are encouraged to build EBPs that align PD with their NM DASH Plans as well as the areas for growth on the RAMS School site visits.

B. Progress in Implementing the SSIP

1. Description of the State's SSIP implementation progress

B1a. Description of extent to which the State has carried out its planned activities with fidelity

Progress on SSIP implementation, including the extent to which activities were carried out as intended and in the expected timeline, accomplishments, and milestones, as well as the outputs achieved are in the following Key Deliverables matrix and provide an updated status for each of the six RAMS implementation strands. The specific activities, by corresponding strategy in the logic model, show the steps taken to ensure that the activities were implemented. These CISs are designed to support implementation of the RAMS evidence-based interventions, programs, practices and strategies.

Coherent Improvement Strategies (CIS) Implementation Plan 2018-2019

Ongoing Professional Development		
Specific activities needed to implement		
Targeted to the identified Evidence Based Practices (EBPs) and that provide the research basis for the EBPs		
Key Deliverable	Date	Status
RAMS staff review Request for Reimbursements (RfRs)	April 2018	Complete
Quarterly online book studies	October 2018, January 2019, March 2019, May 2019	Complete
Dates planned for summer 2019 (June and July, by region)	April 2019	Complete

Venues secured for summer 2019	February 2019	Complete
IGAs and Individual Contracts in place for 2019 summer conference	February 2019	Complete
4 Regional convenings (2 in June and 2 in July) were held for RAMS Champions and K-3 Teachers with focus on PD addressing SWDs	June & July 2019	Complete
Summer principal PLC	July 2018	Complete
Fall principal PD	September 2018	Complete
Spring principal PD	March 2019	Complete
Priority Schools Bureau provided PD to RAMS Champions	October 2019	Complete
Identify eligible schools	April 2018	Complete
Review and approve RAMS applications	June 2018	Complete
Awards published on ASD webpage	May 2018	Complete
Final award letters sent to districts	September 2018	Complete
Request for Reimbursements approved	Ongoing	On-Track

Onsite coaching services

Specific activities needed to implement Instructional Coaching (IC)

RAMS schools are provided at least 2 days of instructional coaching per month, one day to focus on reading instruction, one day to focus on math instruction		
Key Deliverable	Date	Status
IGA in place with NMSU	October 2018	Complete
IC survey tool prepared	July 2018	Complete
IC survey scheduled	September 2018	Complete
Fall survey	December 2018	Complete
Spring survey	May 2019	Complete
Instructional Coaching	Ongoing	On-Track
Swivl technology used at each RAMS school to support self-reflection and video-based coaching	Instituted October 2018 and ongoing	On-Track

School mini-grants 2018-19		
Provide the resources to support implementation of the EBPs		
Key Deliverable	Date	Status
Release of RAMS application	April 2018 and May 2019	Complete

RAMS staff review application for alignment to program for 2018-2019 & 2019-2020	May 2018 and May 2019	Complete
RAMS schools submit initial budgets to Operating Budget Management System (OBMS) for 2018-2019 & 2019-2020	May 2018 and May 2019	Compete
RAMS Staff review and approve initial budgets for 2018-2019 & 2019-2020	June 2018 and June 2019	Complete
Review of expenditures and approval of RfRs	Ongoing	On-Track

School site visits

Specific activities needed to implement Targeted Assistance (TA)

RAMS schools are provided targeted assistance through site visits and through Targeted Assistance teams to support implementation of the RAMS framework, monitoring and feedback

Key Deliverable	Date	Status
Review and revise rubrics	Ongoing	On Track
IGA in place to support site visits and T/A teams	Ongoing	Complete
Site visits scheduled for the school year 2018 -19	July 2018 Ongoing	Complete
Create site visit calendar	September 2018 &	Complete

	September 2019	
Fall site visits completed	December 2018 & 2019	Complete
Feedback on visits collected	May 2019	Complete
Spring site visits completed	May 2019	Complete
TA teams dispatched to schools	Ongoing	On-Track

B1b. Intended outputs

B2. Stakeholder involvement

B2a. How stakeholders have been informed

B2b. How stakeholders have had a voice

Stakeholders have been involved in the RAMS project from its inception and are important participants in program implementation.

RAMS staff met with the Advisory Panel at advisory meetings to update the panel on implementation and achievement data. RAMS staff reviewed proposed alterations to the project plan with the panel and sought input and feedback. The link to the New Mexico IDEA Panel is: [New Mexico Public Education Department IDEA Panel](#)

C. Data on Implementation and Outcomes

1. How the State monitored and measured outputs

RAMS staff worked together to collect and analyze evaluation data. Evaluation data was reviewed and analyzed by the project data coordinators and presented to the project manager. Evaluation data was shared with the stakeholder groups at RAMS meetings. RAMS school administrators reviewed RAMS evaluation data during each quarterly leadership training.

Output data, PD participation numbers and survey data, and quality of PD and site visit data was collected and analyzed by the project data coordinators. Data was shared with the program manager. Before significant changes to the implementation and improvement strategies were made the data was shared with the Director of Comprehensive School Supports Division. The director

approved significant changes. As an example, empirical and anecdotal data was used to restructure the RAMS Principals' Meeting; the conference was conducted during one day and break-out sessions were the primary focus of the professional development. The use of correlation data to determine correlation of the improvement strategies, and student achievement data sometimes shows the need to amend or remove criteria that are not effectively changing adult behavior and student outcomes.

In 2018-19, a number of planned evaluation activities were completed. Two major areas of focus included: revisions to the site visit tools and processes and measures of PD effectiveness. Changes in these measures focused on improving the quality of data and maximizing program efficiencies.

PD was evaluated in several different ways. When evaluating the effectiveness of PD, project staff utilized the Hierarchy of Possible Outcomes, (Schiller, Hayes, & Nagle, 2015). The impact on participant learning allows them to take steps in order to impact behavioral and social change using A Theory of Action to Develop Performance Indicators to Measure Progress Toward a SIMR (Schiller, Hayes, & Nagle, 2015). Participation is the first measure of PD effectiveness; if the PD does not reach the intended audience, then it is ineffective. The second measure of PD effectiveness is the participant's evaluation rubric. The rubric provided the project information about whether the PD event employed best practices for professional development. The third measure of PD effectiveness was the post PD teacher survey which provided self-reported information about the implementation of evidence-based interventions, programs, practices and strategies.

The site visits included measures of implementation fidelity of evidence-based interventions, programs, practices and strategies. The site visit teams assessed evidence-based interventions, programs, practices and strategies implementation through classroom observations and interviews with principals, teachers and parents. Using a series of rubrics the site visit teams assessed the fidelity of evidence-based interventions, programs, practices and strategies implementation at RAMS schools and provided the results to school and district administration. RAMS staff utilized principal surveys to determine if RAMS grant money was supporting positive change in the school. Title I staff monitored the expenditures of each school to ensure schools were utilizing the funds provided in accordance with the request for application.

C1a. How evaluation measures align with the logic model

RAMS staff used the logic model as a road map that drove the evaluation, activities, and outputs for all RAMS programming. RAMS staff used student achievement data to check for overall literacy increases for all students, with a focus on students with disabilities. Istation, NMSTAMELA, and site visit data was analyzed to see if implementation of evidence-based interventions, programs, practices and strategies supported by RAMS were affecting the overall school achievement for RAMS schools. Correlation data among student outcomes, and implementation of evidence-based interventions, programs, practices and strategies were analyzed to make programmatic decisions. Site visit data was analyzed to determine to what extent the school was implementing evidence-based interventions, programs, practices and strategies and how that level of implementation affected student outcomes. All evaluation measures aligned to

the logic model and provided a plan for measuring the effectiveness of the expected short-term, intermediate, and long-term outcomes of the strategies. The expected short-term, intermediate, and long-term outcomes of the strategies were consistently assessed and refined.

C1b. Data sources for each key measure

Upon finalization of the logic model and evaluation questions, the table below was created to determine the data to be collected and the timelines necessary to complete the evaluation.

Data Source	Key Measures	Outcomes
Student achievement data from Istation (Reading Accountability Assessment)	Percent of K-3 students scoring benchmark-All students, and SWD	Overall school literacy increase, SWD student literacy increase
NMSTAMELA	Number of 3 rd graders scoring proficient and above	Increased proficiency of 3 rd grade students in Cohort 1 schools
Site visit tool	Fidelity of implementation of evidence-based interventions, programs, practices and strategies	High quality implementation of evidence-based interventions, programs, practices and strategies and Improved overall site visit score for RAMS Cohort 1 schools

C1c. Description of baseline data for key measures

The key measures RAMS staff reviewed and analyzed to measure progress toward the SIMR are student achievement data, site visit scores, and fidelity of implementation of evidence-based interventions, programs, practices and strategies. The data for key measures encompassed only data for Cohort 1 of the RAMS project. The RAMS project adds new schools each year, and to include subsequent cohorts would necessitate adjusting the baseline each year. While working with the OSEP project officer, it was determined that RAMS would report only on Cohort 1 schools to measure progress toward the SIMR.

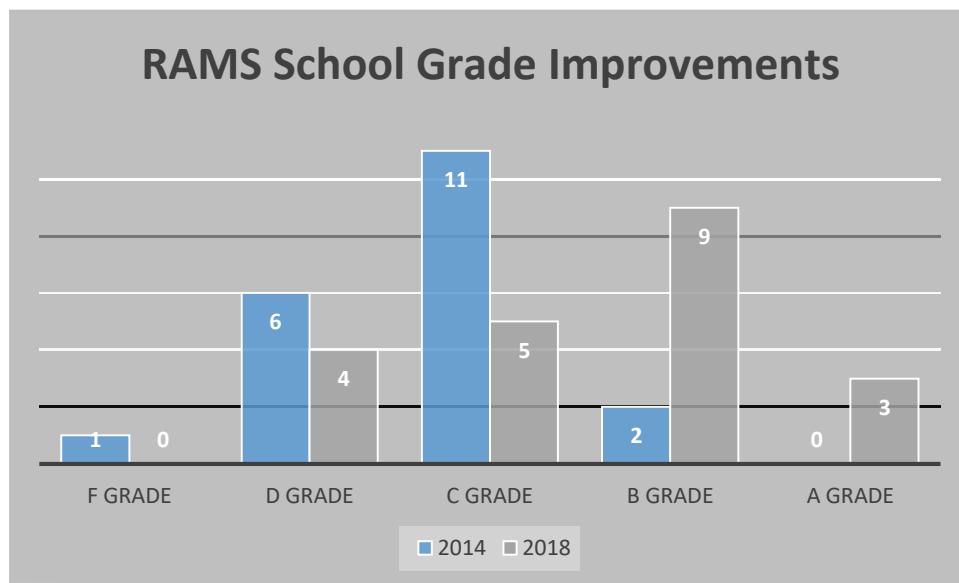
Previously, DIBELS-Next was the assessment used to measure progress toward the SIMR. Below is the baseline information that was set in the 2013-14 school year. The baseline data reflected that 32.5% of students with disabilities in New Mexico RAMS Cohort 1 schools scored Benchmark on the DIBELS-Next End of Year (EOY) assessment. In 2016-17, Istation became the new assessment used to measure progress toward the SIMR and is the assessment used through 2017- 18 and beyond. Progress toward the SIMR is analyzed in section E. Though this percentage has decreased in 2017-18 and again in 2018-19, this data mirrors a state-wide decrease in Istation assessment scores.

End of Year Reading Accountability Assessment Data

	2013-14 DIBELS	2014-15 DIBELS	2015-16 DIBELS	2016-17 Istation	2017-18 Istation	2018-19 Istation	2019-20 Istation
Target	32.5%	34.5%	36.5%	38.5%	40.5%	42.5%	42.5%
EOY SIMR Data	32.5%	33.0%	33.8%	41.7%	39.9%	17.4%*	Unknown
Difference	Met	-1.5%	-2.7%	+3.2%	-0.6%	-25.1%*	Unknown

*Beginning with the 2018-19 school year, students scoring at or above the 60th percentile were considered proficient. Prior to this change, students scoring at or above the 40th percentile were considered proficient.

Until 2018-19, the PED released school grades (New Mexico School Grading FAQs, V1.0, p.1) each year as part of state and federal statutes that mandate accountability for all public schools. Value-added modeling was used as a statistical adjustment of a school's outcome that took the school's characteristics into account when determining school grades. The following graph shows the changes in schools grades for RAMS Cohort 1 schools from 2013 to 2018, however, due to change in administration, 2017-18 was the final year for school grades.



Baseline school grade data was established in 2013-14 school year for all Cohort 1 schools in RAMS. For these schools the cohort grade point average, based upon a 4.0 scale, was 1.15 for the baseline year.

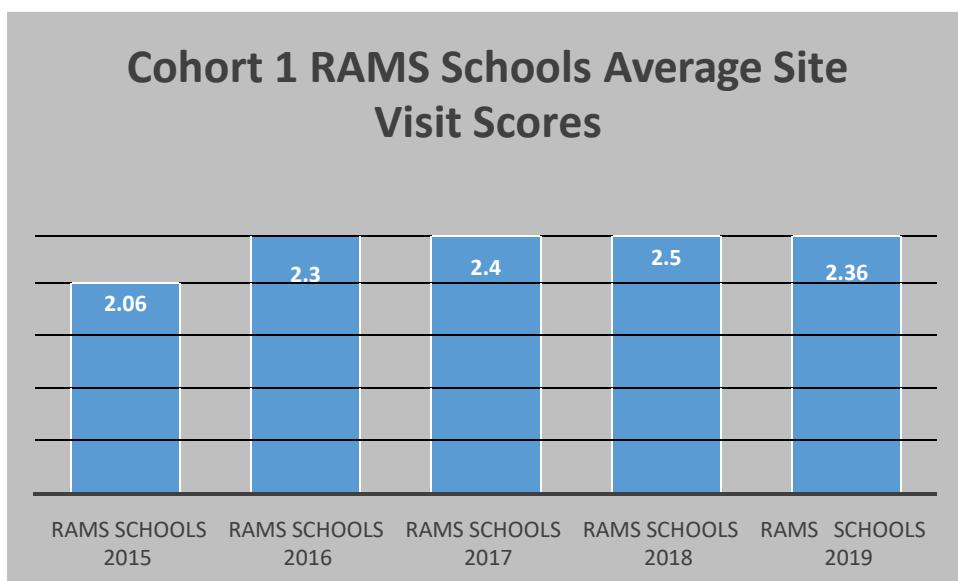
School Grade GPA (0-4 GPA Scale)

2013-14	2014-15	2015-16	2016-17	2017-18
1.15	2.07	2.07	2.15	1.93

Site Visit Scores

Site visits are conducted each year for RAMS schools. In fall 2015 the baseline for overall site visit scores using the Implementation Fidelity Tool was established. The lowest score possible was a 1.0 and the highest score possible was a 3.0. The average score for Cohort 1 schools in fall of 2015 was 2.06. Beginning with

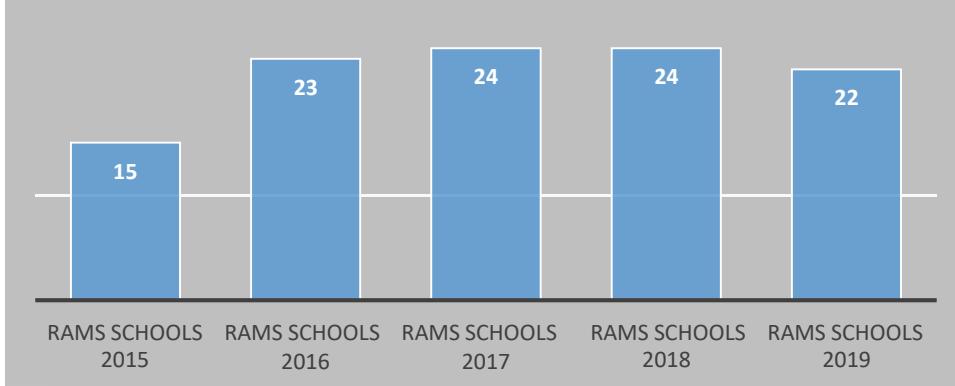
the 2018-19 school year, the lowest score possible was a 0.0 and the highest score was a 3.0. The short-term goals for site-visit assistance, feedback and monitoring were for leaders and teachers to be empowered to change/adjust instruction and have an increased awareness of barriers and possible solutions. Intermediate goals were for there to be evidence of high quality implementation of teaching strategies with fidelity, high quality implementation of PBIS, overcome barriers to implement evidence-based interventions, programs, practices and strategies reading interventions and leadership strategies. The long-term expectations were an overall increase in literacy for K-3 SWDs and increased over-all school grades in all RAMS schools during those years that school grades were issued.



Site visits were conducted to support schools through monitoring of fidelity of implementation of evidence-based interventions, programs, practices and strategies. A survey was sent to principals after the first year of site visits and each year thereafter. Feedback indicates that the site visits were beneficial or extremely beneficial. Further, principals shared that the process was supportive. There is an increase in the percentage of principals that found the site visits beneficial or better.

Evidence-based interventions, programs, practices and strategies implementation: The criterion for considering a school to be implementing the RAMS evidence-based practices was a 2.0 overall score on the site visit tool. Baseline data for fall 2015 showed that 15 Cohort 1 schools met the criteria for implementation.

Cohort 1 RAMS Schools Implementing EBPs



C1d. Data collection procedures and associated timelines

This chart groups the data source and timelines associated with gathering and analyzing data. RAMS uses Survey Monkey to improve reporting processes and data collection quality for surveys and other sources of data that were utilized.

Outputs	Data Source for Each Key Measure	Tasks	Timeline
A. Onsite PD Teachers/Leadership PD Regional/Regional PD(PBIS)			
Strategies/Activities: Ongoing , centralized, regional and local professional development in the areas of differentiated instruction, SAT/RtI, PBIS and reading interventions			
Procedures for Data Collection: REC contractors collect and send data/Survey Monkey Data			
Number of Participants/ number of events	Survey of PD participants	Create tables (number of Participants, quality of training and social validity)	3/15/2019
		Collect data from REC/sign in sheets	3/28/2019
		Fill in tables with data	4/1/2019
Quality of the activities/ strategies (e.g., post training survey)	RAMS interview and coaching logs (put into spreadsheet)	Collect data from Survey Monkey surveys	3/28/2019
		Analyze survey data	4/1/2019

How did it go? Barriers to implementation, unexpected events	Follow up survey of PD participants	Create an excel template, then enter quantitative data into excel	3/31/19
		Analyze quantitative data	3/31/19
		Fill in tables with data	4/5/19
Did teachers increase knowledge/confidence, skills?	Survey of PD participants	Write the narrative about the tables/graphs	4/5/19
Did the teachers value the training?	Survey of PD	Collect data from Survey Monkey surveys	3/28/19
Do teachers feel more empowered to do their job because of the training?	Follow-up survey of PD participants	Collect data from Survey Monkey surveys	4/15/19
B. Coaching			
Strategies/Activities: On-site coaching for teachers on evidence based practices learned through centralized, regional and local PD.			
Procedures for Data Collection: Survey Monkey-CORE Coach Survey			
Are teachers increasing knowledge/ skills related to EBPs?	PD evaluation tool (survey)	Coaching Logs	4/15/19
Do teachers find it valuable?	Surveys on coaching	Collect data from Survey Monkey surveys	4/15/19
Are teachers feeling more empowered to do job?	Surveys on coaching	Collect data from Survey Monkey surveys	4/15/19
Are principals finding coaching valuable?	Surveys on coaching	Collect data from Survey Monkey surveys	4/15/19
Coaching observations	Evaluation tool	Conduct coaching observations	Spring 2019
C. TA site visits			
Strategies/Activities:			
Procedures for Data Collection:			

How many technical assistance site visits were conducted?	Site visit tools/logs	Narrative on process-improvement and reflections	Ongoing through Dec. 2019
What were the perceptions of the quality of the process?	Post site visit principal survey	Survey to principals and RAMS Advisory Council up and running	Spring 2019

D. Mini-grants Support			
Strategies/ Activities: Technical Assistance, Feedback and monitoring by Title I Bureau and contractors two times/year on site.			
Procedures for Data Collection: Aggregate site visit reports(RAMS staff)			
Are schools spending their money?	Spreadsheet or table- include received grant, how much spent, what spent on	Operating Budget Management System (OBMS) Report	3/14/19
What are they spending money on?	Survey Monkey	Collect data from Survey Monkey surveys	4/14/19
Is it making a difference?	Survey Monkey	Principal mid-year survey	12/18/19
E1. Parent Engagement and Reading			
Strategies/ Activities: Site Parent Training on Reading interventions			
Procedures for Data Collection:			
Are parents increasing knowledge/skills?	Site Self-Reporting	Parent sign-in sheets	11/13/19
Do parents value the training?	PD evaluations	Parent input	Ongoing
Do parents feel empowered because of training?	PD evaluations	Parent input	Ongoing
F1. Results			
Strategies/Activities: Parent Training on Reading interventions			
Procedures for Data Collection: REC & PIO contractors collect and send data			

Are schools changing/improving practices?	Site visit tool	Site visit tool (rubric scores, interviews)	Ongoing
Leadership, school climate, growth mindset, Data driven instruction (school level)	Site visit tool	Site visit tool (rubric scores, interviews)	Ongoing
Tier placement (number of students in Tier 2)	Tier 2 tracking form	Aggregate data	Ongoing
Support/opportunities for parents (involvement in school, reading at home)	Site visit tool	Site visit tool (rubric scores, interviews)	Ongoing
Positive changes in school grade (if applicable)	Release of school grades by PED	Analyze data	Ongoing
Strategies/Activities: Leadership support and PD for school administrators including school culture, growth mindset and data driven instruction			
Procedures for Data Collection:			
Are teachers/ classrooms implementing best practices?	Survey data Survey Monkey	Informative survey	Ongoing
Data driven decision-making	Site visit tool	Site visit tool (rubric scores, interviews)	Ongoing
Strategies/Activities: Ongoing job-embedded, centralized, regional and local professional development in the areas of differentiated instruction, PBIS and reading interventions			
Procedures for Data Collection:			
Positive changes in teacher ratings	Site visit tool	Classroom observations	Ongoing
Strategies/Activities: Parent Training on Reading interventions			
Procedures for Data Collection:			
Supporting parent involvement in reading at home/school	Site visit tool	Parent interviews, TA reports	Ongoing

Are parents changing/improving practices?	Site visit tool	Collect all parent training survey summaries	Ongoing
Involvement in school	Classroom observation	Analyze quantitative data	Ongoing
Are we providing differentiated PD? (based on best practice/evidence). Is it happening? Are these the right focus categories?	Survey and site visit tool	Write narrative about tables/charts	Ongoing

C1e. Planned data comparisons

RAMS staff collected and analyzed state Istation averages for all K-3 students and for K-3 students with disabilities in schools across the state. The comparison allowed staff to analyze RAMS schools in growth and achievement measures as compared to statewide averages for all K-3 students, for K-3 students with disabilities, and for the achievement gap between all K-3 students and K-3 students with disabilities.

C1f. How data management and data analysis procedures allow for assessment of progress

The effectiveness of the RAMS project in the school is assessed by student achievement data as measured by state reading assessment scores, and site visit scores. The data management and analysis procedures of all project activities allowed RAMS staff to evaluate the implementation of strategies that lead to improvement toward SIMR.

Evaluation data was collected at the end of the school year for the NMSTAMELA as well as interim Istation data for beginning of year (September), middle of year (February), and end of year (May/June). When reviewed, the budget was created for the upcoming year.

All data, including Survey Monkey data, was reviewed in totality to consider which activities had been the most successful and should be funded to a greater extent and which had been the least successful (based off the number of responses of beneficial and highly beneficial) and should not be funded. Evaluation data was also gathered and reviewed in totality for the semiannual stakeholder meetings so that an accurate portrayal of the program could be provided to the stakeholders.

NMPED RAMS staff was responsible for the collection and analysis of evaluation data. Evaluation data was reviewed and analyzed. Evaluation data was shared with the stakeholder group at

semiannual RAMS meetings. RAMS school administrators reviewed evaluation data during leadership training.

As data was collected and analyzed by RAMS staff, changes, such as consolidating the regional leadership training sites, were made at this level. As changes were made to implementation and improvement strategies, the data was shared with the RAMS director for approval.

C2. Demonstrated Progress

C2a. Reviewing Key Data

C2b. Evidence of change to baseline data for key measures

C2c. How data support changes that have been made to implementation and improvement strategies

C2d. How data are informing next steps in the SSIP implementation

C2e. How data supported planned modifications

From the inception of RAMS planning to current implementation, the RAMS program consistently supported key strategies and activities with clear outputs to determine fidelity of program components and assessment of quality of these components. The successful completion of short-term outcomes, as evidenced by the evaluation data in this report, demonstrates that the project is making continuing progress to meet long-term outcomes.

C3. Stakeholder involvement

C3a. How stakeholders have been informed

The stakeholder groups participated in evaluation activities through selection of the focus area for the project, the assessment tool, and the SIMR. The stakeholder groups also reviewed and approved the evidence-based interventions, programs, practices and strategies improvement criteria which were the basis for the school site visits and the implementation fidelity assessment.

Members of the stakeholder groups, REC directors and staff of a parent training and information center have been involved in the evaluation process through gathering and analyzing program data, specifically participation in parent trainings, NM 90-day plans (school outcome goals), and surveys of teachers.

Both implementation and project achievement data with analysis were shared with the IDEA panel stakeholder group on a quarterly basis. The panel consisted of representatives from parent training and information centers, directors of special education departments, parents, representatives from various entities including NM Corrections Department, NM School for the Visually Impaired, NM Division of Vocational Rehabilitation, Education for Homeless Children and Youth, Teachers and

Higher Ed. Representatives, and Directors of Regional Educational Cooperatives. The stakeholders met quarterly in various schools across New Mexico and reviewed data and anecdotal evidence of RAMS project progress. In reviewing project data and progress, the stakeholder group considered implications for implementation and program refinements based on available data.

C3b. How stakeholders have had a voice

A key stakeholder group involved in project success was the RAMS school and district administrator group. At leadership training events, the project manager provided the administrators with updated evaluation information including implementation data and achievement data. The implementation data was used to support school improvement by connecting schools working on similar focus areas, and by identifying schools that demonstrated high implementation fidelity. Other schools were invited to learn from their strategies.

As an example, IDC consultants facilitated new data discussion protocols with RAMS staff and stakeholders. These stakeholders included principals from schools participating in RAMS. These discussions lead participants to examine site visit data and future implications of these data for RAMS work.

These stakeholder groups took place not only through leadership training events but also in site-visit exit meetings with every RAMS school principal and often leadership teams at the school sites as well. Leadership teams were comprised of administrators, special education leaders as well as teachers, general education teachers, instructional coaches, resource personnel, and parents.

Data Quality Issues

1. Data limitations

D1a. Concerns or limitations

The project continued to improve data collection and how to best maintain and use the data. An online application was developed to collect, maintain and report project data, allowing for higher-quality data, better data security, reducing data collection time, and novel uses of the data. Data limitations affecting progress reports included change in state accountability reading assessment (DIBELS to Istation) as well as the end of year state assessment (PARCC to NMSTAMELA), and data collection processes and procedures.

D1b. Implications for assessing progress or results

RAMS continued to work directly with contractors by contracting with six organizations, collaborated with four other bureaus, and supported 88 schools in 44 districts. RAMS continued to strive to ensure that the project received timely data necessary for evaluation. RAMS staff implemented processes to receive data collections from outside contractors.

D1c. Plans for improving data quality

The program began using Survey Monkey to collect and maintain data. Using this program, data was available immediately and was stored centrally. There were multiple contractors responsible for collecting and sharing results for trainings. Processes were not initially in place to collect these data for RAMS staff review. Previously, once data was received there was not a centralized location for this data to be reviewed and analyzed. Survey Monkey proved to help the RAMS data coordinators report accurate and up-to-date data.

RAMS supported on-site PD—some of which schools chose and organized themselves. For school year 2018-19, schools signed assurances that they would complete surveys at the end of each training. RAMS staff worked directly with each school site team to ensure it met its assurances. This direct assistance continued during the next year's application process as each school continued to participate in the RAMS program.

As stated above, an online application was in development. The online application allowed for historical implementation and achievement data to be added such that storage and retrieval of project data would become systematic. Prior data was housed in different forms. The online application created systems to analyze all program formats and how they interacted.

D. Progress Toward Achieving Intended Improvements

E1a. Infrastructure changes

Infrastructure changes that supported initiatives included leadership trainings focusing on 90-day plans (NM DASH), support of staff and work amongst bureaus, sustainability plans by schools, scale-up of coaching services, and addition of project data coordinators.

The RAMS project coordinated with the Priority Schools Bureau for PD for K-3 leaders in RAMS schools. PD was provided for teachers through centralized and regional activities along with additional PD opportunities. Principals had a separate strand of PD through a leadership academy focusing on leading K-3 learning communities through development of 90-day plans (NM DASH), teacher evaluation, and data analysis to name a few. These trainings and plans supported leaders' efforts to change school culture, growth mind set, and data driven decision-making and instruction.

RAMS contracted with CORE (NMSU) to provide coaches to support math and reading instruction, student behavior, to participate on school site visit teams, and provide video-based coaching. There were 27 CORE coaches for ELA/Math and PBIS. Coaching logs were revised to better align with improvement criteria.

Site-based Swivl video coaching was offered in all RAMS schools. The use of SWIVL technology allowed teachers to video record themselves which let the CORE coach in turn, provide online support and feedback. See [SWIVL Technology](#).

In 2018-19 RAMS managers determined the need to maintain data coordinators as part of the project to manage and oversee data collection, data analysis, and the development of a high quality program and report. In addition, RAMS utilized the services of the IDC which provided consultants to work with data coordinators. The consultants focused and advised on data collection, data analysis, and the development of a quality report.

E1b. Evidence of EBP's

The program used reading achievement data and site visit data to show that evidence-based interventions, programs, practices and strategies were not only being implemented with fidelity, but also that they were having the desired effects and outcomes.

Baseline school grade data were established in 2013-14 school year for all Cohort 1 schools in RAMS. For these schools the average school grade, based upon a 4.0 grade point average, was 1.15 for the baseline year. Data showed that school grades in RAMS cohort 1 schools had grown, on average, one and a half grade points from 2014 to 2018.

Yearly site visits were conducted for all RAMS schools. In fall of 2015, the baseline for overall site visit scores was established. The lowest possible score was a 1.0 and the highest possible score was a 3.0. The average score for Cohort 1 schools in fall 2015 was 2.04. Fall 2016 site visit scores for Cohort 1 schools increased to 2.33. Fall of 2017 site visit scores increased to a 2.46 average. Fall of 2018 site visit scores increased to 2.51. The site visit score was a reflection of evidence-based interventions, programs, practices and strategies implementation. The data consistently indicated that a .40 increase in site visit score may lead to nearly one grade level improvement in the school grade during those years that school grades were issued.

The criterion for considering a school to be implementing the RAMS evidence-based interventions, programs, practices and strategies was 2.0 overall score on the site visit tool. The lowest score possible was a 1.0 and the highest score possible was a 3.0. Baseline data for fall 2015 showed that 15 of 24 Cohort 1 schools met the criteria for implementation of evidence-based interventions, programs, practices and strategies. In the fall of 2016, 23 of 24 Cohort 1 schools met the criteria for implementation of evidence-based interventions, programs, practices and strategies. In fall 2017, 24 of 24 Cohort 1 schools met the criteria for full implementation of evidence-based interventions, programs, practices and strategies. This remained consistent in 2018 with 24 of 24 schools meeting the criteria. In 2019, 22 of 24 Cohort 1 schools met the criteria for implementation of evidence-based interventions, programs, practices and strategies. This is a total increase of 7 schools, which was a 29% increase in schools implementing evidence-based interventions, programs, practices and strategies from the baseline. 2018-19 data indicated that 22 of the 24 Cohort 1 schools were implementing evidence-based interventions, programs, practices and strategies. This increase indicated progress was being made for evidence-based interventions, programs, practices and strategies to be implemented in schools to help students improve literacy skills.

Meaningful student and educator relationships are measured by the ratio of positive reinforcement to negative feedback given to students. This was measured during the RAMS site visit in the observation tool. The baseline for positive reinforcement to negative was 2.71 for school year 2015-16. Fall of 2015 average was 2.37. Fall 2016 was 2.29. Fall of 2017 average was 3.03. Spring of 2018 average was 3.0 and this was consistent through Spring of 2019. RAMS staff were confident that PBIS trainings, which began in fall 2016, positively impacted positive feedback ratios in RAMS schools.

E1c. Outcomes regarding progress toward short-term and long-term

The RAMS evaluation was aligned to the project's logic model and other components of the SSIP. It included short-term and long-term objectives to measure implementation of the SSIP. The evaluation supports the State in attaining its SIMR by providing implementation information on CISs and evidence-based interventions, programs, practices and strategies. The evaluation provided data on how implementation of CISs and evidence-based interventions, programs, practices and strategies are related to academic achievement, which would support refinement of the CISs and evidence-based interventions, programs, practices and strategies. Refining the CISs and evidence-based interventions, programs, practices and strategies to increase their capacity to positively affect student achievement would support the SIMR.

F. Plans for Next Year

1. Additional activities

Evaluation data suggested that SSIP activities were influencing progress toward achieving the SIMR. Therefore, most activities will continue. One area of importance is the need to build sustainability with schools currently in the program, while allowing additional schools to be part of RAMS. The information below describes the State's efforts to build sustainability for schools and the RAMS program, while reducing costs for scale up.

- Including middle of year (MOY) metrics for measurable improvements in the SIMR—spring 2019
- Implement data collection based on the new levels in Istation—spring 2019
- Implementing new data triangulation for services to ensure the newest schools received the most services – July 1, 2019
- Continuing revision of evidence-based interventions, programs, practices and strategies reading interventions and leadership strategies based on correlation data of SWD reading achievement and school grades – spring 2019
- Implementing RAMS online application – spring 2019
- Reviewing progress of Principal PD to decide on expanding the service, eliminating it, or collecting additional information – spring 2019

The specific plans for 2019-20 include:

- Increased monies for Targeted Assistance for PD
- Onsite PD
- Regional summer PD conferences
- Differentiated instructional coaching based on school need
- Continuing leadership development

- Accommodating site visit scheduling
- Mini-grant awards for all schools will be \$10,000
- Parent training data collection and review improved
- Continued Positive Behavior Interventions and Supports training, feedback and implementation; including increased Targeted Assistance
- Istation data analysis PD increased Targeted Assistance

F2. Planned evaluation activities including data collection, measures, and expected outcomes

Collection	Measures	Outcomes
PD quality surveys	Ratings of quality of PD survey	Provide consistently high quality PD
Leadership PD attendance sign in sheets	Number of participants at trainings	Increase in number of school leaders receiving high quality PD
Leadership PD quality surveys	Ratings of quality of PD survey	Provide consistently high quality PD
Site visit positive reinforcement to negative feedback totals by school	Positive reinforcement to negative feedback ratios/ PBIS support	High quality of behavior interventions and supports
Site visit classroom observation forms	Fidelity of implementation of EBPs	EBPs implemented with fidelity
Site visit survey	Ratings of quality of site visit	Provide consistently high quality technical assistance site visit
Site-visit Assistance Team Logs	Number of Site-visit Assistance Team visits	Increase in number of Site-visits
Site-visit Assistance Team post survey	Ratings of quality of site-visit assistance team visit	Provide consistently high quality site-visits
Coaching logs	Number of hours of coaching provided to number of teachers	Increase in hours of coaching and teachers supported during those visits
Coaching surveys	Ratings of quality coaching	Provide consistently high quality coaching
Mini grant reports from OBMS	Percent of funds expended by school	Leveled financial resources to schools aligned to focus category
Mini grant survey	Expenditures and alignment to focus category	Alignment of financial resources to focus category
Parent Training Sign in sheets	Number of trainings provided and number of parents attending Parent PD	Increase meaningful parent engagement
Post Parent Training survey	Ratings of quality of Parent PD	Increase in parent involvement practices and support for parents

Collection	Measures	Outcomes
School grades (years applicable)	Cohort GPAs (years applicable)	Improved overall average school grade average for RAMS cohort 1 schools (years applicable)
Site visit reports	Average site visit score	Improved overall site visit score for RAMS cohort 1 schools
Istation RAMS scores	Student proficiency level in reading	Overall school literacy increased; SWDs will increase literacy proficiency

Additional activities that were identified to support the above collections:

- Data collections on Survey Monkey for all PD, to ensure timely and accurate data
- Included in the assurances to schools for grant funds, all onsite PD surveys must be filled out through Survey Monkey to ensure proper evaluation of effectiveness of the PD
- Streamline data collection from all contractors to PED to create a uniform system of data collection

F3. Anticipated continuing and new barriers and steps to address those barriers

Barrier: Planning on-site PD for schools and collecting feedback required significant resources. In the 2018-19 school year, schools were responsible for contracting with PD providers, submitting evaluations and submitting participation data.

Steps to Address: RAMS assurances through the application process and the request for reimbursement process to ensure progress and compliance supported schools with PD provider details and support for scheduling. An assurance was added to the application along with a timeline for data submission that was followed up on by staff. All RAMS staff continues to follow up to insure that all schools will provide summary data.

Barrier: Securing quality resources for RAMS activities (people, venues, etc.)

Steps to Address: In order to get activities scheduled, contractors hired, and staff organized and ready for the year it is vital that IGAs are in place as soon as possible for all contract providers. RAMS staff will make every effort to initiate and complete the process of IGAs in a timely manner so they are in place before the start of the fiscal year.

Barrier: Increasing effectiveness of program through agency communication.

Steps to Address: Reach out directly to newly involved staff in the project to inform them about the project goals and successes. Provide overview of project to newly involved staff. Market the project to ensure its continued funding.

Barrier: Increasing the principal's interactions with CORE coaches

Steps to Address: Working directly with the principals and CORE coaches to develop plans that will help the principal understand the impact of the CORE coaching. One specific goal is to increase the interaction of the principal and CORE coach when the coach is on campus.

Barrier: Timely use of mini-grants

Steps to Address: Though better than previous years, expenditures from the mini-grants are lagging. RAMS staff will work directly with principals to help them use the money throughout the year.

F4. The State describes any needs for additional support and/or technical assistance

New Mexico will require TA from IDC as evaluation activities continue to be refined. The monthly technical assistance phone calls with the state's OSEP contact will continue.

References

“A-F School Grading Frequently Asked Questions (FAQs), p.1 *New Mexico School Grading FAQ V1.0*. NM Public Education Department, Web. March 2018.

[New Mexico Public Education Grading](#)

Cashman, J., Linehan, P., Purcell, L., Rosser, M., Schultz, S., & Skalski, S. (2014). *Leading by Convening: A blueprint for authentic engagement*. Alexandria, VA: National Association of State Directors of Special Education.

IDEA Data Center, (November 2015). *Performance Indicators as a Tool for Measuring Progress Toward a SIMR*, White Paper, IDEA Data Center, Rockville, MD: Ellen Schiller, Susan Hayes, Katherine Nagle.

“Leveraging Federal Funding Focus Groups Proceedings”. *The American Institutes for Research (AIR)*. Division of Research to Practice, Office of Special Education Programs. U.S. Department of Education, Web. September 22, 2014.

ATTACHMENT 4

NEW MEXICO IDEA-B ADVISORY PANEL MEMBERS (2019-2020)

Last Name	First Name	Representative Group
Blue	Lisa	Parent
Cobos	Rebecca	Parent
Davis	Rebecca	ENMU (Higher Ed)
Garcia	Lucinda	New Mexico Division of Vocational Rehabilitation
Gaytan	Melissa	Parent
Madrid	Robert	New Mexico Corrections Department
Malone	Dana	Education for Homeless Children and Youth
McMath	Scott	REC VI Director (State Agency)
Romero	Natalie	Special Education Director
Sachse	Vonnie	Parent
Vaughn	Mary	New Mexico School for the Blind and Visually Impaired
Villanueva	Elisa	Parent
Yershevich	Gala	Parent

ATTACHMENT 5

NEW MEXICO SPECIAL EDUCATION ADVISORY PANEL BY-LAWS AND OPERATING PROCEDURES 2016 - 2017 34 CFR §§ 300.167–169

I. NAME

The name of the group shall be the New Mexico Special Education Advisory Panel, hereinafter referred to as the "State Advisory Panel," or "Panel."

II. PURPOSE OF THE PANEL 34 CFR § 300.167

The New Mexico Public Education Department, hereinafter referred to as the "PED," has established and maintains an advisory panel for the purpose of providing advice and guidance with respect to special education and related services for children with disabilities as required by the Individuals with Disabilities Education Improvement Act of 2004 ("the Act") and its implementing regulations. The panel provides policy guidance with respect to special education and related services to the PED, including the Special Education Bureau (SEB).

III. DUTIES AND FUNCTIONS 34 CFR § 300.169

The State Advisory Panel shall perform the following duties and functions:

The State Advisory Panel must:

- A. Advise the PED of unmet needs within the State in the education of children with disabilities;
- B. Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
- C. Advise the PED in developing evaluations and reporting on data to the Secretary of the U.S. Department of Education under Section 618 of the Act;
- D. Advise the PED in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act; and
- E. Advise the PED in developing and implementing policies relating to the coordination of services for children with disabilities.

ADDITIONAL DUTIES AND RESPONSIBILITIES

- A. By July 1 of each year, submit an annual report of panel activities, advice, and suggestions to the PED.

B. Members of the Panel should understand that confidentiality of all personally identifiable data, information, and records disclosed during the Panel Meetings shall be maintained according to applicable state and federal laws.

IV. DUE PROCESS HEARINGS
34 CFR § 300.513 (d)(1-2)

A. *Findings and decision to advisory panel and general public.* The PED, after deleting any personally identifiable information, must:

1. Transmit the findings of Due Process Hearing Officer decisions to the State Advisory Panel; and
2. Make those findings and decisions available to the public.

The State Advisory panel will analyze data and trends and provide a report out to the Panel.

V. MEMBERSHIP REQUIREMENTS FOR STATE ADVISORY PANEL
34 CFR § 300.168

A. The State Advisory Panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, to be representative of the State population, and with recommendations from the State Advisory Panel, membership to be composed of individuals involved in, or concerned with the education of children with disabilities, including:

1. Parents of children with disabilities (ages birth through 26);
2. Individuals with disabilities;
3. Teachers;
4. Representatives of institutions of higher education that prepare special education and related services personnel;
5. State and local education officials, including officials who carry out activities under subtitle B and Title VII of the McKinney-Vento Homeless Assistance Act, (42 U.S.C. 11431 *et seq.*);
6. Administrators of programs for children with disabilities;
7. Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
8. Representatives of private schools and public charter schools;
9. Not less than one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities;
10. A representative from the State child welfare agency responsible for foster care; and
11. Representatives from the State juvenile and adult corrections agencies.

In addition, a representative from an Office of Special Education Programs (OSEP) defined/funded Parent Training and Information Center.

Special rule. A majority of the members of the panel must be individuals with disabilities or parents of children with disabilities (ages birth through 26).

Optional member—A student or youth with a disability from the secondary level who has exited high school from the district or region in which the Panel meeting is being held.

Responsibility: Each State Advisory Panel member is responsible to represent their constituency group, not individual interests.

- B. The membership may be expanded, with the Secretary of Public Education's or designee's approval, to include additional persons in the groups listed and/or representatives of other groups not listed. In adding to the membership, consideration shall be given to an appropriate balance between school district personnel, educators and state agencies caregivers parents/guardians, and individuals with disabilities.
- C. The term of a panel member shall be no more than three years commencing July 1 and ending June 30 of the third year unless the representative is replacing an existing member. Term limits for the membership of the Panel will be two terms (terms do not have to be consecutive), each term being three years (total 6 years). Panel members whose terms have expired shall be considered bona fide voting members until such time as they are re-appointed or replaced by the Secretary of Education.
- D. Resignation from the Panel must be submitted in writing to the PED.
- E. One unexcused absence or two excused absences from regular State Advisory Panel meetings (a meeting is defined as a consecutive two day meeting) within a four-meeting period of time will result in a membership review by the Executive Team in conjunction with the State Director and may result in replacing the member. An absence will be considered "excused" if the member notifies the Chairperson or the State Director of Special Education prior to the meeting.
- F. Whenever a current State Advisory Panel Member changes his/her employment status and there is a resulting change of constituency representation, the following procedures apply:
 - 1. Forfeit membership and if desirable, reapply to represent the new constituency group. However, time served representing the previous constituency group will count towards the three-year term or the total of 6 (six) years; and
 - 2. A new panel member will be chosen to complete the term of the panel member who is being replaced.

VI. STATE ADVISORY PANEL PROCEDURES

- A. Members of the State Advisory Panel shall serve without compensation.
- B. The State shall reimburse the State Advisory Panel members for reasonable and necessary expenses for attending meetings and performing duties in accordance with the Per Diem and Mileage Act, 10-8-1 through 10-8-8 NMSA 1978 and the New Mexico Administrative Code at 2.42.2
- C. Individuals with disabilities who require auxiliary aids and services to participate in a meeting, such as sign language interpreters or materials in Braille, may request such auxiliary aids and services. The auxiliary aids and services shall be provided in accord with the Act, and/or pursuant to Title II of the Americans with Disabilities Act.

VII. PANEL OFFICERS AND TERMS

- A. The officers of the panel shall be
 - a. Chairperson
 - b. Vice-Chairperson
 - c. Secretary
- B. The officers are to be elected annually at the last regular meeting of the school year. The Chairperson and Vice Chairperson of the State Advisory Panel shall be elected to serve one year terms and the Vice Chairperson shall automatically succeed to the office of Chairperson at the end of that person's term as Vice Chairperson.
- C. The officer's term of office shall commence on the first meeting of the school year.
- D. Should a vacancy occur for any reason during the term of office of an officer of the State Advisory Panel, a successor shall be elected at the next regular meeting to serve the remainder of the term.

VIII. STATE ADVISORY PANEL OFFICER DUTIES

- A. The term of the Chairperson of the State Advisory Panel shall commence on July 1 of each year and the Chairperson shall assume the following responsibilities:
 - 1. Chair all meetings of the State Advisory Panel;
 - 2. Develop meeting agendas in collaboration with the State Director and PED staff;
 - 3. Coordinate all activities of the State Advisory Panel with the State Director of Special Education or designee;

4. Establish task forces and subcommittees in collaboration with the PED and appoint task force or subcommittee chairpersons with the approval of the Panel; and
 5. Coordinate completion of the Panel Annual Report due by July 1 each year.
- B. The Vice Chair or designee: The Vice Chair of the State Advisory Panel shall have the following responsibilities:
 1. Serve as Chairperson in the absence or unavailability of the Chairperson;
 2. Assist with collaborative agenda development, if needed;
 3. Assist with completion of the Panel Annual Report due by July 1 each year; and
 4. Perform such other duties as are assigned to him or her by the Chairperson.
- C. Secretary: The Secretary of the State Advisory Panel shall have the following responsibilities:
 1. Provide assistance to the PED staff assigned to record the minutes of each meeting;
 2. Take notes during each meeting specifically regarding action and suggested agenda items for use by the Executive Committee between meetings; and
 3. Perform such other duties as are assigned to him or her by the Chairperson.

IX. STATE ADVISORY PANEL TASK FORCES AND SUBCOMMITTEES

- A. Executive Committee. The Executive Committee shall consist of the Chairperson, the Vice Chairperson, the Secretary, the immediate past Chairperson and two more members of the State Advisory Panel to be appointed by the Chairperson for one-year terms each. Between the regular and special meetings, the Executive Committee shall have the power to act on any matter delegated to it by the State Advisory Panel.
- B. Task forces and subcommittees shall be established for specific purposes and for a designated time period, and be composed of State Advisory Panel members as well as other individuals from across the State.

X. STATE ADVISORY PANEL MEETINGS

- A. The time and place of regular State Advisory Panel meetings shall be as determined by the State Director and Chairperson and shall take place at least four times a year. Panel meetings, including regular or special meetings, may be called by the Chairperson in collaboration with PED staff.

- B. Members of the State Advisory Panel shall be notified by mail and/or electronic mail of the date, time, and place of regular meetings at least 15 business days prior to the time of meetings. Special meetings may be called on shorter notice.
- C. If possible, members can be responsible for sending an appropriate alternate to any meetings they will be unable to attend. An appropriate alternate is an individual who represents the same constituency(ies) as the Panel member. This individual will not have voting rights concerning any decisions made by Panel members.
- D. All meetings of the State Advisory Panel shall be open and public. All panel meetings and agenda items shall be published in such a way and sufficiently in advance of the meeting to afford the public reasonable notice of the meeting and agenda items. Effort shall be made to provide appropriate notice to organizations and individuals representative of the constituency groups served by the panel. Each meeting shall afford reasonable opportunity for members of the public to provide comment. The Chairperson shall specify reasonable parameters with respect to time, place, and manner, as well as to limit comments to subject matter that is within the jurisdiction of the panel. The panel may also adopt additional reasonable procedures to help assure that members of the public are afforded a reasonable opportunity to provide comment.
- E. Official minutes shall be made of all State Advisory Panel meetings, and shall be retained and made available to the public as required by applicable law, including the New Mexico Inspection of Public Records Act.
- F. Minutes of all State Advisory Panel meetings will be the responsibility of the PED.

XI. STATE ADVISORY PANEL VOTING

- A. Those members of the State Advisory Panel in attendance shall constitute a quorum for the transaction of business.
- B. Action by the State Advisory Panel may be taken through a simple majority (51%) of the members present at the meeting. For purpose of determining a majority vote of the members present, an alternate shall not count as a member present.
- C. A State Advisory Panel member, so requesting, shall have his/her vote recorded in the minutes, or upon request of any members, the vote of each member shall be recorded.
- D. A Panel Officer can serve as a proxy for voting members, who have an excused absence, if the Panel Member has been consulted in advance.

XII. PUBLIC INFORMATION AND AMENDMENT OF BY-LAWS

- A. The Chairperson of the State Advisory Panel, or the designee of the Chairperson in the Chairperson's absence or unavailability, is the only

member authorized to speak publicly for the State Advisory Panel and then only in accordance with State Advisory Panel actions.

- B. These by-laws may be amended by a simple majority of the full membership of the State Advisory Panel at a regular meeting. Absentee voting will be allowed so long as the written vote is received by the Chairperson on or before the date the vote is to be taken. Amendments to the by-laws must be submitted in writing to Panel members at least forty five (45) days prior to the scheduled meeting with comments received from the membership for the first thirty (30) days and a final draft of the amendments to be sent out fifteen (15) days prior to the scheduled meeting.
- C. These by-laws will be reviewed annually by the full Panel at the first meeting of the year.