



**STATE OF NEW MEXICO  
PUBLIC EDUCATION DEPARTMENT  
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KURT A. STEINHAUS  
SECRETARY OF EDUCATION

MICHELLE LUJAN GRISHAM  
GOVERNOR

October 25, 2022

Principal Mary Tarango  
21st Century Public Academy\*  
4300 Cutler Ave., NE  
Albuquerque, NM 87110

RE: Annual Determination 2021-2022 School Year

Dear Ms. Tarango:

Each year, the New Mexico Public Education Department (PED), as the State Education Agency (SEA), is required to assign annual determinations in accordance with the Individuals with Disabilities Education Act (IDEA) at 34 CFR § 300.600(a)(2) and Subsection F of 6.31.2.9 NMAC. This determination is made based upon data submitted by the Local Education Agency (LEA) through the Student Teacher Accountability Reporting System (STARS) and participation in random sampling of student post-secondary transition data. Information is also obtained through monitoring visits, dispute resolution information, and any other public documentation made available.

**Making Determinations**

In making determinations, data submitted for State Performance Plan (SPP) and Annual Performance Report (APR) indicators 1-14 were examined to determine the validity and reliability of the submitted data and its consistency with the required measures outlined in the SPP and APR, Part B Measurement Table. Specific compliance indicators (9, 10, 11, 12, and 13) were reviewed to determine if the LEA demonstrated substantial compliance of 95% or higher. Indicator 4B data were reviewed to ensure that LEAs did not have any significant discrepancy in the rates of long-term suspensions and expulsions. The correction of issues of non-compliance, the submission of timely and valid data as well as audit findings were also considered in assigning the LEA an annual determination.

The SEA also considered the following factors in making an annual determination for the LEA:

- Unresolved special conditions;

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- Designation as a "high risk" LEA;
- Long standing audit issues;
- Length of time a problem existed was unacceptable;
- Magnitude of the problem was a concern;
- Progress the LEA made to correct the problem was insufficient.

The determination criteria are further summarized in the enclosed *2021-2022 Determination Criteria* table.

### **LEA Determination**

Based upon a comprehensive review of the LEA's data and information, 21st Century Public Academy\* is assigned an annual determination of **Meets Requirements** for School Year 2021-2022. The data used to make this annual determination was based on the data in the enclosed document titled *2021-2022 Annual Determination Data. Areas of non-compliance are listed below.*

- No Areas of Non-Compliance

For LEAs that were found to have non-compliance with a compliance indicator (4B, 9, 10, 11, 12, or 13), this letter serves as the official notification of non-compliance. According to 34 CFR § 300.600 (e), LEAs must correct non-compliance as soon as possible, and in no case later than one year after the state's identification of the non-compliance. All non-compliance identified in this letter must be corrected no later than October 25, 2023.

### **About an "Intervention" Designation**

If your LEA was assigned the determination of Needs Intervention or Needs Substantial Intervention, you may request an informal hearing in accordance with Subsection F of 6.31.2.9 NMAC. The hearing will afford the LEA an opportunity to demonstrate why a determination of Needs Intervention or Needs Substantial Intervention should not be made. The request for the hearing must be made in writing to the New Mexico Secretary of Education within 30 days of the date of the determination. The hearing will be conducted by the Secretary or the Secretary's designee. The formal rules of evidence shall not apply to the hearing.

### **Correcting Non-Compliance**

Although 95% is considered a level of substantial compliance, all non-compliance must be fully corrected as soon as possible and in no case later than one year from the SEA's identification of the non-compliance in accordance with 34 CFR §300.600(e). The targets for compliance indicators 11, 12, and 13 must be 100% and the targets for indicators 4A, 4B, 9, and 10 are 0%. Correction of non-compliance is required for LEAs that were found to be Meets Requirements but had a score of less than 100% or greater than 0% for a compliance indicator.

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An SEA or LEA is not considered to be compliant with the indicators unless it meets the target set by the U.S. Secretary of Education in accordance with 34 CFR §§ 300.600(d) and 300.601(a)(3) and has fully corrected any non-compliance. This includes ensuring that LEAs demonstrate correction of non-compliance in accordance with the Office of Special Education Programs (OSEP) 09-02 Memorandum (copy enclosed). States are not permitted to establish thresholds for meeting compliance that is less than full compliance (100%).

The determination of the correction of non-compliance is based on an updated review of the data and information. This includes correction of individual case(s) of non-compliance and a conclusion that the district is correctly implementing the specific regulatory requirements. This two-prong approach is consistent with the OSEP 09-02 Memorandum regarding "Reporting on Correction of Non-compliance in the Annual Performance Report Required under Sections 616 and 642 of the Individuals with Disabilities Education Act."

The LEA will be required to complete either a Root Cause Analysis (RCA) and/or a Self-Assessment (SA) for missed compliance indicators. Based upon the results of the RCA or SA, the areas of non-compliance will be addressed through a Corrective Action Plan (CAP). The CAP may also include any target indicators where the set target was not met by the LEA.

If you have any questions or concerns, please do not hesitate to call the Education Administrator who is assigned to 21st Century Public Academy\* at (505) 372-8379. Thank you for your efforts to improve the educational outcomes for students with disabilities.

Sincerely,

DocuSigned by:  
  
BCCD059DF7D24D8...

Kurt A. Steinhaus, Ed.D.  
Secretary of Education

KS/ddc/cm

Enc. (4): How the State Made Determinations under Section 616  
2021-2022 Annual Determination Data  
OSEP 09-02 Memorandum  
2021-2022 Determination Criteria

cc: Dr. Vickie C. Bannerman, Deputy Cabinet Secretary of Identity, Equity and Transformation, PED  
Corina Chavez, Director, Charter Schools Division, PED  
Leah Johnson, Education Administrator, Special Education Division, PED  
Jennifer Elliott, Special Education Director, 21st Century Public Academy\*