



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-5800
www.ped.state.nm.us

MARIANA D. PADILLA
SECRETARY OF PUBLIC EDUCATION

MICHELLE LUJAN GRISHAM
GOVERNOR

**NEW MEXICO PUBLIC EDUCATION DEPARTMENT
OFFICE OF SPECIAL EDUCATION
Complaint Resolution Report
Santa Fe Public Schools
Case No. 2425-45
May 6, 2025**

This Report does not require corrective action.

On March 7, 2025, a complaint was filed with the New Mexico Public Education Department's (PED) Office of Special Education (OSE) under the federal Individuals with Disabilities Education Act (IDEA) and the implementing Federal Regulations and State Rules governing publicly funded special education programs for children with disabilities in New Mexico.¹ The OSE has investigated the complaint and issues this report pursuant to 34 C.F.R. § 300.152(a)(5) and 6.31.2.13(H)(5)(b) NMAC.

Conduct of the Complaint Investigation

The PED's complaint investigator's investigation process in this matter involved the following:

- review of the complaint and supporting documentation from complainant;
- review of the District's responses to the allegations, together with documentation submitted by the Local Education Agency at the request of the PED's independent complaint investigator;

¹ The state-level complaint procedures are set forth in the federal regulations at 34 C.F.R. §§ 300.151 to 153 and in the state rules at Subsection H of 6.31.2.13 NMAC.

- review of the District's compliance with federal IDEA regulations and state NMAC rules;
- interview with the Parent on April 22, 2025; and
- research of applicable legal authority.

Limits to the Investigation

Federal regulations and state rules limit the investigation of state complaints to violations that occurred not more than one year prior to the date the complaint is received. 34 C.F.R. § 300.153(c); 6.31.2.13(H)(2)(d) NMAC. Any allegations related to professional or ethical misconduct by a licensed educator or related service provider, or allegations related to the Americans with Disabilities Act or Section 504 of the Rehabilitation Act are not within the jurisdiction of this complaint investigation and, as a result, were not investigated. Therefore, the Complaint Investigator did not investigate any allegations regarding the education or program of students without disabilities and allegations regarding retaliation. In addition, allegations regarding limitations on Parent's communication with staff and access to the District's premises were not addressed as it was previously addressed in a separate complaint.

Issues for Investigation

The following issues regarding alleged violations of the IDEA, its implementing regulations and State rules, are addressed in this report:

1. Whether the LEA failed to implement students' IEPs when students were left without teacher supervision or classwork on or about February 26, 2025, in violation of 34 C.F.R. § 300.323(c) and 6.31.2.11(B) NMAC; and
2. Whether the LEA's actions and/or omissions towards the students resulted in a denial of a free appropriate public education (FAPE), in violation of 34 C.F.R. § 300.101 and 6.31.2.8 NMAC.

General Findings of Fact

1. Sometime in February 2025, two field trips were scheduled for students enrolled in one of two general education economics classes. One group of students attended the field trip on February 12, 2025 for the entirety of the school day and the second group of students attended the field trip on February 26, 2025 for the entirety of the school day.

The group who did not attend the field trip on one of the two specified days was to remain at school and attend classes, as normal.

2. The two economics classes are taught by the same general education teacher during sixth period and seventh period. In addition, the General Education Teacher also teaches a history class during fifth hour.
3. On February 26, 2025, a substitute teacher had not been retained to cover the General Education Teacher's classes. Instead, during the class periods in which the General Education Teacher was unavailable, the students who did not go on the field trip were placed in the front lobby of the school and supervised by administrative staff.
4. Between the two economics classes, there are seven students identified as students with disabilities receiving special education services. Per attendance records, two of the special education students attended the field trip and two special education students were absent from school on February 26, 2025. In total, three special education students remained at school on February 26, 2025.
5. Of the three special education students in attendance on February 26, 2025, one student was required to work independently in the front lobby during one class period and two students were required to work independently in the front lobby during two class periods.
6. All three special education students in attendance on February 26, 2025, receive academic special education services throughout the week but those academic special education services are not provided during the general education economics class.

Discussion and Conclusions of Law

Issue No. 1

Whether the LEA failed to implement students' IEPs when students were left without teacher supervision or classwork on or about February 26, 2025, in violation of 34 C.F.R. § 300.323(c) and 6.31.2.11(B) NMAC; and

The IDEA seeks to ensure that all children with disabilities receive a FAPE through individually designed special education and related services pursuant to an IEP. 34 C.F.R. § 300.17. The IEP is "the centerpiece of the statute's education delivery system for disabled children . . . [and] the means by which special education and related services are 'tailored to the unique needs' of a particular child." *Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 994 (2017) (quoting *Honig v. Doe*, 484 U.S. 305, 311 (1988); *Bd. of Ed. v. Rowley*, 458 U.S. 176, 181 (1982)). A student's IEP must be implemented in its entirety. 34 C.F.R. § 300.323(c)(2).

A school district must ensure that “as soon as possible following the development of the IEP, special education and related services are made available to a child in accordance with the child’s IEP.” *Id.* See also 6.31.2.11(B)(1) NMAC.

Here, students enrolled in the General Education Teacher’s classes were not scheduled to receive special education services during same. Therefore, there is no violation of 34 C.F.R. § 300.323(c) and 6.31.2.11(B) NMAC when students, including students with disabilities, were placed in the hallway during the General Education Teacher’s absence on February 26, 2025.

As to Issue No. 1, the District is not cited.

Issue No. 2

Whether the LEA’s actions and/or omissions towards the students resulted in a denial of a free appropriate public education (FAPE), in violation of 34 C.F.R. § 300.101 and 6.31.2.8 NMAC.

FAPE must be made available to all children with disabilities. 34 C.F.R. § 300.101; 6.31.2.8 NMAC. School districts must provide FAPE for each student who resides within the school district’s educational jurisdiction. 6.31.2.8(A) NMAC. Violations of the IDEA may be based on either substantive or procedural violations. A procedural violation constitutes a denial of FAPE if it: (1) impedes the child’s right to FAPE; (2) significantly impedes the parent’s opportunity to participate in the decision-making process regarding the provision of FAPE; or (3) causes a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2). A substantive legal standard for determining whether a district offered a student FAPE is whether the IEP was reasonably calculated to enable the child to make progress appropriate in light of their circumstances. *Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 580 U.S. 386, 399 (2017).

No procedural or substantive violations were found. Thus, no students were denied FAPE.

As to Issue No. 2, the District is not cited.

This report constitutes the New Mexico Public Education Department’s final decision regarding this complaint.

Investigated by:

/s/ Emily Adams

Emily Adams, Esq.

Complaint Investigator

Reviewed by:

/s/ Natalie Campbell

Natalie Campbell

Chief Counsel, Office of Special Education

Reviewed and approved by:

DocuSigned by:

Dr. Tyre D. Jenkins

Deputy Director, Office of Special Education

Certificate Of Completion

Envelope Id: AE8E3057-1E6A-4737-AB5F-60F9738C2543

Status: Completed

Subject: Complete with Docusign: 4.28.2025 C2425-45 Complaint Resolution Report FINAL draft.docx

Source Envelope:

Document Pages: 5

Signatures: 1

Envelope Originator:

Certificate Pages: 1

Initials: 0

Natalie Campbell

AutoNav: Enabled

natalie.campbell@ped.nm.gov

Envelopeld Stamping: Enabled

IP Address: 10.103.81.73

Time Zone: (UTC-07:00) Mountain Time (US & Canada)

Record Tracking

Status: Original

Holder: Natalie Campbell

Location: DocuSign

4/28/2025 3:47:53 PM

natalie.campbell@ped.nm.gov

Security Appliance Status: Connected

Pool: StateLocal

Storage Appliance Status: Connected

Pool: Public Education Department

Location: Docusign

Signer Events

Signature

Timestamp

Tyre Jenkins

DocuSigned by:

24395130B7C04BA...

Sent: 4/28/2025 3:48:44 PM

tyre.jenkins@ped.nm.gov

Viewed: 4/28/2025 4:21:03 PM

Deputy Director of OSE

Signed: 4/30/2025 11:06:35 AM

Security Level: Email, Account Authentication
(None)

Freeform Signing

Signature Adoption: Pre-selected Style

Using IP Address: 64.190.248.66

Electronic Record and Signature Disclosure:

Not Offered via Docusign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent

Hashed/Encrypted

4/28/2025 3:48:44 PM

Certified Delivered

Security Checked

4/28/2025 4:21:03 PM

Signing Complete

Security Checked

4/30/2025 11:06:35 AM

Completed

Security Checked

4/30/2025 11:06:35 AM

Payment Events

Status

Timestamps