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NEW MEXICO PUBLIC EDUCATION DEPARTMENT  
OFFICE OF SPECIAL EDUCATION  
Complaint Resolution Report

Case No. 2425-41

May 5, 2025

**This Report requires corrective action. See pages 14-15.**

On February 27, 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.<sup>1</sup> 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. An extension for resolution of the complaint was granted through May 5, 2024 to allow for pursuit of mediation.

**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;

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<sup>1</sup> 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 Charter School's responses to the allegations, together with documentation submitted by the Local Education Agency at the request of the PED's independent complaint investigator;
- review of the Charter School's compliance with federal IDEA regulations and state NMAC rules;
- interviews with the Parents, Head Administrator, three General Education Teachers, Director of Special Education and Student Services and Principal 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. For these reasons, any issue pertaining only to Gifted Education or issues pertaining to eligibility or provision of Section 504 services under the Rehabilitation Act of 1973 and its implementing regulations will not be addressed in this report.

### **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 Charter met its Child Find obligation, in violation of 34 C.F.R. § 300.111(a)(1) and (c) and 6.31.2.10(A) and (D) NMAC, when the Charter failed to conduct an evaluation of Student in suspected areas of disability following a request from Parent and repeated concerns noted by Staff;
2. Whether the Charter addressed allegations of bullying towards Student which may have denied Student educational benefit in violation of 34 C.F.R. §§ 300.101 and 300.201 and 6.31.2.8(A) and 6.31.2.13(A) NMAC; and
3. Whether the Charter's actions and/or omissions towards the Student 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. Student, a sophomore, transferred into Charter School (Charter) on October 5, 2023. Prior to the transfer, Student, who is gifted, attended another in-state charter school where a gifted IEP was developed on September 7, 2023.
2. The September 7, 2023 gifted IEP noted, “The Student’s parents are somewhat concerned that the Student may have Attention Deficit Hyperactivity Disorder (ADHD).” It also noted that Student is “currently undergoing evaluation for this possibility.” Parents did not request an evaluation at that time or upon enrollment at Charter.
3. The September 7, 2023 gifted IEP also noted no concerning behaviors that impeded learning. Parents reported no medications or significant health information. Student received 15 minutes a week of gifted services in the regular classroom. Student participated in a full-inclusion gifted classroom.
4. Although the Charter staff received the IEP from the previous school, no follow up was done on the ADHD concerns.
5. Approximately a month after Student’s transfer to Charter on October 5, 2024, a number of students were subjected to repeated, ongoing bullying incidents involving one particular student (“Student-Bully”), another student at Charter. A social group of approximately 5-6 students were subjected to repeated threats, harassment and inappropriate comments by the alleged Student-Bully. On at least two occasions, Student was the victim of the bullying and on other occasions was a bystander/witness to the bullying of friends.
6. Nine bullying or harassment reports were made to the Principal of the Charter on the following dates: November 10, 2023, February 27, 2024, March 18, 2024, March 21, 2024, March 24, 2024, April 15, 2024, April 18, 2024, April 23, 2024 and April 26, 2024.
7. The threats included online threats and physical harm such as threatening to “beat them up”, “beat TF out of them” and threats to go to their houses to harm them.
8. A safety plan was put in place on February 27, 2024. A copy of the safety plan and other disciplinary records were requested but not provided to the Investigator.
9. Administration shared that before the Student-Bully was suspended, the Student-Bully was not to be around the other students, but the Student-Bully continued to have access to the Student and the other students and continued making threats.
10. Student-bully received a long-term suspension on [REDACTED], following a hearing.
11. The three teachers interviewed reported they were not aware of any bullying incidents even though the alleged Student-Bully and victims were students in their classes, so it is unclear how the teachers could enforce the safety plan.

12. The safety plan was ineffective since the victims, including Student, continued to be subjected to threats and harassment until the Student-Bully received a long-term suspension. Seven bullying/harassment incidents occurred after the safety plan was in place and on at least two occasions, Student was the victim of the bullying and Student was exposed to bullying of friends by the same Student-Bully on multiple occasions.
13. On April 22, 2024, Parents reported to the Principal and Head Administrator that Student [REDACTED] The Charter was aware for some time that Student had been receiving [REDACTED]
14. Following the report, the Head Administrator requested the counselor check in with Student. The counselor followed up with Student but did not believe any further services were required. The Charter offered counseling services to Student but did not make a special education referral.
15. Following the administrative hearing on April 26, 2024, the Student-Bully again threatened Student and friends that she would pay them a visit because she had nothing to lose.
16. The Parents were informed of the long-term suspension and counseling services were offered. The Charter's Head Administrator met with Student to tell her about the long-term suspension and offer support. Student reported to the Head Administrator that she had received threats within the previous two weeks but had not reported the threats.
17. The Charter claimed that Student and Student-Bully were friends that had a falling out. Parents disagreed that the Student-Bully and Student were friends.
18. The disciplinary logs listed multiple students as recipients of the bullying.
19. Parents repeatedly contacted school about their Student's needs, especially safety and emotional concerns.
20. The Investigator requested information about the alleged bullying, incident reports, investigations completed and ultimate dispositions, but limited information was provided regarding the Charter's investigatory process. During interviews, the Charter indicated that additional information would be provided but this did not happen. In the information provided, there were no investigation reports or basis for decisions provided. Emails that stated some of the allegations were substantiated were provided and the administrative hearing decision implementing a long-term suspension was provided, but none of these documents indicated the actual behaviors or substantiation of the incidents.
21. Since incomplete investigation records were provided, it was impossible to determine the process the Charter followed with the bullying complaints involving Student.
22. On May 8, 2024, the Team met to develop the annual gifted IEP. At that meeting it was noted that "Family is working on ADHD testing that can potentially provide more

accommodations/understanding.” Parents did not request an evaluation nor were results from a private evaluation provided to the Charter.

23. The Present Levels of Academic Achievement and Functional Performance (PLAAFP) from the May 8, 2025 gifted IEP listed comments from six of Student’s teachers. It was noted by all teachers that Student was not working up to potential and performance was inconsistent. The teachers reported that Student was not able to focus, easily distracted and procrastinated in completing work. There were no recommendations or suggestions noted on the IEP of how to assist Student or whether Student may need additional services or supports.
24. The comments on the gifted IEP did not provide an explanation for the Teachers’ comments. During interviews, the three Teachers, who were not at the May 8, 2025, gifted IEP meeting, reported that Student was more interested in socializing than working and that was the reason for the comments on the May 8, 2025 gifted IEP. It cannot be determined whether socialization and its impact on performance were discussed at the gifted IEP meeting since not all of Students’ Teachers attended the IEP meeting.
25. During Student’s attendance at the Charter, Parents reported Student was anxious, depressed and concerned about safety for herself and friends because of the actions of the alleged bully.
26. Student’s Teachers reported that Student did not exhibit anxiety or mental health concerns in their classrooms. Student was happy, socialized with friends, and this socialization was the reason for the lack of focus, distractibility, and procrastination comments on the May 8, 2024 gifted IEP.
27. Staff reported that initially, after transferring to Charter, Student was quiet and worked hard but by Thanksgiving, Student had developed a social group and Student began to demonstrate lack of focus and procrastination in work completion and poor grades.
28. Staff reported that socialization, lack of focus and poor grades is typical for other students in the school, especially because of the length of the school day (8:30 to 5 pm, 5 days a week) and the performance requirements. Most students usually earned passing grades over time.
29. Staff reported that Student was performing well in all classes and final grades were all As and Bs. During the semester, Student would often struggle completing work or “scraping by” but was able to earn high marks by the end of the semester, particularly if Parents became involved.
30. At the school, students that were receiving Ds and Fs as grades were monitored and if it became a pattern, parents were contacted and referrals to the student support team (SST) or a special education referral may be considered.

31. Student often had grades of Ds or Fs in her classes throughout the semester but Student would complete the work and bring up grades, so the Charter did not consider the repeated low grades as a concerning pattern and Student was not referred to SST nor were Parents contacted.
32. Since the school is performance based, Students were graded per semester and grades could drop when Students were involved in performance activities such as rehearsals, playwriting, concerts.
33. On May 9, 2024, Parent emailed Charter stating "[Student] is having her ADHD assessment today."
34. On May 10, 2024, staff at the Charter were informed that Student [REDACTED]  
[REDACTED]  
[REDACTED]
35. On May 11, 2024, Student's teachers were asked to complete National Institute for Children's Health Quality (NICHQ) Vanderbilt Assessment Scales requested by medical provider to determine Student's learning needs, including a potential ADHD diagnosis. Only some of the teachers completed the forms.
36. On July 12, 2024, parents filed a gifted state complaint, requesting an academic evaluation of Student. Many of the staff, including the special education director, were on summer break at that time. The Charter did not respond to the request for an evaluation but responded to the complaint.
37. Parents informed Charter on August 7, 2024 that Student would not be returning to the Charter for the 2024-2025 school year.
38. Student was never referred for a special education evaluation by the Charter.
39. Student is now attending another school. Student has been evaluated, but the need for special education services has not been determined at the new school.

**Charter's Failure to Provide Requested Information for Investigation**

As the Charter knows, a final report on a state complaint is required to be issued within 60 days of the date of filing. Charter made it extremely difficult to have necessary documents to conduct investigation. Several necessary documents were received from Parent and not the Charter.

Pursuant to 34 C.F.R. § 300.211, a Charter must provide the state agency with the information necessary for the state agency to carry out its duties under the IDEA.

As evidenced above, Charter appeared to be less than willing to provide the requested documentation needed to investigate the allegations made in the complaint.

Charter's non-cooperation and/or less than timely disclosure violates 34 C.F.R. § 300.211. This will serve as Charter's notice that if any complaints are filed against the Charter in the future, and there appears to be an unwillingness to cooperate, the Charter will be cited and will be required to complete corrective action.

### **Discussion and Conclusions of Law**

#### **Issue No. 1**

***Whether the Charter met its Child Find obligation, in violation of 34 C.F.R. § 300.111(a)(1) and (c) and 6.31.2.10(A) and (D) NMAC, when the Charter failed to conduct an evaluation of Student in suspected areas of disability following a request from Parent and repeated concerns noted by Staff.***

Child Find is an affirmative, ongoing obligation of local education agencies (LEA) to identify, locate and evaluate all children with disabilities residing within the jurisdiction who are in need of special education and related services. 34 C.F.R. § 300.111(a)(1) and (c); 6.31.2.10(A) and (D) NMAC. Child Find mandates a LEA to evaluate a child when it suspects or has reason to suspect that the child has a disability and needs special education services. *E.S. v. Konocti Unified School Charter*, 55 IDELR 226 (N.D. Cal. 2010); *D.T. v. Cherry Creek School Charter No. 5*, 54 F4th 1268 (10th Cir. 2022) (holding that a Colorado Charter had no reason to suspect a student's eligibility when the behaviors occurred outside of school). The determination of whether a school has a reason to suspect the child may need special education services is a factual question based on the particular facts and circumstances. *Ja.B. v. Wilson County Board of Education*, 61 F4th 494 (6th Cir. 2023) One isolated incident, even involving behavior issues, without other facts may not trigger a Child Find obligation. *Id.*

When a school receives outside reports or concerns about a specific disability, the school should consider evaluating the student. *Miller v. Charlotte-Mecklenburg Schools Board of Education*, 64 F4th 569 (4th Cir. 2023). See also, *N.N. v. Mountain View-Los Altos Union High Sch. Dist.*, 81 IDELR 161 (N.D. Cal. 2022). Casual observations without a comprehensive evaluation are not sufficient to determine whether a student needs specialized instruction. *Timothy O. v. Paso Robles Unified School Charter*, 822 F3d 1059 (9th Cir. 2016). The Court in *Timothy O.* noted that a disability is suspected and must be assessed when the student has displayed symptoms of that disability. *Id.* The threshold for the Child Find obligation is low and "informed suspicions" of parents may be enough of a trigger for the school's obligation. *Id.* at 1120.

Child Find applies equally to gifted students where there is reason to suspect a disability and need for special education and related services. *Memorandum to State Directors. of Special Education.*, 65 IDELR 181 (OSEP 2015) Gifted students are not precluded from special education eligibly. *Letter to Delisle*, 62 IDELR 240 (OSEP 2013). Students who are gifted are still entitled to the protections of IDEA, as warranted. *Letter to Anonymous*, 55 IDELR 172 (OSEP 2010). Gifted students, like other students must meet a two-prong test to be determined an eligible child with a disability. After a comprehensive evaluation, 1) the child must exhibit one of the state's specified disabilities and 2) need special education and related services because of that disability. 34 C.F.R. § 300.8. Earning good grades or advancing from grade to grade by itself does not indicate that the child is not special education eligible.

A LEA may not take a passive approach and wait for others to refer the student for special education services; the LEA must seek out IDEA-eligible students. *Compton Unified School Charter. v. Addison* 598 F3d 1181 (9th Cir. 2010), *cert. denied*, 112 LRP 1321 , 132 S. Ct. 996 (2012). *Legriz v. Capistrano Unified School District*, 79 IDELR 243 (9th Cir. 2021, *unpublished*). A LEA must respond within 14 calendar days when a request for an evaluation is made by a parent. 6.31.2.10(D)(3) NMAC. The LEA shall provide a prior written notice (PWN) proposing to conduct the evaluation or refusing to conduct the evaluation. 6.31.2.10(D)(4) NMAC.

It is a factual question of if, and when, a Child Find obligation is triggered. Student, who transferred from another school on October 5, 2023, was on a gifted IEP when concerns about ADHD were raised during the September 2023 gifted IEP meeting. The Charter did not follow up on this concern. By Thanksgiving, after the bullying began, Student would not complete work in a timely manner, lacked focus and often had Ds and Fs in classes. Student was able to pull up those grades within a week or two.

At the May 8, 2024 gifted IEP, all of Student's teachers expressed concerns about lack of focus, distractibility, procrastination. Although the teachers interviewed provided an alternative explanation for these characteristics, these are all common characteristics of ADHD. Potential concerns about ADHD noted on both IEPs and Parents comments may not have been enough to trigger a Child Find obligation -- but there was additional information.

Shortly after Student enrolled at Charter, there were ongoing bullying issues with another student where Student and friends were the victims/bystanders of multiple incidents of bullying. After the bullying began, Student's academic performance changed; Student was often earning poor grades that Student improved to an A or B; Student was distractible, lacked focus, procrastinated, as noted on the May 8, 2024, IEP. The Teachers interviewed stated the IEP comments were because Student was socializing too much to focus on school and short-term drop-in grades was typical for students at Charter. While Teachers' explanations may



have been accurate, this was an additional red flag that something else may be happening. The drop in grades was not a single incident but often happened in multiple classes. Parents and staff had expressed concerns about lack of focus, distractibility and anxiety.

Also, Student was a witness/bystander to nine bullying incidents over the course of the school year. The safety plan the Charter implemented was not provided to teachers and was not effective. Moreover, the Charter was informed on April 22, 2024, [REDACTED]

[REDACTED] The Charter was also aware that Student [REDACTED]  
[REDACTED] Student was referred to the counselor who was not concerned. Charter administration offered counseling services but did not follow up with a referral.

Student continued to be a Student until August 7, 2024, when Student was disenrolled. On May 11, 2024, the Charter was told Student would be [REDACTED] and to monitor unusual behavior. The Charter was informed that the Parents were proceeding with an ADHD evaluation and Teachers were asked to complete Vanderbilt forms on May 11, 2024.

While the bullying may not be a red flag by itself for the need for an evaluation, the cumulative knowledge of the Charter, detailed above, was significant and triggered Child Find obligations for the Charter.

The Charter did not seek out permission for an evaluation but indicated that Student was earning good grades in all classes and maintained the position that there were no indicators that Student needed special education. The Charter ignored the multiple signs that this Student may be eligible for special education services.

Finally, on July 15, 2024, Parents, in a state gifted complaint, made a written request for an evaluation of Student. The Charter did not respond with a PWN within the required 14 days - either proposing or declining the evaluation. The Charter was not informed that Student would not be returning until August 7, 2024 so the Charter was responsible for Child Find on July 29, 2024.

The Charter failed in meeting its Child Find obligation.

**As to Issue #1, the Charter is cited, Corrective Action is required.**

**Issue No. 2.**

***Whether the Charter addressed allegations of bullying towards Student which may have denied Student educational benefit in violation of 34 C.F.R. §§ 300.101 and 300.201 and 6.31.2.8(A) and 6.31.2.13(A) NMAC.***

Bullying has been defined by the United States Department of Education as aggression used within a relationship where the aggressor has more real or perceived power than the target, and the aggression is repeated, or has the potential to be repeated. Bullying can be physical, verbal, or psychological actions inflicting or attempting to inflict discomfort upon another through a real or perceived imbalance of power. *Dear Colleague Letter* (OSERS/OSEP 2013). Bullying can involve overt physical behavior or verbal, emotional, or social behaviors (e.g., excluding someone from social activities, making threats, withdrawing attention, destroying someone's reputation) and can range from blatant aggression to far more subtle and covert behaviors. *Id.*

In New Mexico, 6.12.7 *et. seq.* NMAC, bullying means:

[A]ny severe, pervasive, or persistent act or conduct that targets a student, whether physically, electronically, or verbally, and that:

**(1)** may be based on a student's actual or perceived race, religion, color, national origin, ancestry, sex, sexual orientation, gender identify, spousal affiliation, physical or cognitive disability, or any other distinguishing characteristic; or an association with a person, or group with any person, with one or more of the actual or perceived distinguishing characteristics; and

**(2)** can be reasonably predicted to:

**(a)** place a student in reasonable fear of physical harm to the student's person or property;

**(b)** cause a substantial detrimental effect on a student's physical or mental health;

**(c)** substantially interfere with a student's academic performance, attendance, or participation in extracurricular activities; or

**(d)** substantially interfere with a student's ability to participate in or benefit from the services, activities, or privileges provided by a school or school-affiliated entity.

**B. "Cyberbullying"** means any bullying that takes place through electronic communication.

A single incident of aggression between students does not rise to the level of bullying but ongoing bullying can be a trigger for a Child Find obligation. *See Dear Colleague Letter* (OSERS/OSEP 2013). Bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of FAPE, and bullying of a student

who has not yet been identified as eligible for special education can trigger Child Find obligations. *Id.*

Student was the victim/bystander of nine incidents of bullying by another student at school. The incidents reported meet the US Department of Education's and New Mexico's definition of bullying. The bullying incidents were reported to the administration. The Charter reported that all incidents were investigated, and the other student was eventually suspended following a hearing, however, the investigation reports were not provided to the Investigator despite repeated requests for that information.

The Charter observed first-hand and was informed of Student's actions and reactions from the repeated actions of the bully. Parents repeatedly contacted the Charter through email about the bullying and the impact on Student. The Student's [REDACTED] and reports of fear and anxiety as a result of the repeated bullying should have triggered the Child Find obligation requiring an evaluation to determine if Student was special education eligible and needed specialized instruction. The Charter erred in not evaluating Student in a timely manner and ignoring any possible impacts that the repeated bullying caused. The Charter's failure to act on its Child Find obligation triggered by this bullying was a procedural violation requiring corrective action.

As to Issue #2, the Charter is cited, Corrective Action is required.

### **Issue No. 3.**

***Whether the Charter's actions and/or omissions towards the Student 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.***

The IDEA is meant to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) designed to meet their unique needs. Students who are eligible for special education services are entitled to a FAPE. 34 C.F.R. § 300.101; 6.31.2.8 NMAC. LEAs are obligated to provide a FAPE to students within their jurisdiction who have been determined eligible for special education services. 34 C.F.R. § 300.17.

In order to be considered a student with a disability under IDEA, a student first must meet two requirements: 1) have a recognized disability under state law, and 2) need special education and related services as a result of that disability. 34 C.F.R. § 300.8 (a)(1). A student must be evaluated and determined eligible prior to development of an IEP. 34 C.F.R. § 300.306 (a). The provision of FAPE is administered through an IEP developed by the IEP team and implemented by the LEA. The IEP must be "reasonably calculated to enable the child to make progress appropriate in light of the child's circumstances." *Endrew F. V. Douglas County School Charter RE-1*, 137 S.Ct. 988,

999 (2017). For a student to receive a FAPE, a student must be entitled to special education services. Without that determination of need for specialized instruction related to a disability, there cannot be a denial of FAPE. *D.G. v. Flour Bluff Independent School Charter*, 481 F App'X 887 (5th Cir. 2012, *unpublished*). The Eleventh Circuit has held that a child find violation can only result in a denial of FAPE when there is substantive educational harm. *J.N. v. Jefferson County Board of Education*, 12 F 4th 1355 (11th Cir. 2021).

As detailed in Issues 1 and 2 above, Charter failed in its Child Find obligations to this Student. Child Find can rise to the level of a denial of FAPE if failure to evaluate Student caused a "substantive educational harm, and that compensatory educational services can remedy that past harm." *Id.* While Student suffered harm due to the Charter's failure to effectively address bullying, it is not concluded that Student suffered substantive educational harm that can be remedied by compensatory educational services. Student's grades faltered mid-term, but Student was able to bring the grades up by the end of the semester.

**As to Issue #3, the Charter is not cited.**

#### **Summary of Citations**

<b>IDEA/State Rule Provisions Violated</b>	<b>Description of Violation</b>
34 C.F.R. § 300.111(a)(1) and (c) and 6.31.2.10(A) and (D) NMAC,	The Charter failed in its Child Find obligation when the Charter failed to conduct an evaluation of Student in suspected areas of disability following a Parent and Staff's repeated concerns.
34 C.F.R. §§ 300.101 and 300.201 and 6.31.2.8(A) and 6.31.2.13(A) NMAC;	The Charter failed to effectively address allegations of bullying towards Student and others which denied Student a timely evaluation and possible services.

#### **Required Actions and Deadlines**

**By June 5, 2025**, the Charter's Special Education Director must assure the OSE in writing that the Charter School will implement the provisions of this Corrective Action Plan (CAP). The OSE requests that the Charter School submit all documentation of the completed corrective actions

to the individual below, who is assigned to monitor the Charter School's progress with the Corrective Action Plan and to be its point of contact about this complaint from here forward:

Ms. Yaling Hedrick  
Corrective Action Plan Monitor  
Office of Special Education  
New Mexico Public Education Department  
300 Don Gaspar Avenue  
Santa Fe, NM 87501  
Telephone: (505) 795-2571  
[Yaling.Hedrick@ped.nm.gov](mailto:Yaling.Hedrick@ped.nm.gov)

The file on this complaint will remain open pending the PED's satisfaction that the required elements of this Corrective Action Plan are accomplished within the deadlines stated. The Charter School is advised that the OSE will retain jurisdiction over the complaint until it is officially closed by this agency and that failure to comply with the plan may result in further consequences from the OSE.

Each step in this Corrective Action Plan is subject to and must be carried out in compliance with the procedural requirements of the IDEA 2004 and the implementing federal regulations and State rules. Each step also must be carried out within the timelines in the Corrective Action Plan. If a brief extension of time for the steps in the Corrective Action Plan is needed, a request in writing should be submitted to the Corrective Action Plan Monitor. The request should include the case number, the date for the proposed extension, and the reason for the needed extension. The OSE will notify the parties of any extension granted.

**Please carefully read the entire CAP before beginning implementation. One or more steps may require action(s) in overlapping timeframes. All corrective action must be completed no later than May 5, 2026 and reported to the OSE no later than May 19, 2026.** All documentation submitted to the OSE to demonstrate compliance with the CAP must be clearly labeled to indicate the state complaint case number and step number.

**Corrective Action Plan**

<b>Step No.</b>	<b><u>Actions Required by Charter School</u></b>	<b><u>Complete Actions By</u></b>	<b><u>Documents Required to be Submitted to PED OSE</u></b>	<b><u>Document Due Date</u></b>
<b>1.</b>	As described above, the Charter will submit a written assurance to the PED OSE Corrective Action Plan Monitor that it will abide by the provisions of this Corrective Action Plan (CAP).	<b>May 31, 2025</b>	Written assurance	<b>June 5, 2025</b>
<b>2.</b>	The Charter Special Education Director and the Charter Head Administrator shall meet with the PED OSE Education Administrator assigned to the Charter and the PED OSE CAP Monitor to review the Complaint Resolution Report, the Corrective Action Plan, and any other measures that the Charter plans to ensure that the violations are corrected and do not recur. The Charter Special Education Director shall be responsible for arranging this meeting with OSE.	<b>June 15, 2025</b>	Review of Child Find policies and procedures	<b>June 30, 2025</b>
<b>3.</b>	The Charter Special Education Director and the Charter Head Administrator shall arrange a virtual meeting with Deputy General Counsel, NMPED and Chief Counsel, Special Education to discuss its failure to provide requested documents, failure to respond to Child Find obligations and parents' request for evaluation, and failure to effectuate bullying safety plan.	<b>May 31, 2025</b>  <b>June 6, 2025</b>	Virtual Meeting Invite  Meeting Notes	<b>May 31, 2025</b>  <b>June 6, 2025</b>

<b>Step No.</b>	<b><u>Actions Required by Charter School</u></b>	<b><u>Complete Actions By</u></b>	<b><u>Documents Required to be Submitted to PED OSE</u></b>	<b><u>Document Due Date</u></b>
<b>4.</b>	The Charter Special Education Director will meet with all staff to review the Complaint Resolution Report to ensure that those persons understand the complaint, the violations that were found, and the corrective actions that will be taken to address the violations. Staff will ensure that staff that are directly involved will be informed of safety plans when implemented	<b>June 30, 2025</b>	Notes from review and plan to update and revise Child Find obligations	<b>July 15, 2025</b>
<b>5.</b>	The Charter shall review all policies and procedures and revise, as needed, to ensure the Charter is meeting its Child Find obligation and bullying procedures with respect to students that attend the Charter.	<b>July 30, 2025</b>	Revised policies and procedures, or if Charter believes its policies and procedures do not need revision, a copy of such.	<b>August 15, 2025</b>
<b>6.</b>	<p>The Charter is required to provide training to School administrative and special education staff regarding the implementation of:</p> <p>(1) Child Find policy and procedures; and</p> <p>(2) Bullying procedures</p> <p>The training shall be provided by a person with expertise in special education who is approved by NMPED and may not be an individual involved in this matter.</p>	<b>August 29, 2025, but may occur during Charter's fall, 2025 trainings.</b>	<p>Training materials</p> <p>Attendance list of trainees</p>	<p><b>August 15, 2025</b></p> <p><b>August 29, 2025</b></p>

This report constitutes the New Mexico Public Education Department's final decision regarding this complaint. If you have any questions about this report, please contact the Corrective Action Plan Monitor.

Investigated by:

/s/ Michele K. Bennett

Michele K. Bennett

Complaint Investigator

Reviewed by:

/s/ Natalie Campbell

Natalie Campbell

Chief Counsel, Office of Special Education

Reviewed and approved by:

DocuSigned by:

  
Tyre D. Jenkins

2425-41-27C00000

Interim Deputy Secretary, Office of Special Education



## Certificate Of Completion

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IP Address: 10.103.81.9

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

## Record Tracking

Status: Original

Holder: Natalie Campbell

Location: DocuSign

5/5/2025 11:06:06 AM

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: 5/5/2025 11:09:54 AM

tyre.jenkins@ped.nm.gov

Viewed: 5/5/2025 11:15:08 AM

Interim Deputy Cabinet Secretary of OSE

Signed: 5/5/2025 11:16:18 AM

Security Level: Email, Account Authentication (None), Login with SSO

Freeform Signing

Signature Adoption: Pre-selected Style

Using IP Address: 184.169.45.4

## 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

5/5/2025 11:09:54 AM

Certified Delivered

Security Checked

5/5/2025 11:15:08 AM

Signing Complete

Security Checked

5/5/2025 11:16:18 AM

Completed

Security Checked

5/5/2025 11:16:18 AM

## Payment Events

### Status

### Timestamps