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**NEW MEXICO PUBLIC EDUCATION DEPARTMENT
OFFICE OF SPECIAL EDUCATION
Complaint Resolution Report
Taos Municipal School District
Case No. C2425-51
May 30, 2025**

This Report requires corrective action. See pages 14-16.

On April 2, 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;
- interviews with the complainant and district staff members;
- review of documents provided by complainant and District; 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.

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 District failed to develop and implement an Individualized Education Plan (IEP) that allowed Student to make progress toward identified goals, in violation of 34 C.F.R. §§ 300.320-300.328 and 6.31.2.11(B)(1), (2), and (4) NMAC; specifically, whether the District:
 - a. Failed to implement services and/or accommodations identified in the IEP;
 - b. Failed to convene IEP meetings prior to revising and implementing changes in Student's services and/or accommodations;
 - c. Failed to implement Student's services and/or accommodations identified in the IEP; and
 - d. Failed to implement changes in Student's services and/or accommodations identified by the IEP team.
2. Whether Student was afforded a Least Restrictive Environment (LRE) in violation of 34 C.F.R. 300.114 and 6.31.2.11(C) NMAC.
3. Whether the District's actions and/or omissions in developing and implementing the IEP 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 is 19 years old.
2. Student is on an Individual Education Plan (IEP) with his current exceptionality being Intellectually Delayed as a primary eligibility and Other Health Impairment as secondary.
3. Student's other health impairments are Periventricular Heterotopia, seizures, and Student received a recent diagnosis of hypertension and heart failure.
4. Student's current academic abilities include reading at a 3rd grade, 6-month level, and math at a 4th grade level.
5. The February 14, 2024, IEP indicates that Student's schedule of services included 40-79% of the school day in the regular classroom.
6. Student was also to receive 180 minutes per week in the special education setting for math.
7. Student was placed in a general education Financial Literacy (FL) class (Period 7) for 2024-2025 school year to obtain Student's math credit.
8. The 7th period FL class had 28 students, all of whom were on IEPs.
9. Teacher A had volunteered to take the FL class after District could not find a special education teacher in math.
10. Teacher A has taught math for approximately 20 years and financial literacy for approximately 10 years.
11. During the Fall 2024 semester, Teacher A was unable to access District's electronic system with student IEPs and related information. Teacher A was not provided IEP summaries for students, and thus did not have IEP information for Student.
12. Teacher A was not asked to provide quarterly progress reports for Student during the relevant time of the complaint.
13. No special education teacher was assigned to work in the FL class during the Fall 2024 semester.
14. The February 14, 2024, IEP identified four instructional accommodations, including: (1) the opportunity to use a computer to type assignments; (2) extra time for assignments; (3) reduced homework load or assignments as needed –50%; and (4) the teacher providing a copy of class notes or allow student to use technology to document class notes.
15. During an interview, Complainant confirmed Complainant's concerns were related to two of the four accommodations for the FL class, including: (1) extra-time for assignments, and (2) reduced homework load or assignments as needed – 50%.
16. Complainant did not have concerns with IEP implementation outside of the FL class.
17. The February 24, 2024, IEP was in place until April 9, 2025.

18. During first half of the Fall 2024 semester, District only had one aide who periodically came into the 7th period FL class to provide some assistance to students. Teacher A could not identify that person.
19. According to Parent, Student began to struggle in class early in the Fall 2024 semester with the pace and amount of work.
20. Both Student and Parent reached out for assistance.
21. During the month of September 2024, Student contacted the Case Manager and the Counselor.
22. Parent indicated the Counselor and the Case Manager advised Student that he would be “okay.”
23. Parent then contacted the Building Principal.
24. No evidence was presented in connection with this contact.
25. On September 4, 2024, Parent spoke with Teacher A during the school’s open house.
26. Teacher A did not remember meeting with Parent at the open house.
27. Parent and Teacher A had no other direct communication through the Fall 2024 semester outside of group meetings with other District personnel. No evidence was presented regarding direct communication between Parent and Teacher A.
28. Student did not tell Teacher A directly that Student was struggling in the FL class.
29. Parent indicated Student continued to struggle in FL class during the Fall 2024 semester.
30. On October 9, 2024, Parent emailed the Case Manager.
31. The Case Manager confirmed by responsive email that Teacher A had the Student’s accommodations.
32. The Case Manager also indicated that the FL class had 28 students in the class who were on IEPs.
33. The Case Manager further indicated in the responsive email that the Case Manager would speak with Teacher A regarding Student.
34. Teacher A indicated he did not have a conversation with the Case Manager.
35. According to Parent, Student continued to struggle in the FL class.
36. However, Student was able to make progress through the course content and received a majority of passing scores.
37. Teacher B, who had Student as a student aide in one of Teacher B’s classes, was aware of some of Student’s struggles in the FL class.
38. Teacher B talked to Teacher A to share Teacher B’s thoughts about Student’s struggles.
39. Teacher B indicated that the course content was fine but perhaps Teacher A could consider presenting the course material at a slower cadence to help students understand and apply lesson content.

40. Teacher A thereafter started to present course material at a reduced cadence along with alternative methods Students could utilize to access and comprehend lesson material.
41. Parent later met with the principal.
42. During this meeting, Parent inquired about moving Student to an adaptive math class.
43. At a follow-up meeting on December 6, 2024, a number of staff members, including IEP team members, were present. The meeting was facilitated by the principal. Teacher A was absent.
44. The purpose of the meeting was to discuss Parent's request to transfer Student to Teacher B's adaptive math class.
45. During the December 6, 2024, meeting, Parent was advised that Student could not be moved to the adaptive math class due to the fact that Teacher B was not certified in special education-math. Without the certification, the adaptive math class would not count toward Student's math credit requirement.
46. For the Fall 2024 semester, Teacher A consulted with District personnel in connection with providing a 10% grade enhancement for the students' final grades in the FL class.
47. District personnel agreed with that uniform accommodation for the FL class.
48. Student's academic activities in the FL class during Fall 2024 included 63 total activities. Student completed 60 of those activities.
49. Teacher A indicated that Student had good attendance and paid attention during the FL class.
50. Student also participated in class, including student group work.
51. Teacher A did allow Student extra time for homework and assignments.
52. For the Fall 2024 FL class, Student received a passing final grade (68%) under the District's grading policy—even without the 10% grade enhancement.
53. The District retained the services of a special education teacher (Teacher C) late in 2024.
54. Teacher C was assigned to provide assistance in the 7th period FL class during the Spring 2025 semester.
55. Teacher C also worked with Teacher A in developing additional instructional strategies and accommodations.
56. Teacher C observed that Student was very interested in the FL class and appeared to gain self-confidence as the semester progressed.
57. On February 3, 2025, a meeting was held with Parent present. The meeting was not an IEP meeting.
58. During this meeting, Teacher A indicated he did not utilize the accommodation for Student related to reduced homework load or assignments as needed – 50%.

59. The subject matter for the Financial Literacy class is based on New Mexico education standards for the economic curriculum (which houses the state's Financial Literacy standards), as well as more detailed national financial literacy curriculum standards.
60. Given the scaffolding nature of the FL curriculum, in which the course subjects are interdependent, Teacher A determined that he needed to present all instructional material.
61. During the February 3, 2025, meeting, a plan was developed to have Teacher C work with Student one-on-one during Student's elective class in Teacher B's classroom.
62. Student was a student aide in this elective class for the Spring 2025 semester.
63. Student did receive additional special education services during the elective class period.
64. Teacher C indicated that these services included working on past-due homework and assignments, as well as current homework and assignments.
65. During some elective class periods, Teacher C indicated that Student spent class time serving as a student aide.
66. On March 7, 2025, an annual IEP meeting was held.
67. Parent and Teacher A were in attendance at the March 7, 2025, IEP meeting.
68. During that meeting, Teacher A, again, indicated he had not implemented the Student's accommodation related to a 50% reduction of homework load or assignments.
69. The March 7, 2025, IEP meeting was continued to a later date.
70. In late March 2025, Teacher C prepared a binder with IEP summaries for FL class students.
71. Student's 3-year re-evaluations were completed on March 12, 2025.
72. Ultimately, a facilitated IEP meeting was held on April 9, 2025.
73. The April 9, 2025, IEP provided for additional accommodations, including: extra time for a written report and up to double time for exams; moving to a quiet spot in the room to focus and complete work; the ability to submit photos and videos for assignments as an alternative proof of mastery; the ability to utilize speech-to-text or oral answers over written answers; providing Student with a simplified rubric for all work in the grade book.
74. During the Spring 2025 semester, Teacher A and Teacher C provided additional accommodations to help Student succeed, including adjusting lesson assignments and scoring on individual homework and assignments, and other accommodations noted in the IEP.
75. The District created a contract for the FL class setting forth assignments that were to be completed before the end of the semester, as well as assignments that were available to Student but that would not be included in the Student's final grade.

76. No evidence was presenting indicating whether the contract was signed by Teacher A or the Parent and Student, or whether contract was implemented.
77. The FL course was concluded with a capstone project allowing students to develop a “life” financial plan for themselves incorporating concepts learned during the FL class.
78. Both Teacher A and Teacher C indicated Student demonstrated a level of comprehension of course concepts through this capstone project.
79. The two teachers also indicated Student appeared to gain self-confidence in himself and his FL class work.
80. Teacher A reported that Student’s final grade for the Spring 2025 semester was an 82%, with no additional adjustments to the final grade.
81. Student will graduate on May 31, 2025, under the modified diploma pathway.

Discussion and Conclusions of Law

Issue No. 1

1. Whether the District failed to develop and implement an Individualized Education Plan (IEP) that allowed Student to make progress toward identified goals, in violation of 34 C.F.R. §§ 300.320-300.328 and 6.31.2.11(B)(1), (2), and (4) NMAC; specifically, whether the District:
 - a. Failed to implement services and/or accommodations identified in the IEP;
 - b. Failed to convene IEP meetings prior to revising and implementing changes in Student’s services and/or accommodations;
 - c. Failed to implement Student’s services and/or accommodations identified in the IEP; and
 - d. Failed to implement changes in Student’s services and/or accommodations identified by the IEP team.

Issues 1 a., c. and d.

Whether District failed to implement services and/or accommodations identified in the IEP (Each of a, c and d involve a different identified accommodation.)

An 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 District RE-1*, 137 S.Ct. 988, 999 (2017); *see also* 34 C.F.R. §§ 300.320 to 300.324. The primary function of an IEP is to develop a plan to achieve academic and functional advancement. *Endrew F.*, 137 S.Ct. at 999. A student’s unique needs are more than just mastery of academic subjects, but may include social, health, emotional, physical, and vocational needs of eligible students. *County of San Diego v. California*

Special Education Hearing Office, 93 F.3d 1458, 1467 (9th Cir. 1996). It is the responsibility of the IEP team to determine the special education and related services that a student needs to receive FAPE. *Endrew F.*, 137 S.Ct. at 1001.

The IEP must be implemented as written, including all required components. *See* 6.31.2.11(B) and 6.31.2.11 (F)(1)(a) NMAC and 34 C.F.R. § 300.323(c). However, a district need not implement a student's IEP perfectly. *See I.Z.M. v. Rosemount-Apple Valley-Eagan Pub. Schs.*, 863 F.3d 966 (8th Cir. 2017). Only a material failure to implement an IEP violates the IDEA. *Van Duyn v. Baker Sch. Dist.*, 502 F.3d 811, 822 (9th Cir. 2005).

The complaint in this matter raised issues related to the implementation of student accommodations in the Financial Literacy class. Specifically, two accommodations were alleged to have not been implemented: (1) extra-time for assignments, and (2) reduced homework load or assignments as needed – 50%. Evidence gathered during the investigation demonstrated that Student was allowed extra time for assignments, as provided in the February 14, 2024, IEP and the April 9, 2025, IEPs, covering the relevant period in the complaint. With respect to the accommodation related to reduced homework load or assignments as needed – 50%, Teacher A indicated that the scaffolding nature of the financial literacy curriculum could not effectively be reduced given the nature of the interdependent course content. In effect, skipping one lesson or part of a lesson could potentially make future course content confusing for student learning. However, the evidence also demonstrated that Teacher A (with the assistance of fellow colleagues) implemented other accommodations to assist Student in accessing course content knowledge and demonstrating skill attainment.

Where a district substantially implements a student's IEP, its failure to comply with a single component of the IEP will not deny the student FAPE. A district can establish substantial compliance by showing that the student made progress toward achieving his goals, improving his grades, and receiving passing scores on state assessments. *See, e.g., A.P. v. Woodstock Bd. of Educ.*, 55 IDELR 61 (2d Cir. 2010, *unpublished*). Districts must produce evidence that the student made progress that was meaningful in relation to his potential. *See, e.g., Woods v. Northport Pub. Sch.*, 59 IDELR 64 (6th Cir. 2012, *unpublished*) (Pointing to the student's academic regression, the 6th Circuit affirmed a District Court's decision that the district denied the student FAPE.).

Further, each district must ensure that "as soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP." 34 CFR 300.323 (c)(2). The phrase "as soon as possible" does not mean immediately. The language of the IDEA permits some delay in the implementation of the IEP. *Board of Educ. of Montgomery County v. Brett Y.*, 28 IDELR 460 (4th Cir. 1998) (holding that 30 days to implement

an agreed-upon IEP was consistent with IDEA regulations); and *D.D. v. New York City Bd. of Educ.*, 46 IDELR 181 (2d Cir. 2006) (noting that the IDEA permits some delay in implementing an IEP but also requires a specific inquiry regarding the causes of and reasons for the delay).

Here, the District did not implement one accommodation identified in the IEP. Implementation of the accommodation, given the nature of the FL class scaffolding curriculum may well have hampered Student's skill attainment with financial literacy concepts given Student's circumstances. Under the evidence presented, the District demonstrated that Teacher A did make adjustments allowing Student to ultimately make progress toward educational goals. Moreover, implementation of those accommodations allowed Student to make progress toward achieving goals identified in the Student's IEP and improving grades through knowledge attainment and skills application. Therefore, the District ultimately provided accommodations allowing Student to make progress and pass the FL class.

After an IEP is written, a district must provide the student with the special education and any related services listed in the IEP. This includes all supplementary aids and services and program modifications that the IEP team has identified as necessary for the student. To do so, a child's IEP must be accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation. In that regard, 34 C.F.R. § 300.323(d)(1) requires that each public agency must ensure that the child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation. 6.31.2.11(B)(1) NMAC. *See, Reynolds Sch. Dist. 7*, 116 LRP 40139 (SEA OR 08/19/16) (The general education teacher told the Oregon Department of Education he was never fully trained to access the school's online IEP system and lacked electronic access to the child's BIP.).

In this matter, the District failed to ensure Teacher A was provided with copies of Student's IEP at the beginning of the 2024-2025 school year. The evidence indicated Teacher A was eventually aware of specific accommodations required for Student in connection with instructional accommodations. Likewise, District failed to ensure Teacher A was trained.

While the Student's IEP appeared to be accessible to each regular education teacher, special education teacher, related services providers, and any other service provider who is responsible for its implementation in an online software system, Teacher A was not able to access Student's electronic records. District also did not ensure Teacher A was provided copies of Student's IEP summaries.

While not noticed in the Acknowledgment Letter, pursuant to NMPED's supervisory authority, 34 C.F.R. § 300.149, it is noted that District failed to provide qualified special education instructors for Student.

The District is in violation of Part B of the IDEA. 34 C.F.R. § 300.323(d)(1), 6.31.2.11(B) NMAC.

Issue 1 b.

In making changes to a child's IEP after the annual IEP team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP team meeting for the purpose of making those changes, and instead may develop a written document to amend or modify the child's current IEP. 34 CFR 300.324 (a)(4)(i).

Several meetings were held in both the Fall and Springs Semesters during the 2024-2025 school year. The meetings were attended by Parent and multiple members of the District staff, including IEP team members. Meetings appeared to address topics concerning Student's courses, Student's accommodations, and additional support for Student outside the FL class. Some meetings were convened at Parent's request. While a change to Student's IEP could certainly have been made without convening an IEP meeting, there is no indication that the District and Parent agreed to make any change(s) through a written document. This raises concern regarding the District's procedures in connection with the meetings that were held and changes made to accommodations without either an IEP meeting or waiver of such in writing by Parent.

District's failure to hold an IEP meeting or obtain written waiver of such as part of modifying Student's accommodations was a procedural violation of IDEA Part B.

As to Issue No. 1, the District is cited, and Corrective Action is required.

Issue No. 2

Whether Student was afforded a Least Restrictive Environment (LRE) in violation of 34 C.F.R. 300.114 and 6.31.2.11(C) NMAC.

Each school district must ensure that "a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services." 34 C.F.R. § 300.115(a). "The continuum . . . must . . . [m]ake provision for supplementary services . . . to be provided in conjunction with regular class placement." 34 C.F.R. § 300.115(b)(2). The IEP must include a "statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child." 34 C.F.R. § 300.320(a)(4). The IEP must include an "explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the [extracurricular

and nonacademic] activities.” 34 C.F.R. § 300.320(a)(5). The placement decision must be based on the child’s IEP. See 34 C.F.R. § 300.116(b)(2). “[E]ach public agency must ensure that . . . [i]n selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs.” 34 C.F.R. § 300.116(d).

LRE is determined by a two-part test: (1) whether education in the regular classroom, with the use of supplemental aids and services, can be achieved satisfactorily; and (2) if the answer is “no,” and the school intends to provide special education or to remove the child from regular education, whether the school has mainstreamed the child to the maximum extent appropriate. *J.B. v. Nebo Sch. Dist.*, 41 IDELR 206 (10th Cir. 2004, adopting *Daniel R.R. v. SBOE*, 874 F.2d 1036 (5th Cir. 1989)).

The IDEA creates a “strong presumption that children with disabilities be educated in regular classes with appropriate aids and services. However, the IDEA does not mandate full inclusion in regular classes. 71 Fed. Reg. 46,585 (2006). See *St. Louis Dev. Disabilities Treatment Ctr. Parents’ Ass’n v. Mallory*, 556 IDELR 117 (W.D. Mo. 1984), *aff’d*, 557 IDELR 104 (8th Cir. 1985); and *Lachman v. Illinois State Bd. of Educ.*, 441 IDELR 156 (7th Cir. 1988), *cert. denied*, 111 LRP 7412 488 U.S. 92, (1988).

The term “inclusion” is commonly understood to mean that a student with disabilities receives at least portions of his education in the regular education classroom. *Board of Educ. of the City Sch. Dist. of the City of Rochester*, 26 IDELR 823 (SEA NY 1997); and *Quitman Sch. Dist.*, 58 IDELR 236 (SEA MS 2012). “Full inclusion” is the placement of the student in the mainstream for the entire school day with all activities delivered in the mainstream. *New Haven Bd. of Educ.*, 110 LRP 4313 (SEA CT 10/30/09).

The IDEA only requires that a district mainstream a student to the maximum extent appropriate. *Richard Paul E. v. Plainfield Cmty. Consol. Sch. Dist.* 202, 52 IDELR 130 (N.D. Ill. 2009, unpublished).

In this matter, the IEP team, including Parent, concluded that Student’s deficits in areas of basic reading, reading fluency, reading comprehension, written expression, math calculation, and math problem solving indicated an Instructional Setting 2 with 40% to 79% of the day in a class setting. The schedule of services in the February 14, 2024, IEP, as well as the April 9, 2025, IEP provide for services in a special education setting and the classroom. The LRE analysis in those IEPs provide the appropriate rationale in connection with the IEP team’s LRE determination. 34 CFR 300.144, 34 CFR 300.320 and 6.21.2.11(C) NMAC. There is no evidence that Student’s education in the FL class, with the use of accommodations and supplemental aids and services outlined in the IEPs, could not be achieved.

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

Issue No. 3

Whether the District’s actions and/or omissions in developing and implementing the IEP 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.

A twofold inquiry is used to determine if a child has been provided with a free appropriate public education. *Bd. of Educ. of Hendrick Hudson Hendrick Sch. Dist. v. Rowley*, 458 U.S. 176, 207 (1982). The initial inquiry is whether the State has complied with the procedures set forth in the IDEA. The second inquiry is whether the individualized educational program developed through the procedures of the IDEA is reasonably calculated to enable the child to receive educational benefits. *Id.* at 207.

“To meet a substantive obligation for FAPE, a district must offer an IEP that is reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstance.” *Endrew F. v. Douglas County School District RE-1*, 137 S. Ct. 988, 999 (2017). The IEP must be “appropriately ambitious in light of [the child’s] circumstances.” *Id.* at 1000. The IEP must be reasonable. The IEP is not required to be ideal. *Id.* at 999.

In this matter, there is no evidence presented that rises to the level of a violation of the substantive obligations for FAPE. The February 14, 2024, IEP and the April 9, 2025, IEP were reasonably calculated to enable Student to make progress toward educational goals in the FL class in light of his individual circumstances. The evidence indicates that student progressed towards these goals and, ultimately, was able to demonstrate progress through his comprehension of FL course content.

Further, if a procedural violation does occur, it results in a denial of FAPE only if the procedural issues: (1) impeded a child’s right to a free appropriate public education, (2) significantly impeded the parent’s opportunity to participate in the decision-making process for a provision of a free appropriate public education; or (3) caused deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2).

Procedural defects are insufficient to set aside an IEP unless a rational basis exists to believe the procedural errors seriously hampered the parents’ opportunity to participate in the decision process, comprised the student’s right to an appropriate education, or caused a deprivation of educational benefits. *O’Toole v. Olathe Dist. Sch. Unified Sch. Dist. No. 233*, 144 F. 3d 692, 707

(10th Cir. 1998). In other words, technical deviations alone are insufficient to establish a denial of FAPE. *Urban v. Jefferson Cnty. Sch. Dist. R-1*, 89 F.3d 720 (10th Cir. 1996).

In this matter, no procedural issue was presented indicating the issue seriously hampered the Parent's opportunity to participate in the decision process as required under the IDEA. 34 C.F.R. § 300.513(a)(2); *O'Toole v. Olathe Dist. Sch. Unified Sch. Dist. No. 233*, 144 F. 3d 692, 707 (10th Cir. 1998). Likewise, no evidence was sufficient to indicate Student's right to an appropriate education was comprised or caused a deprivation of educational benefits. Id.

District's procedural violations did not rise to the level of a denial of FAPE.

As to Issue No. 3, the District is not cited.

Required Actions and Deadlines

By June 13, 2025, the District's Special Education Director must assure the OSE in writing that the District will implement the provisions of this Corrective Action Plan (CAP). The OSE requests that the District submit all documentation of the completed corrective actions to the individual below, who is assigned to monitor the District'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

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 District 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 August 15, 2025, and reported to the OSE no later than August 22, 2025. 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

Step No.	<u>Actions Required by District</u>	<u>Complete Actions By</u>	<u>Documents Required to be Submitted to PED OSE</u>	<u>Document Due Date</u>
1.	As described above, the District 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).	June 13, 2025	Written Assurance Letter/Email	June 13, 2025
2.	The District shall review and revise, as appropriate, District procedures: <ul style="list-style-type: none"> (1) To ensure that a child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; (2) To ensure each regular education teacher, special education teacher, related services provider are trained in the special education services to be implemented. 	July 15, 2025	Copy of Revisions to NMPED for approval prior to District approval; if District decides revisions are not necessary, a copy of current procedures.	July 15, 2025

Step No.	<u>Actions Required by District</u>	<u>Complete Actions By</u>	<u>Documents Required to be Submitted to PED OSE</u>	<u>Document Due Date</u>
3.	<p>The District shall arrange to provide training to District staff (including special education teachers, special education administrators, diagnosticians and related service personnel). The training shall be provided by a person with expertise in special education who was not involved in responding to this complaint and who is approved by PED. The training shall be conducted at District's expense. The training shall address the following special education topics:</p> <ol style="list-style-type: none"> 1. Teacher access of Student IEPs, and related information, within the District's electronic systems; 2. Allowable combinations of certified special education teachers and/or certified content teachers for appropriate provision of special education; 3. Requirement of IEP meeting to modify accommodations or written waiver of such in writing by parent(s); 4. Implementation of IEPs with fidelity. 	August 15, 2025	Confirmation that training has been completed	August 15, 2025

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/ Samuel D. Kerr

Samuel D. Kerr

Complaint Investigator

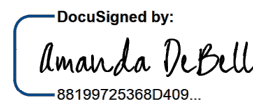
Reviewed by:

/s/ Natalie Campbell

Natalie Campbell, Esq.

Chief Counsel, Office of Special Education

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Deputy Cabinet Secretary, New Mexico Public Education Department