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**NEW MEXICO PUBLIC EDUCATION DEPARTMENT
OFFICE OF SPECIAL EDUCATION
Complaint Resolution Report
Los Lunas Schools
Case No. C2425-57
June 20, 2025**

This Report requires corrective action. See pages 13-18.

On April 23, 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 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 District's compliance with federal IDEA regulations and state NMAC rules;
- interview with the Parent on May 23, 2025;

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.

- interview with the Student's Brother on May 23, 2025;
- review of District Questionnaire submitted, completed, and returned by School District's Attorney on May 28, 2025;
- interview with Elementary School Principal on June 4, 2025;
- interview with Elementary Case Manager on June 4, 2025;
- interview with Elementary Inclusion Specialist on June 4, 2025;
- interview with Elementary Recess Supervisor on June 4, 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. For these reasons, the Complaint Investigator did not investigate the following issues raised by the complainant: allegations regarding retaliation, harassment, and intimidation.

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 properly implemented the Student's individualized education program(s) (IEP), pursuant to 34 C.F.R. §300.323; 6.31.2.11(B) NMAC.
2. Whether the Parents were denied meaningful parental participation in decisions involving the education of Student in violation of 34 C.F.R. §300.321(a)(1); 34 C.F.R. §300.501(b) and (c)(1); 6.31.2.13(C) NMAC.
3. Whether the District failed to follow the IDEA disciplinary procedures when disciplining Student for violations of District's code of conduct in violation of 34 C.F.R. §300.530 and 6.31.2.11(F)(2) NMAC.
4. Whether the District'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 is classified as a student with a disability under the primary classification of Specific Learning Disability with a secondary classification of Speech and Language impairment, pursuant to a reevaluation that took place in November 2023.
2. During the 2024-2025 school year, an annual IEP was developed for the Student during the Student's fifth grade year. The IEP is dated October 30, 2024. Relevant portions of the IEP include:
 - a. The Student does exhibit behaviors that impede his learning or that of others. Positive behavioral interventions, strategies, and accommodations are included in the IEP. Annual goals (with short-term objectives or benchmarks) when appropriate, are included in the IEP.
 - b. A Functional Behavioral Assessment (FBA) does not need to be conducted.
 - c. Student's behaviors do not require a behavior intervention plan (BIP) or modifications to instruction due to behavior.
 - d. Student will follow the school-wide discipline plan.
 - e. Student has limited English Proficiency with Spanish as Student's home language.
 - f. Instructional Accommodations and Modifications include, in part:
 - i. In the area of Behavior Supports "positive reinforcements (e.g., affirmations, hugs, checkmarks on work); opportunity to schedule time with staff to discuss feelings – provide time limit (e.g., 5 minutes to talk); support in real verses perceived threats (misinterpretations); allow the use of calming music or headphones for loud noises."
 - ii. In the area of Environment "predictable routine with warnings of changes from outside staff; seated near teacher or peer support."
 - iii. In the case of a failing grade, "family and case manager will be notified, and meeting will be held if necessary."
 - g. The IEP contains seven goals to address academics and functional performance. Specifically, in part:
 - i. Social/Emotional
 1. Present levels include observations from social worker during sessions. It states Student is struggling with interpersonal skills with peers and adults and "social situations are misinterpreted or overwhelming". Includes a recommendation of increasing the number of social work services from 120 minutes per month to 240 minutes per month.
 2. Goal: "Within one IEP year, [Student] will respond to others' attempts to interact with him (i.e., receiving complements and

praise, peers asking him to join them, peer conflict) in the academic setting by utilizing social interaction skills in 4 out of 5 observed instances in order to maintain appropriate participation with peers/staff when interacting with them. This will be measured by social worker observation, teacher report, student monitoring, and other anecdotal records. “

ii. Social/Emotional and Recreational Therapy

1. Present levels include observations from CTRS and other school staff. It states that Student is “...often concerned with his family and his own abilities. He will overcome his sadness after hearing affirmations about his own abilities.”
2. Goal: Within one IEP year, [Student] will increase his participation in recreation settings and self-concept by: 1. Improving his coordination in field game and hand manipulation related activities; 2. Understand and implement positive self-talk skills to ease his worries about negative thoughts in 4 out of 5 trials for 80% accuracy as measured and observed by CTRS. “
- h. Student requires transportation as a related services to support “his high level of anxiety on generalized transportation”.
- i. Student participates in all academic subjects and school activities, including lunch, computer lab, assemblies, etc., with typically developing peers.
- j. Student’s level of service is indicated to be 11%-49% of the school day (Level 2-moderate) in the regular classroom 80% or more of the school day.
- k. Progress on annual goals will be reported to parents quarterly.
3. During the IEP meeting on October 30, 2024, various items and options were proposed by the public agency and or the parent(s)/guardians(s) included in the Prior Written Notice (PWN) of Proposed Actions within the IEP. Relevant actions include:
 - a. Acceptance of a proposal by the Parent to provide interpretation for meeting in the native language of the parents. A note about the acceptance is that the meeting proceeded with Spanish interpretation with English interpretation for Team members as needed.
 - b. Acceptance of a proposal for the student to follow school-wide discipline plan. A note about the acceptance is that [Student] does exhibit behaviors that impede his learning or that of others that require specialized discipline. He will be provided accommodations and goals to support his social/emotional needs.
 - c. Acceptance of a proposal by the Social Worker to receive 240 minutes per month of Social Work services. A note on the acceptance is that the Team accepts the

service time and feels this time is appropriate to meet [Student's] self-awareness and relationship needs.

- d. Acceptance of a proposal for parent to receive progress reports every 4.5 weeks for academics and 9 weeks for ancillary supports. A note on the acceptance that "these reports will be sent home every 9 weeks by related service provider and 4.5 weeks by the special education teacher."
 - e. Acceptance of a proposal by the IEP team requesting a psychological evaluation to be completed by the school psychologist for possible services. A note on the acceptance that the Team agrees that a psychological evaluation would benefit the [Student] with the emotional concerns the team is seeing.
4. Included in the IEP dated October 20, 2024, in the Concerns/Recommendations for Other Areas, it is noted that Parent expressed that the "Psychologist has stated that he would like him to be evaluated for Autism because he has had a hard time making friends."
5. Included in the IEP dated October 20, 2024, in the Concerns/Recommendations for Additional Information considered by the IEP team, it is noted that the "Team is requesting a psychological evaluation to be completed by the school psychologist for possible services."
6. On the signature page for meeting participants for the Student's IEP dated October 20, 2024, there is no signature from Parent.
7. The Notice of Meeting for the October 20, 2024, IEP meeting was verbal via phone call on October 11, 2024.
8. Progress reports were developed for the IEP goals from the October 20, 2024, meeting. There is no indication the progress reports were provided to and or received by Parent. Relevant notes include:
 - a. In relation to the Social/Emotional goal, all data for December 15, 2024, March 10, 2025, and April 21, 2025, progress reports is anecdotal. No data is provided in relation to the goal measure of "4 out of 5 times in observed instances". In the December 2024 and April 2025 progress report, it is noted by the Social Worker that [Student] is requiring staff support for emotional regulation and is making minimal (December) to some (April) progress towards the goal.
 - b. In relations to the Reading, Written Language, Math goal, it is noted in the progress reports from January 2025 that [Student] has not shown any progress towards the goal "due to his emotional fragility which is affecting his performance in class" for each of the stated academic goals.
9. On April 15, 2025, an incident involving [Student] occurred at school at approximately 1 pm. Relevant documents to the incident include:
 - a. A discipline report describing the incident, actions to be taken after the incident and proposed discipline;

- b. An action plan for threat/harm to others, including time and dates for notifications and reference for a referral to Counseling World for Parent to sign;
 - c. Detailed notes from school personnel and involved parties to the incident;
 - d. The Student Behavior handbook which describes what constitutes an offense and related consequences for the offense; and
 - e. Security video of the incident.
10. Relevant communication between the LEA and Parent/Family Members was requested regarding the incident on April 15, 2025. Relevant notes about the communication:
- a. Communication in all instances but one is from the LEA (teacher) to the Parent.
 - b. Most communications are in English with communication in Spanish only in select instances.
 - c. From the communication provided, communication is consistently followed or preceded by this message “Messaging isn’t available. Only class owners can reenable communications with the class.”
 - d. Call logs indicate that three risk assessments were conducted on the Student due to situations at school during the 2024-2025 school year prior to the incident on April 15, 2025.
11. On April 15, 2025, Student’s brother requested in-person on behalf of Parent to see the camera footage of the incident. Relevant note regarding the request:
- a. The request was denied by the Elementary Principal due to other students being present on the video.
12. Student was disenrolled from the Elementary School on April 23, 2025.

Discussion and Conclusions of Law

Issue No. 1

Whether the District properly implemented the Student’s individualized education program(s) (IEP), pursuant to 34 C.F.R. § 300.323 and 6.31.2.11(B) NMAC.

The Individuals with Disabilities Education Act (IDEA) ensures that children with disabilities receive a free appropriate public education (FAPE) through the delivery of specially designed instruction and related services outlined in an IEP. See 34 C.F.R. § 300.17. The IEP is “the centerpiece of the statute’s education delivery system” for children with disabilities and the primary mechanism through which services are tailored to meet a child’s individual needs. *Endrew F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 994 (2017) (citing *Honig v. Doe*, 484 U.S. 305, 311 (1988); *Bd. of Educ. v. Rowley*, 458 U.S. 176, 181 (1982)).

School districts are required to implement the IEP in its entirety. 34 C.F.R. § 300.323(c)(2); 6.31.2.11(B) NMAC. Additionally, the IEP must specify how progress toward annual goals will

be measured and when reports on progress will be provided to parents. 34 C.F.R. § 300.320(a)(3).

While the Parent did not specify IEP implementation violations for the 2024–2025 school year, the investigation identified several areas of noncompliance:

Failure to Implement Agreed-Upon IEP Components

The Student’s October 20, 2024, IEP and its corresponding Prior Written Notice (PWN) indicated a team agreement to refer the Student for evaluation by the school psychologist. However, based on District and Parent interviews, the referral was never made. Not carrying out this action constitutes violation of 34 C.F.R. § 300.323(c)(2) and 6.31.2.11(B) NMAC.

Failure to Report Progress Using Established Goal Criteria

The District’s progress reports were inadequate, as they relied on general narrative descriptions instead of the measurable criteria outlined in the IEP. For instance, the IEP includes a reading goal stating that the Student will independently answer 4 out of 5 comprehension questions, measured through formal/informal assessments, teacher observation, and work samples. Progress reports from December 2024, January 2025, March 2025, and April 2025 lacked any numerical data or percentage-based progress. Instead, the progress reports offered vague statements such as “Student is not close to meeting the goal” which did not sufficiently inform the Parent or the IEP team about the Student’s actual progress toward the IEP objectives.

In contrast, progress on receptive and expressive language goals was reported using the required measurement criteria. The inconsistency in reporting goal progress across disciplines demonstrates a failure to fully implement the IEP’s provisions, in violation of 34 C.F.R. § 300.320(a)(3) and 300.323(c)(2).

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

Issue No. 2

Whether the Parents were denied meaningful parental participation in decisions involving the education of Student in violation of 34 C.F.R. §300.321(a)(1); 34 C.F.R. §300.501(b) and (c)(1); 6.31.2.13(C) NMAC.

Under the Individuals with Disabilities Education Act (IDEA), school districts must ensure that the parents of a child with a disability are members of the IEP Team. 34 C.F.R. § 300.321(a)(1). Parents must also be afforded the opportunity to participate in meetings related to the identification, evaluation, and educational placement of the child, and the provision of FAPE. See 34 C.F.R. § 300.501(b), (c)(1); 6.31.2.13(C) NMAC.

Documentation and interviews confirm that the Parent attended and participated in the October 20, 2024 IEP meeting. Notations in the IEP reflect Parent input and feedback. The investigation found no violation of the requirements under 34 C.F.R. § 300.321(a)(1); 34 C.F.R. §

300.501(b), (c)(1); and 6.31.2.13(C) NMAC related to Parent's presence and input during the IEP development.

However, the investigation identified procedural violations that do impede the Parent's meaningful participation, as follows:

Failure to Document Signatures and Provide IEP Copy at Conclusion of Meeting

It is required that each IEP include the name and position of each participant and that parents receive a copy of the IEP and Prior Written Notice (PWN) at the close of the meeting.

6.31.2.11(B)(3) NMAC.

The IEP dated October 20, 2024, does not have the Parent's signature, and there is no evidence that the Parent was provided a copy of the IEP or PWN at the meeting's conclusion. Although the District asserts the IEP was posted electronically via PowerSchool, the Parent expressed on-going technical barriers that prevented accessing electronic copies. District personnel were unable to verify the Parent's ability to access the documents and never offered an alternative method to deliver the documentation after multiple attempts to contact Parent through PowerSchool. This omission constitutes a procedural violation that infringes upon the Parent's right to meaningful participation and necessitates corrective action.

Failure to Provide Written Notice of IEP Meeting

According to 6.31.2.13(D)(1) NMAC and 34 C.F.R. § 300.322, school districts are required to provide advance written notice to parents for IEP meetings. The District provided only verbal notice of the October 20, 2024, IEP meeting, as corroborated by interviews and documentation from the District. The absence of a written notice constitutes a procedural violation that requires corrective action.

Failure to Communicate in Parent's Preferred Language and Mode

Under 6.31.2.13(E) NMAC, school districts must communicate with parents in an understandable and accessible language and format, including the parent's native language, unless clearly not feasible.

The family's home language is Spanish. The Case Manager acknowledged the Parent had requested to receive communications in hard copy. While interpretation was available during the IEP meeting, the District failed to translate the PWN and other key documents or provide the documents in hard copy. The failure to deliver key educational documents in the Parent's preferred language and mode of communication creates a significant barrier to participation. This procedural failure under 34 C.F.R. § 300.513(a)(2) meets the threshold for denial of meaningful parental participation and corrective action is required.

As to Issue No. 2, the District is not cited. Corrective Action on related issues is required.

Issue No. 3

Whether the District failed to follow IDEA disciplinary procedures when disciplining the Student for violations of the District's code of conduct, in violation of 34 C.F.R. § 300.530 and 6.31.2.11(F)(2) NMAC.

District personnel may remove a child with a disability who violates a code of student conduct from his or her current placement, including suspension, for not more than 10 consecutive school days to the same extent such discipline is applied to children without disabilities. 34 C.F.R. §300.530(b)(1) and 6.31.2.11(F)(2). This removal may occur without triggering additional procedural safeguards, provided it does not constitute a change of placement under 34 C.F.R. § 300.536.

The investigation confirmed that on April 15, 2025, the Student was disciplined for a behavior incident in accordance with the Student Behavior Handbook. The behavior was classified according to the offense, and the Student received a five-day suspension consistent with the District's policies for a first offense of that nature. The suspension did not exceed ten consecutive school days and did not constitute a change of placement. No violation was found.

The investigation did identify a related concern under the Family Educational Rights and Privacy Act (FERPA), which is incorporated into IDEA through 34 C.F.R. § 300.613.

FERPA Concerns Related to the April 15, 2025 Incident

FERPA grants parents the right to inspect and review educational records maintained by the District, including records "directly related to a student" and "maintained by an educational agency or institution." See 20 U.S.C. § 1232g(a)(1)(A); 34 C.F.R. §§ 99.3, 99.10(a), and 300.613(a). Educational records include video footage if the video is maintained by the District and directly relates to the student. See Letter to Wachter, 117 LRP 32212 (FPCO 2017).

FERPA does not prohibit disclosure of records that involve multiple students; rather, it limits disclosure to only the portions of the record that pertain to the requesting student. See 34 C.F.R. § 99.12(a). If redaction is not possible, the District may provide a description of the content or allow review of the student-specific portions.

On April 15, 2025, Parent, through her older son, requested to see the video of the incident. The District denied the request citing privacy concerns, as other students were on the video, and district policy. Through interviews with Parent and District staff, the District did not inform or describe to Parent what was on the video at any time after the request was made until the filing of this complaint.

The District did comply with the FERPA timeline under 34 CFR § 99.10(b) with the video being provided to Parent within the 45 days from the initial request. However, it should be noted that the initial delay left Parent without essential context concerning the incident on April 15, 2025.

Although no legal violation is found, it is cautioned that current practice does not align with FERPA, and policy review is recommended.

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

Issue No. 4

Whether the District'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.

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. 6.31.2.9(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.*, 137 S. Ct. 988 (2017).

Procedural Violations

The District failed to provide Parent with timely and adequate notice of the October 20, 2024, IEP meeting, violating of 6.31.2.13(D)(1) NMAC, which requires advance written notice in accordance with 34 C.F.R. § 300.322. The notice was given verbally, and there is no evidence that information about purpose and participants was conveyed to the Parent. Notice provided in this manner did not afford the Parent an opportunity for preparation in support of meaningful participation.

Furthermore, the Parent did not receive a copy of the finalized IEP, including the PWNs, at the close of the meeting. The IEP was only made available electronically through a District platform, which the Parent has been unable to access due to documented technological barriers. No alternative method of delivery was offered by the District, resulting in the Parent not receiving a hard copy until May 8, 2025—over six months after the IEP meeting. This constitutes a violation of 6.31.2.11(B)(3) NMAC.

Additionally, the PWNs and related IEP documentation were not provided in the Parent's native language, despite the District's being aware that the Parent is a Spanish speaker. This failure breached language accessibility requirement outlined in 6.31.2.13(E) NMAC and impacts the

Parent’s understanding of critical information needed to engage meaningfully in decisions regarding the Student’s education.

Collectively, these failures amount to a denial of FAPE under 34 C.F.R. § 300.513(a)(2).

Substantive Violations

The Student’s IEP dated October 20, 2024, was not reasonably calculated to enable the Student to make progress appropriate in light of his circumstances. While the IEP included goals in academic and social-emotional areas, the feedback provided in the progress reports was vague and did not relate to the specific measurements set forth in the goal. The lack of data in the progress reports did not allow for accurate monitoring of the Student’s progress, in violation of 34 C.F.R. § 300.320(a)(3).

Additionally, the Student's documented emotional fragility and need for increased social support, as highlighted in repeated risk assessments, Parent’s concerns, and notes in the progress reports, throughout the 2024-25 school year, were not addressed with timely or adequate intervention as would be indicated as necessary by the lack of progress and evolving social emotional concerns. 34 CFR § 300.324(b)(ii).

Without appropriate data or interventions responsive to the Student’s needs, it cannot be demonstrated that the IEP was reasonably calculated to support progress as required under Endrew F decision.

Issue No. 4, the District is cited, and corrective action is required.

Summary of Citations

IDEA/State Rule Provisions Violated	Description of Violation
34 C.F.R. § 300.320(c)(3)(i)(ii)	District failed to include a description of how progress reports would be provided and or documentation that Parent received the progress reports.
34 C.F.R. § 300.323(c)(2) and 6.31.2.11(B) NMAC	District failed to implement the Student’s IEP in its entirety. Data provided in the progress report did not correspond to the measurements as described in the Student’s annual goals.

IDEA/State Rule Provisions Violated	Description of Violation
6.31.2.11(B)(3)	District failed to include the signature of each member of the IEP team on the IEP document.
6.31.2.13(D)(1) NMAC	District failed to provide Parents with advance written notice for IEP meeting.
34 C.F.R. 300.503(c) 6.31.2.13(E) NMAC	District failed to provide prior written notice (PWN) to Parent in the Parent's native language.
34 C.F.R. § 300.101 6.31.2.8 NMAC	District's actions and/or omissions towards the Student resulted in a denial of FAPE to the Student.

Required Actions and Deadlines

By July 1, 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 October 1, 2025 and reported to the OSE no later than October 15, 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 Corrective Action Plan Monitor that it will abide by the provisions of this Corrective Action Plan (CAP).	July 1, 2025	Written Assurance/Letter/Email	July 1, 2025
2.	The District Special Education Director and the school principal shall meet virtually with the OSE CAP Monitor to review the Complaint Resolution Report, the Corrective Action Plan, and any other measures that the District plans to take to ensure that the violations are corrected and do not recur. The District Director has the discretion to include other District or school administrators or personnel in this meeting. The	July 8, 2025	Notes from meeting prepared by District	Within 7 working days of the meeting.

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>
	District Director shall be responsible for arranging this virtual meeting with OSE.			
3.	The District Special Education Director will meet with the case manager, implementation specialist, and others with special education roles and responsibilities at the elementary school to review the Complaint Resolution Report to ensure that those persons understand the complaint, the violations that were found, and the corrective action that will be taken to address the violations.	August 21, 2025	Notes from meeting prepared by District, including list of attendees, summary of key points, and specific responsibilities assigned to each participant for ensuring compliance.	August 21, 2025
4.	<p>The District and/or School shall review and revise, where necessary, its special education policies regarding notification of IEP meetings.</p> <p>If District believes no revisions are necessary, current policy specific to bulleted issues below will be provided.</p> <p>Revisions shall address:</p> <ul style="list-style-type: none"> • Documentation of parent receipt of meeting notices; • Requirements for providing notices in the parent's native language and preferred communication mode; and • Timeliness and content expectation for IEP meeting notices in accordance with 34 CFR §300.22. The revised policies are subject to PED approval prior to its 	August 1, 2025	<p>Current policy District believes does not need to be revised</p> <p>Draft of Proposed Policy Revisions for PED Approval</p> <p>Copy of revised Council-approved policy</p>	August 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>
	submission to its Governing Council for ratification.			
5.	<p>The District shall convene a facilitated IEP meeting for Student. The facilitated IEP meeting shall address, at minimum:</p> <ul style="list-style-type: none"> • The Student's progress on all IEP goals; • Student present levels of performance regarding all areas of need; • IEP goals; • Schedule of services; • Evaluation by psychologist; • Determination of need for autism evaluation; and • Plan for compensatory education required by Step 6. <p>The facilitator shall be independent of the District and shall be selected from the PED list of approved facilitators. The Facilitator shall be paid for by the District.</p> <p>The District shall ensure a meeting notice is provided in advance of the meeting, pursuant to 34 C.F.R. § 300.322. Note: If mutually agreeable to Parent and required staff, the meeting may be rescheduled within 10 school days of the proposed date.</p> <p>The District shall ensure that a copy of the IEP is provided to Parent at the end of the meeting and that all</p>	August 11, 2025	<ol style="list-style-type: none"> 1. Invitation to IEP meeting 2. Agenda for IEP meeting 3. IEP 4. Prior Written Notice(s) 5. Documentation of finalized communication plan distributed to all of Student's teachers and service providers within 5 school days of the meeting with confirmation of receipt logged. 	7 days after the FIEP meeting is held

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>
	<p>related notices are in Parent's native language.</p> <p>The District will also ensure that Parent's preferred mode (hard copy and/or electronic) of communication is established, including language, and a plan put in place to both follow Parent's preferences and that plan communicated out to all teachers and service providers of Student.</p>			
6.	<p>The District shall provide the following compensatory education:</p> <ol style="list-style-type: none"> 1. 6 hours Language Arts 2. 6 hours Math 3. 6 hours Speech 4. 12 hours Social Work 5. 6 hours Recreational Therapy <p>The plan for compensatory services shall be documented in the PWN for the facilitated IEP meeting.</p> <p>These compensatory services are above and beyond the regular services required by Student's IEP. Scheduling of compensatory services shall be determined in collaboration with the Parent and documented in writing in the Prior Written Notice. Scheduling can include provisions of services in the summer months.</p> <p>Services shall be provided in person unless otherwise agreed upon in writing by the Parent.</p>	October 1, 2025	<p>Documentation of delivery/provision of compensatory education services, including logs of services recorded in the PED-approved Excel spreadsheet log provided by the OSE CAP monitor.</p> <p>Prior Written Notice containing plan for compensatory services.</p>	<p>Monthly from date of compensatory services plan until the compensatory education hours are completed</p> <p>7 days after the FEIP meeting is held</p>

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	<p>If the District, due to staffing or other limitations, is unable to provide the needed IEP and compensatory services as outlined in Student's IEP and the compensatory services plan, the District is required to contract with a private provider to ensure those services are provided.</p> <p>Partial fulfillment of any service hours shall be documented monthly using the PED-approved log, with a summary progress report submitted each quarter.</p>			
7.	<p>The District shall arrange training for school staff (including special education teachers, special education administrators, and related service personnel) to be provided by a person independent of the District with expertise in special education who was not involved in responding to this complaint and is approved by the PED.</p> <p>The training shall address the following special education topics:</p> <ol style="list-style-type: none"> 1. Meeting notice; 2. IEPs, including: <ol style="list-style-type: none"> (a) measurable, individualized annual goals, (b) progress reporting, (c) attendance sheets, (d) team roles and responsibilities, and (e) meaningful parental participation. 	August 15, 2025	<p>Submission of proposed trainer and trainer's resume and proposed presentation for NMPED approval.</p> <p>Confirmation of the date of the training.</p> <p>Confirmation of attendees at the training and plan for addressing the provision of training to those staff not in attendance.</p>	<p>July 15, 2025</p> <p>July 15, 2025</p> <p>September 15, 2025</p>

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>
	<p>3. Prior Written Notice, including (a) language requirements, (b) consent, and (c) implementation of decisions.</p> <p>The District shall also submit a plan for ensuring ongoing training of new hires or staff unable to attend the training.</p>			<p>September 15, 2025</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/ Jana Rosborough
Jana Rosborough
Investigator

Reviewed by:

/s/ Natalie Campbell
Natalie Campbell, Esq.
Chief Counsel, Office of Special Education

Reviewed and approved by:

DocuSigned by:



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Amanda DeBell

Deputy Cabinet Secretary, New Mexico Public Education Department