



Notes in red text were added by CSD.

402 W. Court Ave.  
Las Cruces, NM 88005  
Telephone: 575-541-0145  
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June 4, 2019 (Updated Response)

Patricia Gipson  
Public Education Commission Chair  
State of New Mexico  
Public Education Commission  
309 Don Gaspar  
Santa Fe, NM 87501

Dear Madame Chair Gipson,

In response to your directives at the PEC meeting on May 10<sup>th</sup>, the following is our narrative regarding final issues in the Notice of Concern related to the Alma d'arte Corrective Action Plan.

Data for Compensatory Services

- a. Number of Parents/Guardians who received the January 2019 letter about compensatory services: **and the number who returned the letter stating that they decline services?**  
23
- b. Number of parent/guardians above whose student is still attending Alma:  
20

Description of Services Provided to EL students

**What is the name of the tutor? What certification does he hold? When were these services provided? (They were not being offered at the time of the October 2018 and the April 2019 site visits.)**

We hired an additional certified English Language tutor to address the concerns noted in the CAP. He was able to address the “above and beyond” classroom services as noted below. All ELL students received services.

Services provided “above and beyond” regular education students to our ELL students (14) ensure that they have equitable access to educational programs:

—Language development tutoring by the certified tutor was addressed in the classrooms using the “push-in strategy/support.” This ranged from at least 30 minutes to 90 minutes daily using the WIDA language development standards/levels as identified by each students’ needs.

**What are the ELP levels of the 14 EL students? How is the push-in strategy supporting the various ELP levels? Please note that students at lower ELP levels should have a designated ELD course as Tier 1 instruction to specifically address English language acquisition.**

—Additional language support was created in classrooms through small group work. This allowed the tutor to assist the students to keep up with the necessary academic requirements for language arts, math, and science curricula utilizing the language development domains of listening, speaking, reading, and writing.

Special Education Bureau Compliance Review

As requested, the following has been uploaded to the Bureau's secure platform and is under review:

- ✓ All current student IEPs
- ✓ All current services logs

We matched current IEPs to service logs, and included logs for compensatory minutes.  
**See attached report from the Special Education Bureau.**

Language and Culture Bureau Initial and Annual Notification

Attached are the Initial and Annual Letters parents received from Alma d' arte.  
**See the highlighted sections on the attached letters that indicate missing or inaccurate information. The first paragraph of the annual letter indicates that the EL identification process and serving ELs is not fully understood.**


All 14 students received the Initial and the Annual Letters.  
**Students should only receive the Initial Letter when they enroll in NM Public Schools for the first time and are first identified as English Language Learners via the Language Usage Survey and the WIDA Screener.**

**Annual Letters are to be provided each year to all students who remain eligible for services based on the scores on the annual WIDA ACCESS test.**

A sincere thank you for your guidance in addressing the CAP concerns. Since your initial letter of March 21, 2019, we have diligently worked to accomplish and complete ALL corrective actions. We are proud of our previous academic legacy and are committed to make Alma a leader again in the charter school system.

Madame Chair, through your leadership we have learned how to bring our school "back on course."

Respectfully,



Holly Schullo  
Principal, Alma d' arte

cc: Alan Brauer, Director, Charter School Division  
Ami S. Jaeger, Counsel to PEC  
Patty Matthews, Counsel to ADA  
Gene Elliott, Board of Governance President ADA



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**Initial Parent Notification Letter: Child's Participation in English Learner  
Program and/or Language Support Services**

Date: TBA

Dear Parent,

When you enrolled your child in school this year, you noted on the Language Usage Survey (LUS) that your child understands/speaks a language other than English. Based on the responses, the law requires us to test your child's English language proficiency to determine if s/he is legally entitled to English language support services. We used the English language proficiency screener, WIDA Screener Online for grades 1-12, results to determine the best English learner (EL) program and/or language support services for your child. We are required to inform you of the test results, our program recommendation, and all of the program and service options available for your child. That information appears below.

Based on your child's WIDA Screener results, your child qualifies for an EL program and/or language support service. English language development instruction is instrumental in increasing a student's English language proficiency and ability to acquire grade-level academic content. We highly recommend that your child participate in and receive the benefits from an EL program and/or language support service.

1. Your child's English language proficiency assessment scores for this school year and the proficiency level score are as follows:

Domain	Level/Score
Listening	
Speaking	
Reading	
Writing	
Overall (composite)	

2. Your child's EL program and/or language support service will entail the following types of instruction:  
[insert available EL programs and/or language support services here]

3. The overall goal of the EL program and/or language support service is for students to become fully proficient in English and to meet grade-level state academic achievement standards. In New Mexico a student who has an overall score of 5.0 or higher on the annual ACCESS for ELLs© assessment is considered English language proficient.

4. If your child has an Individualized Education Program (IEP), the EL program and/or language support service will assist in meeting the IEP goals in the following ways: English Language Development.

As mentioned, we highly recommend that your child participate in, and receive the benefits from, this EL program and/or language support service. However, you have the right to decline your child's participation in — opt your child out of — the EL program or language support services. Please contact the school at 575-541-0145, or contact your child's teacher if you would like to schedule a parent conference to discuss options for your child, or if you wish to opt your child out of the EL program or language support services.

Sincerely,

Holly Schullo, Principal



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## Inicial Muestra de la carta de aviso a los padres para la participación de su hija/hijo en un programa EL y/o servicios de apoyo de idioma

Fecha:

Estimado Padre,

Cuando matriculó a su hijo en la escuela este año, indicó en la Encuesta del Uso del Idioma (*LUS* por sus siglas en inglés) que él o ella entiende/habla otro idioma además del inglés. Basado en sus respuestas, la ley requiere que sea evaluada la competencia en inglés de su hija/hijo para determinar si él/ella legalmente tiene el derecho de recibir servicios de apoyo de idioma para el inglés. Utilizamos la evaluación lingüística/idiomática, WIDA Screener Online para los grados 1-12, para determinar cuál es el mejor programa para estudiantes que están aprendiendo inglés (*EL* por sus siglas en inglés) y/o servicio de apoyo de idioma. Estamos obligados a informarle acerca de los resultados de la evaluación, nuestra recomendación de un programa, y todas las opciones de programas y servicios disponibles para su hija/hijo. Esta información aparece abajo.

Basado en los resultados de la evaluación lingüística/idiomática WIDA Screener Online, su hija/hijo califica para un Programa EL y/o servicio de apoyo de idioma. La instrucción en el desarrollo del idioma inglés es fundamental para aumentar la competencia en inglés de un estudiante y su habilidad para adquirir el contenido académico de su nivel escolar. Le recomendamos ampliamente que su hija/hijo participe y reciba los beneficios de un Programa EL y/o servicios de apoyo de idioma.

1. Los resultados de la evaluación del idioma inglés de su hijo/a para este año escolar y los niveles de competencia son los siguientes:

Area	Nivel/Calificación
Escuchar	
Hablar	
Lectura	
Escritura	
Total (compuesto)	

2. El Programa EL y/o servicios de apoyo de idioma para su hija/hijo incluirá los siguientes tipos de instrucción: Desarrollo del idioma inglés.

3. La meta general del Programa EL y/o servicios de apoyo de idioma es que el estudiante llegue a ser completamente competente en inglés y que domine los estándares de aptitud académica estatales de su nivel escolar tan pronto sea posible. En Nuevo México un estudiante que obtiene un total (compuesto) de 5.0 o más alto en la prueba anual ACCESS for ELLs® se considera competente en inglés.

4. Si su hija/hijo tiene un plan de educación individualizada (*IEP* por sus siglas en inglés), el Programa EL y/o servicios de apoyo de idioma ayudará en obtener las metas del IEP de la siguiente manera: Desarrollo del idioma inglés.

Como se mencionó anteriormente, recomendamos altamente que su hija/hijo participe y reciba los beneficios de este programa y/o servicios de apoyo de idioma. Sin embargo, usted tiene el derecho de rehusar la participación de – optar por retirar a –su hija/hijo en el Programa EL o servicios de apoyo de idioma. Favor de ponerse en contacto con la escuela—575-541-0145 es el número telefónico de la escuela--o ponerse en contacto con la maestra/el maestro de su hija/hijo si desea hacer una cita para una conferencia de padre y maestro para hablar sobre las opciones para su hija/hijo, o si desea optar a su hijo/hija del programa EL o servicios de apoyo de idioma.

Atentamente,

Holly Schullo, Director



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**Annual Parent Notification Letter: Child's Participation in English Learner  
Program and/or Language Support Services**

Date: TBA

Dear Parent,

When you enrolled your child in school this year, you noted on the Language Usage Survey (LUS) that your child understands/speaks a language other than English. Based on the responses, the law requires us to test your child's English language proficiency to determine if s/he is legally entitled to English language support services. We used the English language proficiency screener WIDA ACCESS Online test results to determine the best English learner (EL) program and/or language support services for your child. We are required to inform you of the test results, our program recommendation, and all of the program and service options available for your child. That information appears below.

The LUS should only be used when a student enrolls in a NM public school for the first time. The WIDA ACCESS test is an annual assessment, not a screening tool.

Based on your child's WIDA ACCESS results, your child qualifies for an EL program and/or language support service. English language development instruction is instrumental in increasing a student's English language proficiency and ability to acquire grade-level academic content. We highly recommend that your child participate in and receive the benefits from an EL program and/or language support service.

Domain	Level/Score
Listening	
Speaking	
Reading	
Writing	
Overall (composite)	

2. Your child's EL program and/or language support service will entail the following types of instruction: **English Language Development.**

3. The overall goal of the EL program and/or language support service is for students to become fully proficient in English and to meet grade-level state academic achievement standards. In New Mexico a student who has an overall score of 5.0 or higher on the annual ACCESS for ELLs© assessment is considered English language proficient.

4. If your child has an Individualized Education Program (IEP), the EL program and/or language support service will assist in meeting the IEP goals in the following ways: **English Language Development.**

As mentioned, we highly recommend that your child participate in, and receive the benefits from, this EL program and/or language support service. However, you have the right to decline your child's participation in — opt your child out of — the EL program or language support services. Please contact the school at 575-541-0145, or contact your child's teacher if you would like to schedule a parent conference to discuss options for your child, or if you wish to opt your child out of the EL program or language support services.

Sincerely,

Holly Schullo, Principal





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## Anual Muestra de la carta de aviso a los padres para la participación de su hija/hijo en un programa EL y/o servicios de apoyo de idioma

Fecha:

Estimado Padre,

Cuando matriculó a su hijo en la escuela este año, indicó en la Encuesta del Uso del Idioma (*LUS* por sus siglas en inglés) que él o ella entiende/habla otro idioma además del inglés. Basado en sus respuestas, la ley requiere que sea evaluada la competencia en inglés de su hija/hijo para determinar si él/ella legalmente tiene el derecho de recibir servicios de apoyo de idioma para el inglés. Utilizamos la evaluación lingüística/idiomática WIDA ACCESS Test Online para determinar cuál es el mejor programa para estudiantes que están aprendiendo inglés (*EL* por sus siglas en inglés) y/o servicio de apoyo de idioma. Estamos obligados a informarle acerca de los resultados de la evaluación, nuestra recomendación de un programa, y todas las opciones de programas y servicios disponibles para su hija/hijo. Esta información aparece abajo.

Basado en los resultados de la evaluación lingüística/idiomática WIDA ACCESS Online, su hija/hijo califica para un Programa EL y/o servicio de apoyo de idioma. La instrucción en el desarrollo del idioma inglés es fundamental para aumentar la competencia en inglés de un estudiante y su habilidad para adquirir el contenido académico de su nivel escolar. Le recomendamos ampliamente que su hija/hijo participe y reciba los beneficios de un Programa EL y/o servicios de apoyo de idioma.

1. Los resultados de la evaluación del idioma inglés de su hijo/a para este año escolar y los niveles de competencia son los siguientes:

Area	Nivel/Calificación
Escuchar	
Hablar	
Lectura	
Escritura	
Total (compuesto)	

2. El Programa EL y/o servicios de apoyo de idioma para su hija/hijo incluirá los siguientes tipos de instrucción: Desarrollo del idioma inglés.

3. La meta general del Programa EL y/o servicios de apoyo de idioma es que el estudiante llegue a ser completamente competente en inglés y que domine los estándares de aptitud académica estatales de su nivel escolar tan pronto sea posible. En Nuevo México un estudiante que obtiene un total (compuesto) de 5.0 o más alto en la prueba anual ACCESS for ELLs® se considera competente en inglés.

4. Si su hija/hijo tiene un plan de educación individualizada (*IEP* por sus siglas en inglés), el Programa EL y/o servicios de apoyo de idioma ayudará en obtener las metas del IEP de la siguiente manera: Desarrollo del idioma inglés.

Como se mencionó anteriormente, recomendamos altamente que su hija/hijo participe y reciba los beneficios de este programa y/o servicios de apoyo de idioma. Sin embargo, usted tiene el derecho de rehusar la participación de – optar por retirar a –su hija/hijo en el Programa EL o servicios de apoyo de idioma. Favor de ponerse en contacto con la escuela—575-541-0145 es el número telefónico de la escuela--o ponerse en contacto con la maestra/el maestro de su hija/hijo si desea hacer una cita para una conferencia de padre y maestro para hablar sobre las opciones para su hija/hijo, o si desea optar a su hijo/hija del programa EL o servicios de apoyo de idioma.

Atentamente,

Holly Schullo, Director

**Special Education Bureau**  
**Report to the Public Education Commission**  
May 4, 2019

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Alma d'Arte Charter High School staff uploaded 31 Individualized Education Programs (IEPs) for 31 students. Service logs for the Special Education Teacher and Ancillary Staff were also uploaded with each IEP. All 31 IEPs and service logs were reviewed for the services provided. No other areas of compliance were reviewed.

**The IEP review revealed the following:**

- All IEPs were developed between September 2018 and March 2019.
- The LEA services students with 5 exceptionalities which include: Autism (3%), Emotional Disturbance (23%), Other Health Impairment (19%), Specific Learning Disability (49%), and Speech or Language Impairment (6%). 22% of the students have a primary and secondary exceptionality.
- 58% of the students have a need for specialized instruction in reading.
- 74% of the students have a need for specialized instruction in writing.
- 80% of the students have a need for specialized instruction in math.
- 3% of the students have a need for specialized instruction with processing speed.
- 41% of the students have a functional performance need with social emotional skills.
- 0% of the students are receiving specialized instruction in writing, as no Special Education services in writing are indicated on the service pages of the IEPs.
- 0% of the students are receiving specialized instruction in reading, as no Special Education services in reading are indicated on the service pages of the IEPs.
- 0% of the students are receiving specialized instruction in math, as no Special Education services in math are indicated on the service pages of the IEPs.
- 0% of the students are receiving specialized instruction for processing speed, as no Special Education services for processing speed are indicated on the service pages of the IEPs.

- 100% of the students with social emotional needs are receiving psychological or social work services from ancillary service providers (psychologists or social workers) as indicated the student's IEPs.
- 100% of the students are receiving Case Management as a Special Education and Related Service or Supplementary Aids and Services.
- 9% of the students are receiving "Individual/Group Setting Math". Please note from above that 80%, of the students require specialized instruction (special education services) in Math.
- 16% of the students are receiving "Individual/Group Content Mastery".
- 48% of the students are receiving "Individual/Group Learning Lab".
- 29% of the students are not receiving "Individual/Group Setting Math", "Individual/Group Content Mastery", or "Individual/Group Learning Lab".
- 13% of students have no documented need for specialized instruction.
- 23% of students have special education needs as documented in the Concerns/Recommendations section of the Student Profile in the IEP; however, the IEP does not contain a goal for the need.
- 3% of students had an accommodation listed but no goal (need) was indicated for the area in which an accommodation was listed.

**The service logs review revealed the following:**

- 0% of the students are receiving specialized instruction (special education) in their area(s) of need. Helping a student when the student requests for help, is not specialized instruction (special education). See definition of special education at 34 CFR § 300.39.
- 100% of the special education teacher's time is spent in the General Education classroom as indicated in the service logs provided.
- The service logs did not indicate any of the special education teacher's time was spent providing "Individual/Group Setting Math".
- The service logs did not indicate any of the special education teacher's time was spent providing "Individual/Group Content Mastery".

- The service logs did not indicate any of the special education teacher's time was spent providing "Individual/Group Learning Lab".

#### Concerns and Recommendations for Compliance:

Concerns	Recommendations for Compliance
Students are not receiving specialized instruction in the areas of reading, writing, math and processing speed.	Provide specialized instruction (special education) for area(s) of need as indicated in the student's IEP.
Compensatory services owed for reading, writing, math and processing speed unless LEA can provide the Special Education Teacher's service logs indicating such services were provided to each student requiring the service. The service time must match the time indicated in the student's IEP.	Provide compensatory services for specialized instruction (special education) for area(s) of need for time owed.
The IEP Prior Written Notice (PWN) does not summarize the schedule of services.	PWN needs to include services and time.
The majority of services are indicated as occurring in the general education class (regular setting).	If content mastery and/or learning is special education reading, writing, math and processing skills then the service log should show these services being provided in the Special Education setting.
Listing Case Management as a Special Education and Related Service or Supplementary Aids and Services.	The LEA must indicate what service(s) case management entails to qualify Case Management as a Special Education, Related Service, Supplementary Aids and Services. The LEA must track such services as all IEPs indicated minutes per week of case management on all of the students IEPs. This is a-typical as caseloads are usually monitored by a student to teacher ratio as indicated in Subsection (I) (1 - 8) of 6.29.1.9 NMAC.
The majority of services on the Schedule of Services are listed as "Individual/Group".	Individual and Group service time should be broken up so that each can be tracked accordingly.
Goals for areas of need are missing.	Goals must be developed for each area of need. The purpose of the goal is to help the student close the gap.
Students do not have a need for specialized instruction.	LEA must reconvene a Multi-disciplinary Team to determine if these students are eligible for special education. To be eligible for special education a student must have a disability <b><i>and</i></b> the disability must impact the student's education. Having a disability alone or a need for ancillary service does


	not qualify a student for special education. <i>See 34 CFR § 300.8.</i>
Progress monitoring.	IEP goals must be monitored to ensure a student is making appropriate progress. <i>See Supreme Court ruling on Endrew F. v. Douglas County School District.</i>
As indicated in the previous iterations of concerns, it is apparent the LEA has a model of providing special education in which they try to fit every student into. This is not specialized instruction (special education). Special education is supposed to be specialized instruction based on the students need(s).	To meet the IDEA B requirements for providing special education services, the LEA must provide specialized instruction to students based on their need(s).


Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15	Column16	Column17	Column18	Column19	Column20
Area of Need 1	Area of Need 2	Area of Need 3	Area of Need 4	Special Education	Special Education	Related Service	Related Service	Other Service	Other Service	Other Service	Notes	
Reading	Writing	Math						Case Management	Individual/Group Content Mastery	Individual/Group Setting Math	How are reading and writing needs served - not indicated in schedule of service? Only math other service Indicated. PWN needs to include services and time. If content mastery is reading and writing, then the service log should show these services being provided in SE setting but all services are indicated as occurring in the general ed class (regular setting).	Comp services owed for reading and writing unless can such show services were provided
						Psychological		Case Management			No documented need for special education/specialized instruction	Math accomodation listed but not need/goal for math.
Writing	Math					Psychological		Case Management	Individual/Group Setting Math		Student has writing and math needs but no annual goals, how is progress docuemented? How is writing need served?	
Writing	Math							Case Management			Student has writing and math needs but no annual goals, how is progress docuemented? How are writing and math needs served?	
Reading	Writing	Math						Case Management	Individual/Group Learning Lab		How are reading, writing and math needs served?	
Reading	Writing	Math	Social Emotional			Psychological		Case Management	Individual/Group Content Mastery		How are reading, writing and math needs served?	
Reading	Writing	Math	Processing Speed					Case Management	Individual/Group Learning Lab		How are reading, writing and math needs served?	
Processing Speed								Case Management			How is processing speed need served?	
Reading	Writing	Math						Case Management	Individual/Group Learning Lab		How are reading, writing and math needs served?	
Writing	Math							Case Management	Individual/Group Content Mastery		How are reading, writing and math needs served?	
Reading	Writing	Math	Social Emotional			Psychological		Case Management	Individual/Group Learning Lab		How are reading, writing and math needs served?	
Reading	Writing	Math						Case Management	Individual/Group Learning Lab		How are reading, writing and math needs served?	
Reading	Writing	Math	Social Emotional			Social Work		Case Management	Individual/Group Learning Lab		How are reading, writing and math needs served?	
Math	Social Emotional					Psychological		Case Management	Individual/Group Content Mastery		How is math need served?	


Reading	Writing	Math						Case Management	Individual/Group Learning Lab		Student has reading need but no annual goals, how is progress docuemented? How are writing and math needs served?	
Reading	Writing	Math						Case Management	Individual/Group Learning Lab		How are reading, writing and math needs served?	
						Psychological		Case Management			No documented need for special education	
								Case Management			Has reading need but no reading goal or services to support. Student has an F in Algebra but math is not an area being supported as there is no goal. Mom requested modified math work.	
Reading	Writing	Math				Speech/Langua ge Therapy		Case Management	Individual/Group Content Mastery		How are reading, writing and math needs served?	
Reading	Writing	Math	Social Emotional					Case Management	Individual/Group Learning Lab		How are reading, writing and math needs served?	
Math								Individual/Group Setting Math			How is math need served?	
Reading	Writing	Math	Social Emotional			Social Work		Case Management	Individual/Group Learning Lab		How are reading, writing and math needs served?	
Writing	Math	Social Emotional				Psychological		Case Management	Individual/Group Learning Lab		How are writing and math needs served?	
Reading	Writing	Math	Social Emotional			Social Work		Case Management	Individual/Group Setting Math		How are reading, writing and math needs served?	
Social Emotional						Psychological	Social Work	Case Management			No documented need for special education/specialized instruction	
Reading	Writing	Math	Social Emotional			Social Work		Case Management	Individual/Group Learning Lab		How are reading, writing and math needs served?	
Social Emotional						Psychological		Case Management			No documented need for special education/specialized instruction	
Reading	Writing	Math						Case Management	Individual/Group Learning Lab		No reading and math goals in IEP; however, need inidcated in Concerns/Recommendations section of the Student Profile. How are reading, writing and math needs served?	
Reading	Writing	Math	Social Emotional			Social Work		Case Management	Individual/Group Learning Lab		How are reading, writing and math needs served?	
Math	Writing	Social Emotional				Psychological		Case Management			No math goals in IEP; however, need inidcated in Concerns/Recommendations section of the Student Profile. How are reading and math needs served?	






 No area of need

 No SE services provided

 No related service

 No other service