



402 W. Court Ave.
Las Cruces, NM 88005

August 12, 2019

Via Email

Patricia Gipson, Chair and Members of the Commission
New Mexico Public Education Commission
300 Don Gaspar
Santa Fe, New Mexico 87501-2786

Re: Response to Notice of Breach

Dear Commissioner Gipson and Members of the Commission:

This letter is Alma d' Arte Charter High School's ("School") response to the Commissions June 25, 2019 "Notice of Breach."

Events subsequent to June 14, 2019 PEC Meeting.

At the June 30, 2019 meeting of the School's Governing Council and in response to the prior issues raised by the Public Education Commission, which had been apprised by the Charter Schools Division, Special Education Bureau, and Language and Culture Bureau, the former administrator's contract was not renewed. Approximately one month prior to making this decision, the Council had contracted with a former school superintendent, Dr. Dan Leer, to evaluate and provide mentorship to the former head administrator who was in her first year of leading a public charter school. Dr. Lire's role was to provide guidance, in the areas of concern raised by the PEC and PED, as well as other administrative responsibilities. After the June 14, 2019 decision of the PEC to issue a Notice of Breach, the subsequent June 25, 2019 letter articulating the notice, and after receiving a vote of no confidence from staff, a change in school leadership was called for by the Governing Council, and the administrator's contract was not renewed.

On July 3, 2019, the Council voted to hire Dr. Lire as an Interim Administrator. Dr. Lire, due to previous commitments, began his responsibilities on July 15, 2019. Thereafter, he immediately began the task of filling key position, such as the Special Education Coordinator (former special education teacher's contract was not renewed by the former head administrator), as well as an English Language Development coordinator/teacher. A second special education teacher has

been hired and will begin on August 12, 2019. In addition, Dr. Lere had to prepare for the first day of School, July 29, 2019, while beginning to comprehend and to address the concerns identified in the Notice of Breach.

Dr. Julia Lonergan was hired on July 22, 2019 as the Special Education Coordinator and began immediately assessing the School's special education program for purposes of ensuring the School year commenced with every student with an IEP receiving the required services. On July 22, 2019, Dr. Lonergan, Dr. Lere and Mr. Elliot met with the Special Education Bureau in Santa Fe to ensure that the School was on the right track to resolve the Bureau's concerns about special education issues. In less than four weeks the new administration at Alma has:

1. Reviewed all student IEPs and created a detailed monitoring instrument that will assist Dr. Lonergan and the special education team to track services, IEPs and reevaluation requirements. *See Attachment 1;*
2. Ensured that every student is receiving special education services in accordance with their IEP, i.e. Dr. Lonergan has addressed the Special Education Bureau's concerns about delivery of special education services, *See Response to #1 and 4, below;*
3. Implemented logs that track Special Education services delivered with details as recommended by the Special Education Bureau *See Attachment 2 and explanation to Responses ## 1 and 4 as evidence of such compliance:*
4. Insured correct implementation of the School's English Language Development program (see explanation below and related attachments), including hiring Mr. Ruben D. Ruiz to teach ELD classes and to ensure compliance with regulatory mandates;
5. Ensured that staff is trained and fully apprised of their obligations and informed of best practices for implementing the requirements of both Special Education and ELD. Dr. Lere is also in the process of scheduling a Las Cruces Public School consultant to train the Alma staff on ELD and its requirements. Under his leadership staff have volunteered numerous hours of their time to assist in launching the school year with these programs correctly in place. After working with and meeting with Alma staff, Dr. Lere has observed that the Alma staff is fully committed to the success of the School and is working cooperatively with him to move beyond the past year of turmoil;
6. The School officials have cooperated with Ms. Rochelle Cherrin to conduct an audit of various aspects of the School's programs, which required a substantial number of hours to gather documents requested by her for the PEC-requested audit. Ms. Cherrin met with the School on August 7, 2019; and
7. A second special education teacher will start today, August 12.

The Notice of Breach does not enumerate the evidence or specific violations of the Charter Contract that gives rise for an assertion that the School has breached its contract. The School denies that it has breached its contract, but rather that it has continued to make good faith progress toward rectifying concerns of the PEC. Consequently, the School has attempted to construct a response based on various assumptions of what the Commission deems to be the precise basis for its Notice of Breach. The School has directed its Response to those matters it

can ascertain from transcript of the PEC's June 14, 2019 meeting, which includes remaining issues as set forth in the Special Education Bureau's ("SEB") "Special Education Bureau's Report to the Public Education Commission" dated May 4, 2019 ("SEB Report") as well as the testimony of Language and Culture Bureau representative, Kirsi Laine. To the extent that it can glean a separate concern from the PEC's discussion at that meeting, it has also responded thereto.

The School is unclear about what information the Commission is seeking by its reference to providing "data" in the Notice of Breach. The School did request clarification from Ms. Jaeger on August 8, 2019, but did not receive a response. To the extent the School understands the specific issues that constitute the PEC's intended grounds for declaring a breach and the nature of the required response, the School is providing this narrative and documents of evidence in support.

Initially, the School is providing its narrative response to the Bureau's "Concerns" in the SEB Report. The SEB's issues are set forth in italics and the School's response to the Recommendations are set forth below in plain font. A narrative response to the separate identified PEC concern and to the English Language Development program issues follows this section.

Special Education Bureau's Report to the Public Education Commission dated May 4, 2019

#1 Students are not receiving specialized instruction in the areas of reading, writing and processing speed.

Commencing with her first day of employment and the impending first day of school (only 7 days after her start date), Dr. Lonergan has focused on ensuring that Alma's 2019-2020 School Year begins with all students receiving all special education services and in the appropriate setting as required by their IEP's. To ensure that all requirements can be tracked by Dr. Lonergan and the School's staff, she created Attachment 1, a spreadsheet that identifies the service requirements for each student, their particular exceptionality and dates of IEP renewals and reevaluations for these students. This document will be used by her to monitor IEP compliance.

In addition, prior to the beginning of School, Dr. Lonergan ensured that all General Education teachers were provided the service minutes required by each student's IEP (in the teachers' respective classes) so that the teachers are coordinating and cooperating with the Special Education Teacher for student pull-out. In addition, these teachers have been informed of the required accommodations for each student and the available support from the Special Education teacher on best ways to implement the accommodations and to evaluate each student based on their identified need. She has also provide professional development to include a review of all aspects of special education.

Attached to the School's response is Attachment 2, which is a Service Log prepared by Dr. Lonergan for the first two weeks of this school-year. The document provides evidence that specific special education services are being provided for each student and it includes the number

of minutes per existing IEP, and the education setting in which the services are provided. The services track the IEP requirements and contemplated settings in which the student is supposed to receive service(s). *See also Response to SEB Report #4 below.*

All special education service providers will be required to keep services logs that indicate the date, services provided pursuant to the IEP goals, minutes of service, special education setting, and such other information as required by the IEP and as recommended by SEB.

#2 Compensatory services owed for reading, writing, math and processing speed unless the 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 IEP.

Because it has been less than 30 days since both Dr. Lere and Dr. Lonergan have started working at the School and in the interim school has started for Alma students, they cannot definitively respond to SEB's concerns as stated in #1 and #2 with regard to last school year. Dr. Lonergan knows that service logs for students with IEPs exist for last year, but she has not had time to audit all 41 IEPs to determine whether the services provided match the requirements of the IEPs – either in amount or the setting required as alleged by SEB. Dr. Lonergan and Dr. Lere are working with SEB on how best to respond to this concern about last year's special education services. During the meeting on July 22, 2019, Dr. Lere and Dr. Lonergan understood that the SEB's primary focus was for the School to make corrections moving forward. As stated above, the Schools current Special Education program is proceeding in compliance.

The School is proposing the following plan to address the concern that some students did not receive specialized instruction:

The Special Education staff will review all student IEP's to determine which students' IEPs call for specialized instruction in the areas of reading, writing, math and processing speed. Because the service logs from 2018-2019 are not clear about whether these services were provided, the School will notify the parents of identified students of the issue and then convene a meeting with the IEP team to discuss compensatory services. If the team agrees that the student is entitled to compensatory services and the method by which said services will be delivered, the services will be delivered over the course of the 2019-2020 school year. A PWN will be sent to parents describing the total amount of time, services to be provided and setting in which the services will be delivered. IEP meetings will be scheduled as quickly as possible with the school using a meeting method that ensures that meetings are held expeditiously (e.g. phone appearance by parents will be facilitated). The administration anticipates having to hire additional special education staff and support personnel to assist with this remedy.

In addition, the Special Education staff has identified the next annual renewal date for every IEP as set forth in Attachment 1, but because of the concerns raised by SEB, the team is working to create a compressed IEP schedule for all 41 IEPs. The team expects to have a revised schedule completed by October 30, 2019. Again, the School is seeking technical assistance from SEB on

how best to resolve service discrepancies.

#3 The IEP Prior Written Notice (PWN) does not summarize the schedule of services.

Attachment 1 identifies the date for each of the mandatory annual reviews of all students' IEPs. The School will ensure that a PWN is issued with the schedule of services summarized including the number of service hours and the type of services to address the student's educational goals. PWN's will be issued after every IEP meeting at which services, goals or other elements of the IEP are revised.

#4 The majority of services are indicated as occurring in the general education class (regular setting).

See response to #1. Dr. Lonergan has corrected this model of delivering services as indicated in Appendix 2. To ensure special education services are delivered correctly, the General Education teachers have been provided with the number of service minutes for each IEP student in their classes so that they can coordinate with the Special Education Teacher for student pull-out. Pull-out will be for a 30 minute segment of the 90-minute block classes. These students will receive special education instruction in the Special Education classroom.

General Education teachers will be informed by the Special Education Teacher about the accommodations required for each student and he/she will provide support on how to implement and/or evaluate the student using the IEP accommodations. In addition, he/she will provide and guide teachers' understanding about the students' particular areas of emphasis (e.g. SLD, Gifted, Social Emotional disorders, OHI, etc.)

Currently, the Special Education Teacher is doing Pull-out and conducting active "sections" of Mastery of Content for special education students using the "IEP at a glance notebook." The Special Education Teacher and Educational Assistant are also providing services, in addition to Pull-outs, using curriculum modifications, acceleration, small groups, peer mentoring and/or enhanced materials, for Math, Reading and Writing. In addition, they are attending students' classes as a specialized tutor during second period Math (Algebra, Geometry, Financial Literacy and Business Math) and will work with the General Education Teacher during that period.

The Special Education Teacher will also ensure that students are receiving services in the correct learning environment. For group (inclusion) or individual settings (small group, one on one) or the Special Education classroom to ensure IEP accommodations are provided and educational goals are met. The Special Education Teacher is also teaching a Reading and Writing and Math Mastery class during seventh period for students with these specific learning disabilities.

The Special Education Teacher will also adopt/augment/enrich the History curriculum (e.g. World History, NM History and U.S. History) to include specialized and intensive Reading and Writing assignments, following along with the General Education History teacher's class syllabus,

standardized goals and objectives.

#5 The majority of services on the Schedule of Services are listed as "Individual/Group."

The new Special Education Coordinator will review this description and articulate the specific setting in which special education services/instruction will be provided at the time the IEP renewal meeting occurs according to the dates in Attachment 1, or sooner. However, in the interim, the service logs will clearly articulate the setting and delivery method for all special education services. *See Attachment 2.*

#6 Goals for areas of need are missing.

This general statement is not accurate in that there is a goal articulated in each IEP in the categories of academic, function and transitional outcomes. However, the goals are not sufficient in every case to reflect the student needs and describe the intended outcome of instruction.

The Special Education teacher is addressing the education goals of the existing IEP by directing special education instruction according to the standards and benchmarks of the general education, class and adapting the curriculum to address each student's needs and levels of performance using identified accommodations.

All IEP's will be revised to develop appropriate goals for each student and will be updated at the annual IEP review as scheduled in Attachment 1, or sooner. The annual goals will be based on the student's strengths and needs according to his or her present levels of academic achievement and functional performances, provide direction for the IEP, and will be measurable. Each annual goal set at the IEP meeting will spell out precise expectations, including identifying what methods of measurement and criteria will be used to track progress and judge success. The IEP will also identify who is responsible for implementing each goal and an anticipated date of mastery.

#7 Students do not have a need for specialized instruction.

Dr. Lonergan's first focus has been to ensure that every IEP is implemented. On or before each student's IEP renewal date, the School will ensure that a student is properly identified as entitled to special education. Dr. Lonergan has identified one student who does not qualify for special education pursuant to the outcome of the student's last evaluation and is in the process of scheduling an IEP to complete the process for exiting the student from the special education program. Special Education staff will review students' most recent evaluations to ensure that they support a student's placement in the special education program on or before November 1, 2019.

#8 Progress monitoring.

To the extent progress monitoring is articulated in the student's IEP, the IEP team will follow that process. If the current IEP does not adequately articulate monitoring expectations, the IEP members will monitor process as follows:

The Special Education Coordinator has reviewed all student IEPs and is in the process of creating a binder with a correct "IEP at a Glance," which specifies the services required, level of service, and percentage of time required for specialized instruction. "IEPs at-a-Glance" will be used on a daily basis to help monitor student's progress and compliance. All members of the student's IEP team are responsible for ongoing evaluation of the student's progress on his/her IEP goals and for regular reporting of progress. Service providers will also document (using the logs as recommended by the SEB) contacts with the student and for that portion of the IEP he/she is designated to implement.

General Education and special teachers will monitor students' progress in real time by observing students' daily progress towards their IEP goals. Special Education teachers will keep daily logs on student progress and will transfer that information into the service logs that will be kept in the format recommended by SEB. This data will be used to inform the progress reports that will accompany the student's nine-week grades.

The Case Manager and Special Education Coordinator will monitor, conduct, write, implement, evaluate, and review students' IEP goals and objectives. All services (SLD, E.D., OHI, SPEECH/LNG, etc.) will be tracked by the Special Education Teacher via service logs, and all other methods available to evaluate students at the School.

#9 As indicated in the previous iteration of concerns, it is apparent that 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 be specialized instruction based on the students (sic) need(s).

See response to #1, 2 and 4 above.

PEC's questions about students not receiving services at beginning of 2018-2019 due to lack of licensed special education teacher.

It is Dr. Lonergan's understanding from the documents left behind by the prior Special Education Coordinator that the School held IEP's with all of the parents whose students did not receive services in fall of last year. She understands that there were seven such students, one of whom moved to another school. From those IEP meetings, an Addendum to the IEP was created after meeting with parents that stated whether the student/parent deemed it necessary for the student to receive compensatory services, and how those services would be recovered. Some of the students elected not to require compensatory services others agreed to stay after school on

Tuesday and Thursday to make up services. Dr. Lonergan has verified with current staff that these after school sessions did occur through the end of the school year.

Due to the timing of this Response and circumstances previously described, Dr. Lonergan has not been able to establish whether all six (6) of the remaining students have received all hours of the compensatory services owed. Logs attached to the Addendums appear to indicate that services were provided. Dr. Lonergan will audit these logs, investigate whether sign-in sheets exist for the after school program and verify whether any remaining compensatory services are required. She believes that of those students who elected to receive the compensatory services, most of them have received most if not all of the compensatory time required.

However, to ensure that no student was denied access to the services as indicated in the student's IEP, the School will include these 6 students in the process as described in response to SEB's Concern #2.

English Language Learners.

The Notice of Breach does not specify the grounds for declaring a breach related to the School's English Language Learner program, and the School contends that it is not out of compliance. Further, based on an email of May 10, 2019 in which Alma's attorney requested confirmation of the outstanding issues from the May 10, 2019 PEC meeting to which no response was provided by counsel for PEC on this issue, and the transcript of the June 14, 2019 PEC meeting, the School understands that the remaining issues of the Language and Culture Bureaus (LCB) are:

1. "[D]iscrepancy between understanding between the screening instrument which is the screen for English Language proficiency of a student entering public education and an annual assessment" [verbatim]. See *June 14, 2019, Transcript of PEC meeting, p. 76*. It appears that Ms. Laine's concern arose as a consequence of the content inserted by the School's former administrator in the notification letter to parents regarding the eligibility/right to participate in English Language Development ("ELD") programs/support services.

2. On the same page, Ms. Laine expressed that she was confused, based on information inserted into the Notice to Parents about the type of services provided in the School's ELL program for eligible students.

In response to what it understands to be the remaining issues related to ELL, Dr. Lere offers a simplified summary of its program below to express his understanding of ELD program requirements. However, a substantially detailed description of the School's ELD program and plans to correct then existing concerns about these services was submitted to the PEC in April as a Corrective Action Plan. To ensure that LCB and PEC are confident that the School understands the mandatory requirements of the ELD program, the School has revised and updated that plan for the current school year and circumstances that exist at Alma. The School will also use the revised plan as a guidance document to help monitor its own ongoing compliance with ELL requirements.

The following general summary of ELL at Alma is provide by Dr. Lere to assure the PEC that the School offers an ELL program to its students that complies with all state and federal requirements regarding the School's ELD program.

First, the PEC should be aware that Dr. Lere hired a certified ELD instructor, Rubin D. Ruiz on July 29, 2019. Mr. Ruiz holds a Level IIIA and IIIB license. He has endorsements in Visual Arts, Social Students, TESOL, Modern and Classical Languages and Bilingual Education. *See Attachment 3 (Documents submitted in response to ELD concerns)*. Mr. Ruiz's teaching schedule includes three class periods. *See Attachment 3*. Alma has identified 14 students (10 of which scored 5.0 or above on ACCESS and are being monitored in their regular education classes) that qualify for ELD services and Mr. Ruiz is currently providing ELL services to all of these students. Four of these have one class period with Mr. Ruiz and he works with the remaining ten students in their other classes. *See class schedule and syllabus attached*. Notification letters to parents were sent out last week.

Dr. Lere describes the School's ELL process and program summarily below because the Language and Cultural Bureau (Ms. Laine) and Ms. Woener (CSD) commented during the June 14, 2019 meeting that they continued to believe that the former administrator did not understand the ELD program requirements. Dr. Lere provides this general description to assure the PEC and PED bureaus that as the School's Head Administrator he understands the requirements of the ELD program and has taken appropriate steps to ensure that it is being implemented at Alma:

The first step in our process is to determine if the student has ever attended public school in New Mexico when he/she enrolls at the School. If the student has, then we request records from the previous school. We also examine their ACCESS scores to determine the level of service required. (The records are then placed in the student's cum file by our Registrar).

If the student has never attended school in New Mexico then the Registrar asks the family to complete the state approved Language Use Survey (LUS) to determine if the student is eligible for language assistance services. If the student completes the LUS with an answer of "yes" to one or more of the questions on the survey, then the Registrar notifies the ELD Instructor who will screen the student using the WIDA assessment. If the student is not proficient in English based on this screening, the student is determined to be an English Language Learner.

All identified EL students in need of language services and their parents are notified within 30 days of the beginning of the school year or within 2 weeks of the time of enrollment. *See sample letter to parents in Attachment 3*. Notification letters have already been sent

home to the parents of all identified EL students. *See Title I Section 1112 (e)(3)(A), see also, <http://www2.ed.gov/documents/essa-act-of-1965.pdf> and 6.29.5.11 NMAC¹.*

Any documentation related to the EL student is placed in that student's cum file by the Registrar, this includes results of screening, annual parent notification letters and progress monitoring documents.

If the parent chooses to opt out of EL services the Registrar will notify the ELD instructor and he will ensure that the parent receives and signs the Opt Out letter (see attached Opt Out letter). A copy of the Opt-Out Notification and form was also sent to the parents with the Notification Letter for student's eligibility to participate in the ELD program last week.

All identified EL students will be initially assessed using the WIDA screener and annually using the ACCESS scoring.

Students who have an ACCESS score below 5.0 are determined to be English Language Learners and will be assessed annually on WIDA ACCESS. (An alternate ACCESS may be used if called for in the student's IEP). Parent will be notified annually that their child is eligible for ELD services and they will be notified of the option to opt out. *See notification template attached.* Students of parents who have not opted out will be placed in the Level 1-2 for the 2019-2020 school year.

Students who have an ACCESS score of 5.0 or higher are considered exited ELD students (Fluent English Proficient). If the exited student is new to Alma they will be placed in regular classes and monitored if they have been exited for less than two years. If currently an Alma student they will be exited out of the ELD program at the end of the term and monitored for the next 2 years.

Our ELD instructor will annually review the ACCESS scores for all EL students, including breakdown for scores in reading, listening, writing and speaking. This will occur at the end of each semester. Copies will be placed in the student's cum file. This information will be reported to the parents in the annual notice.

The goal of the ELD program is to attain English proficiency and meaningful access to the standard instructional program. This year we have students in the beginning and intermediate levels.

Beginning Level;

This is a 90 minute class that meets three times a week. Currently there are only two students per class. The ELD instructor teaches through the content areas of Language Arts and Social Studies. The EL's learn to interact in social settings and to achieve academically

¹ Citation directly from the NMPED's New Mexico Language Usage Survey: Tools for Identifying Potential English Learners.

in all content areas. The instructor also works with the EL's in the areas of Math and Science. Students earn .5 English credits each semester in these classes.

Intermediate Level;

This is also a ninety minute class that meets three times a week. We currently have two students at this level. The EL instructor works closely with the other teachers to assist in the development and use of English and academic achievement in those classes. The EL instructor will spend a portion of his day in the mainstream classroom working with all EL's and the teachers. Students earn .5 English credits each semester in these classes.

In all cases, the ELD instructor will support the EL's to develop their reading, writing, speaking and listening skills.

This is a simplified summary of the mandatory requirements of the School's ELD program.

Summary

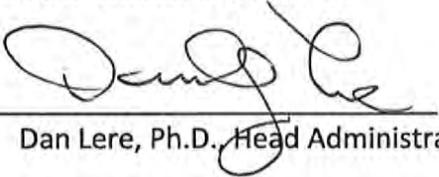
The School is providing the forgoing response to the Notice of Breach, but reserves its argument that the Notice insufficiently articulates the grounds for breach of contract and is deficient so as to constitute a violation of the School's rights to due process under the terms of the contract. Nevertheless, the School has made best efforts, under the current circumstances to respond to the presumed concerns of the PEC after review of the minutes of the June 14, 2019 meeting at which the PEC voted to issue the Notice of Breach.

In addition, there are number of historical factual misstatements in the Notice of Breach that the School reserves its right to respond to if the Commission decides to proceed with breach.

Patricia Gipson and Members of the Public Education Commission
August 12, 2019
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On behalf of the School and Governing Council, I respectfully request that the PEC withdraw its Notice of Breach and determine that its concerns have been satisfactorily addressed.

Sincerely,
Alma d' Arte Charter High School

By: 
Dan Lere, Ph.D., Head Administrator

Enclosures

cc: Alma d' Arte Charter High School Governing Council w/enclosures *via email*
Alan Brauer, Director – Options for Parents w/enclosures *via email*
Patricia Matthews, Esq. w/enclosures *via email*
Ami Jaeger, Esq. w/enclosures *via email*

APPENDIX 1: DATA FILE OF STUDENTS RECEIVING SPED SERVICES AT ALMA D'ARTE

Organized by Student Number, Grade, Exceptionality, Service Level, Total Min. served, and Areas of Need, and Next IEP and REED dates

Student	Grade	Exceptionality	Service Level	Total Services min	Math	Reading	Writing	Gifted	E. D	SLI	O.H.I	Group (gen.ed.)	SPED (indiv)	Psych min	Social work Min	Next IEP Date	Next Eval Date	Other Support Services (Corrective)	COMPENSATORY SERVICES OWED
2	10th	E.D/Anxiety and depression	10%	75min								80%	20%	30wkly	30wkly	9/3/2019	9/5/2020	15wkly	
3	9th	OHI	11% to 49% of day	515min	250wkly	125wkly	125wkly					50%	50%			11/25/2019	10/17/2020	15wkly	
4	10th	OHI/SLD-Dyslexia	10%	265min	250wkly							80%	20%			11/27/2019	10/7/2020	15wkly	
5	11th	SLD	10%	265min			250wkly					80%	20%			11/27/2019	10/2/2020	15wkly	
6	10th	E.D	105	75min								80%	20%	60mo		11/26/2019	11/13/2019	15wkly	
7	9th	AU	11% to 49% of day	515min	250wkly	125wkly	125wkly					50%	50%			11/26/2019	10/9/2020	15wkly	
8	11th	SLD	10%	265min	250wkly							80%	20%			11/28/2019	11/30/2021	15wkly	
9	10th	SLD	10%	265min		125wkly	125wkly					80%	20%			12/2/2019	11/3/2020	15wkly	
10	10th	E.D / AU	10%	265min	83wkly	83wkly	83wkly					80%	20%		120mo	12/2/2019	12/4/2021	15wkly	
11	9th	SLI/OHI	11% to 49% of day	265min	125wkly		125wkly					50%	50%			12/3/2019	10/18/2019	15wkly	
12	9th	OHI	11% to 49% of day	465min	250wkly		125wkly					50%	50%	60mo		12/3/2019	2/9/2020	15wkly	
13	9th	OHI/SLD	11% to 49% of day	515min	250wkly	125wkly	125wkly					50%	50%			12/4/2019	12/2/2021	15wkly	
14	11th	G	10%	140min			125wkly					80%	20%			12/5/2019		15wkly	
15	10th	SLD	10%	325min	83wkly	83wkly	83wkly					80%	20%	60mo		12/9/2019	4/20/2020	15wkly	
16	10th	SLD	11% to 49% of day	515min	250wkly	125wkly	125wkly					50%	50%			12/8/2019	3/1/2021	15wkly	
17	11th	G	10%	15min				15wkly				80%	20%			12/9/2019		15wkly	
18	10th	SLD	11% to 49% of day	515min	250wkly	125wkly	125wkly					50%	50%		60mo	12/12/2019	4/12/2020	15wkly	
19	10th	E.D/G	11% to 49% of day	200min			125wkly					50%	50%	60mo		12/15/2015	5/8/2020	15wkly	
20	10th	SLD	11% to 49% of day	515min	250wkly	125wkly	125wkly					50%	50%			12/15/2019	2/14/2022	15wkly	
21	10th	SL/SLD	11% to 49% of day	545min	250wkly	125wkly	125wkly					50%	50%		30wkly	12/17/2019	2/5/2020	15wkly	
22	11th	SLD	11% to 49% of day	635min	250wkly	125wkly	125wkly					50%	50%		120mo	1/16/2020	1/18/2022	15wkly	
23	10th	SLD	10%	265min	83wkly	83wkly	83wkly					80%	20%			1/21/2020	1/25/2021	15wkly	

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Organized by Student Number, Grade, Exceptionality, Service Level, Total Min. served, and Areas of Need, and Next IEP and REED dates

24		9th	E.D	10%	75min					80%	20%	60mo	1/28/2020	3/16/2021	15wkly
25		11th	OHI	10%	60min					80%	20%	60mo	2/5/2020	2/6/2022	15wkly
26		11th	G	10%	15min			15wkly		80%	20%		2/12/2020	2/14/2022	15wkly
27		9th	G	10%	15min			15wkly		80%	20%		2/13/2020		15wkly
28		9th	E.D/G	10%	75min			15wkly		80%	20%	60mo	2/19/2020	2/21/2022	15wkly
29		10th	SLD	11% to 49% of day	265min	250wkly				80%	20%		2/19/2020	5/15/2020	15wkly
30		11th	G	10%	140min		125wkly	15wkly		80%	20%		3/13/2020		15wkly
31		10th	OHI	10%	450min	250wkly		125wkly		80%	20%	60mo	3/17/2020	3/19/2022	15wkly
32		11th	SLD	11% to 49% of day	575min	250wkly	125wkly	125wkly		50%	50%	60mo	3/19/2020	8/31/2019	15wkly
33		10th	OHI/SLD	11% to 49% of day	545min	250wkly	125wkly	125wkly	30wkly	80%	20%		3/19/2020	3/21/2022	15wkly
34		9th	G	10%	15min			15wkly		80%	20%		4/1/2020		15wkly
35		10th	G	10%	15min			15min		80%	20%		4/1/2020		15wkly
36		9th	G	10%	15min			15min		80%	20%		4/1/2020		15wkly
37		9th	OHI	10%	265min	250wkly				80%	20%		5/15/2020	4/15/2022	15wkly
38		12th	SLI/OHI	11 - 49% of day	375	250		125 wkly		50%	11 -49%				
39		9	OHI	11 - 49%	500	250	125	125		80%	20%	15			EVALUATIVE, NEW
			SPEECH/LA NGUAGE IMPAIRMEN												
40		9TH	T	40-79%	745	450	125	125	15	30	30%	40 - 79	30	6/29/2019	EVALUATIVE, NEW
41		9	E.D.	11-49%	240	60	60	60			80%	20%	30	1/23/2019	EVALUATIVE, NEW
42		9	OHI	11-49%	810	250	250	200			50%	11-49%		4/11/2020	EVALUATIVE, NEW

APPENDIX: 2
 SERVICE LOG, ALMA D'ARTE SPED CLASSROOM and SERVICES, Week 7/29 to 8/8/2019

Student Name	Date of Service	Description of Service	Class period	End time	Total Time	Notes on Theme/Class/Subject	Mins. Of Math	Min. of Reading	Min. of Writing	Psy Services	Type of setting	Service Level
	8/8/2019	Pull-out from Algebra	9:00	10:10	60	Specialized service, pull out after lecture delivered. Mastery Class, teaching Geometry from Mr. Wells 5th period in SPED classroom, pg. 31, 33-39 odd, pg. 46, 11-29 odd	40	0	20	0	Small group with Sped Teacher, Sped Classroom, N=2	
	8/6/2019	One-to-one tutoring Algebra 2	2:30	3:40	20	Independent study, Math skills, supervised in small group setting.	20	0	0	0	One-to-one setting, small class N=1 individual counseling, supportive service	
	8/6/2019	Independent study, Math from Mr. Wells Algebra 2 class.	2:10	3:40 PM	20	Emotional support, counseling, depressive state, mood problems	0	0	0	0	Independent study, small setting, individual support	
	8/6/2019	E.D. support	2:10	3:40	20	Mastery Class, teaching Geometry, angles, supplementary, complementary, adjacent properties	20	0	0	0	Independent study, small setting, individual support	
	8/8/2016	One-to-one, Algebra 2 Mastery	2:10	3:40	20	Mastery Class, SPED class, finishing sentences from English class, using the vocabulary in the sentences.	0	20 min	20 min.	0	One-to-one setting, small group of 6	
	8/6/2019	Specialized Service classroom, SPED mastery class covering History and English topics		3:40 PM		Independent study, supervised in small group setting.						

APPENDIX: 2
 SERVICE LOG, ALMA D'ARTE SPED CLASSROOM and SERVICES, Week 7/29 to 8/8/2019

8/6/2019	Specialized Service classroom, SPED mastery class covering English 1st period "song track of my life"	2:10	3:40	Independent study, supervised in small group setting.	20 min.					One-to-one setting, small group of 6 individual counseling, supportive service
8/8/2019	E.D. support One-to-one tutoring	2:10	2:45	Emotional support, counseling, depressive state, mood problems		0				
8/8/2019	Geometry, #7-13, odd set, on board, SPED classroom	2:30	3:00	Mastery Class, teaching Geometry , angles, supplementary, complementary, adjacent properties	20	0	10	0		Small group with Sped Teacher, Sped Classroom, N=2
8/8/2019	One-to-one, Algebra 2 Practice in Problem-solving, linear equations	2:30	2:55	Mastery class, teaching Algebra 2 in Sped classroom	30	0	0	0		Small group with Sped Teacher, Sped Classroom, N=3
8/8/2019	Specialized Service classroom	2:06	3:40	Mastery Class, teaching Geometry , angles, supplementary, complementary, adjacent properties	20	10	10	0		Small group of 2 Coordinating goals with general education teacher, grammar, orthography, SOARS strategy
8/6/2019	Supportive service, SPED teacher in general education class	10:23	10:45	Coordinating goals with general education teacher, grammar, orthography, SOARS strategy	0	0	0	0		

APPENDIX: 2
 SERVICE LOG, ALMA D'ARTE SPED CLASSROOM and SERVICES, Week 7/29 to 8/8/2019

8/6/2019	Supportive service, SPED teacher in general education class	10:23	10:45	0	Coordinating goals with general education teacher, grammar, orthography, SOARS strategy	0	0	0	0	Coordinating goals with general education teacher, grammar, orthography, SOARS strategy
8/6/2019	Supportive service, SPED teacher in general education class	10:23	10:45	0	Coordinating goals with general education teacher, grammar, orthography, SOARS strategy	0	0	0	0	Coordinating goals with general education teacher, grammar, orthography, SOARS strategy
8/7/2019	PED operational audit General Education, Health Science class/body-in-motion dance	9:00	4:00	0	Corrective working with PED and site evaluator	0	0	0	0	operational audit meetings
8/5/2019	General Education, Health Science class/body-in-motion dance	12:35	2:06	0	Health Science, General Education class, Inclusion	0	0	0	0	Health Science is a general education class, 90 min., N=25
8/2/2019	Supportive service, evaluative, corrective review of SPED files, working with Diagnostician and School Psychologist	12:35	2:06	0	Health Science, General Education class, Inclusion	0	0	0	0	Health Science is a general education class, 90 min., N=25
8/1/2019		9:00	4:00	0	2nd day of school, review of case load and program coordination	0	0	0	0	2nd day of school, review of case load and program coordination

APPENDIX: 2
 SERVICE LOG, ALMA D'ARTE SPED CLASSROOM and SERVICES, Week 7/29 to 8/8/2019

8/1/2019	Specialized Service classroom	2:10	3:40	0	2nd day of school, meeting students for my Mastery of Content class	0	0	0	Getting to know the students and organizing a period for specialized instruction, small group setting
7/26/2019	PED visit Santa Fe, New Mexico	6:00 AM	6:00 PM	12 hours	Trip to Santa Fe, SPED Coordinator, Principal and President of the Governing Council	0	0	0	traveling to Santa Fe New Mexico to meet the PEC councils and the support staff for SPED compliance and SPED education.
8/1/2019	Specialized Service classroom, SPED mastery class covering Personality battery of tests	2:10	3:40	20	Personality assessments for whole group, SPED classroom	0	0	0	Personality Psychology, batter of tests to meet the students and explore ranges of behaviors and personality traits, Group N= 7 Small group setting,
8/8/2019	Specialized Service classroom, Math	2:06	2:45	20	Mastery class, teaching Algebra 2 in Sped classroom	20	0	0	Mastery of Algebraic Equations General Education setting, with Math teacher
8/8/2019	Specialized Service classroom, Math				Inclusion with SPED support service	20	0	0	

APPENDIX: 2
 SERVICE LOG, ALMA D'ARTE SPED CLASSROOM and SERVICES, Week 7/29 to 8/8/2019

	Supportive service, SPED teacher in gen. ed., observing English							General education classroom with English teacher, Ms. Cady, SPED N=7 students enrolled
8/7/2019	Inclusion							General Education setting, with Geometry teacher Dr. Mora, School
	Supportive service, SPED teacher in gen. ed. Math							Psychologist Dr. Mora, School
8/7/2019	Inclusion with SPED support service							Psychologist Dr. Mora, School
1/0/1900	Psy Service Pull-out	0			0	0	0	Psychologist Dr. Mora, School
8/6/2019	Psy Service Pull-out	30			0	0	0	30
	General Education, Health Science class/body-in-motion dance class	12:35	2:06	0				Health Science is a general education class, 90 min. Dr. Mora, School
8/2/2019	Introduction to Methods in Science, paradigms, motion and health				0	0	10	
1/0/1900	Psy Service Pull-out	0			0	0	0	0
1/0/1900	Psy Service Pull-out	0			0	0	0	0
8/6/2019	Psy Service Pull-out	30			0	0	0	30
8/5/2019	Psy Service Pull-out after general education	30			0	0	0	30
8/9/2019	lecture	12:30	12:55	25	0	0		Psychologist Pull-out after main Algebra 1 lecture and notes taken
8/9/2019	Pull-out from Algebra 1	12:30	12:55	25	0	0		Pull-out after main lecture was delivered

APPENDIX: 2
 SERVICE LOG, ALMA D'ARTE SPED CLASSROOM and SERVICES, Week 7/29 to 8/8/2019

	8/6/2019	Psy Service Pull-out	20	0	0	0	20	Dr. Mora, School Psychologist
	8/5/2019	Psy Service Pull-out	30	0	0	0	30	Dr. Mora, School Psychologist
	8/5/2019	Psy Service Pull-out	20	0	0	0	20	Dr. Mora, School Psychologist
	8/5/2019	Psy Service Pull-out	30	0	0	0	30	Dr. Mora, School Psychologist
	8/5/2019	Psy Service Pull-out	30	0	0	0	30	Dr. Mora, School Psychologist

STATE OF NEW MEXICO



*In Recognition of
The Fulfillment of the Requirements for
School Personnel Licensure
this*

LEVEL THREE-B PRE K-12 ADMINISTRATIVE LICENSE

is issued to

RUBEN D. RUIZ

Effective from July 1, 2018 to June 30, 2023

Licensure Number: 113241

Secretary of Education

STATE OF NEW MEXICO



*In Recognition of
The Fulfillment of the Requirements for
School Personnel Licensure
this*

LEVEL THREE-A INSTRUCTIONAL LEADER 6-12 SECONDARY LICENSE
With Endorsement in Visual Arts, Social Studies, TESOL,
Modern and Classical Languages and Bilingual Education

is issued to

RUBEN D. RUIZ

Effective from July 1, 2018 to June 30, 2027

Licensure Number: 113241

Secretary of Education

Ruben D. Ruiz
Class schedule
as of 08-8-2019

School: Alma d'Arte Charter High School

Term: 19-20 Semester 1

Current Classes

P1(M-T,R)	ELD I A PowerTeacher Pro							
P2(M,W,F)	ELD II A PowerTeacher Pro							
P3(M-T,R)	ELD III A PowerTeacher Pro							

ELD SYLLABUS

Alma D' Arte High School
402 W. Court
Las Cruces, NM

575-541 – 0145

MISSION STATEMENT

“ To graduate Artist- Scholars prepared to succeed”

COURSE DESCRIPTION

Our classes this year will focus on the essentials which are Speaking, Reading , writing and understanding. We will make connections in understanding what we read, how we write, and how we speak about what we have done. We will explore our culture as well as other cultures to better understand our environment, our community and our world. We wii compare, evaluate and interpret oral and written information.

CONTACT INFORMATION

Ruben D. Ruiz
Instructor
r Ruiz@almadarte.org

POLICIES:

Attendance / non – attendance / Tardy:

Please make an effort to attend class on a daily basis. Failure to attend will negatively impact your

Grades.

Please note that attendance is reported to administration within 5 minutes of the beginning of class.

Students are reported as TARDY if they are not inside the classroom when class begins.

NOTE: 3 TARDIES will result in as full absence

Grading:

- Assignments..... 10%
- Speaking.....30%
- Reading..... 30%
- Writing 30%

Note: Grades are awarded using the traditional.100 point scale

- 90 – 100 = A
- 80 – 89 = B
- 70 – 79 = C
- 60 - 69 = D
- 59 – and below = F

Students who fall below the 75% mark will be required to report to Wednesday afternoon tutoring

MAKE UP WORK:

Missed assignments must be turned in within 3 days of excused absence. Unexcused absences are not eligible.

RESOURCES AND MATERIALS:

Teacher will provide resources

Commented [RR1]

Students will provide Pencils / pens and spiral notebook

I have read, discussed and I understand this syllabus.

My parents / guardians can be contacted at:

Phone : _____



402 W. Court Ave., Las Cruces, NM 88005 • Telephone: 575-541-0145 • Mr. Ruben D. Ruiz, ELD Director
ANNUAL PARENT NOTIFICATION LETTER: STUDENT'S PARTICIPATION IN ENGLISH LEARNER PROGRAM AND/OR LANGUAGE SUPPORT SERVICES

Date:

Dear Parent,

Because you enrolled your student in school this year and he/she is an English Language learner, we are required to inform you of his/her ACCESS results. Our recommendation is that you become familiar with all of the programs and service options available for your child to assist him/her in English Language proficiency and acquisition.

Based on your student's 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.

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)	

Your child's EL program and/or language support service will entail the following types of instruction: Sheltered English instruction, ELD pull-out course and sheltered English instruction in content areas.

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.

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: [Special Education services to be provided for each student that qualifies for EL will reflect requirements of the IEP].

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. A copy of the "Notification to opt a Child Out of EL programs or Language Support Service" is enclosed.

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,
Alma d' Arte Charter High School

By: _____
Head Administrator or ELD Coordinator



402 W. Court Ave., Las Cruces, NM 88005 • Telephone: 575-541-0145 • Mr. Ruben D. Ruiz, ELD Director
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 ACCESS que requiere servicios en Inglés. Estamos obligados a informarle acerca de los resultados de la evaluación, de ACCESS, 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 [insertar el nombre de la evaluación de competencia del inglés utilizada], 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.

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)	

El Programa EL y/o servicios de apoyo de idioma para su hija/hijo incluirá los siguientes tipos de instrucción: Sheltered English (refugio inglés), ELD, pull-out course y/o instrucción en Sheltered English (refugio inglés) en área de contenido.

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.

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: [Los servicios de educación especial que se proporcionarían para cada estudiante que califique para EL reflejarán los requisitos del.].

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 en [Indique aquí 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,

Alma d' Arte Charter High School

By: _____
Head Administrator or ELD Coordinator

Notification to Opt a Child Out of EL Programs or Language Support Services

Date:

Dear Parent,

We understand that you would like to decline the English learner (EL) program or language support service proposed for your child [insert child's name]. EL programs and services are specifically designed to help your child attain English language proficiency as well as meet grade-level state academic achievement standards. However, as stated in our conversation, you have the legal right to opt your child out of the program or service.

If you still wish to opt your child out of the EL program or language support service, please initial next to each item on the checklist below. Doing so will indicate that you fully understand and agree with each statement. After you have initialed next to each of the statements, please sign, date, and return the form to your child's school. We will keep this document on file stating that you have declined or do not want these indicated programs or services for your child.

___ I have been informed of my child's English language proficiency assessment score and of other information about my child's current academic progress, and I understand why he/she was recommended for English language development instruction.

___ The school staff has explained to me the EL programs and language support services the school has available for my child.

___ I have had the opportunity to discuss the available EL programs and language support services with the school.

___ I understand that the school believes its recommendation is the most academically beneficial for my child.

___ I understand that my child will still be designated an *English learner* and have his or her English language proficiency assessed once per year until he/she no longer meets the definition of an English learner.

___ All of this information has been presented to me in a language, [insert language], I fully understand.

___ I have had the opportunity to ask questions, and my questions have been answered to my satisfaction.

I, [insert name], with a full understanding of the above information, wish to

- decline all of the EL programs and language support services offered to my child.
- decline some of the EL programs and/or language support services offered to my child. I wish to decline [List program/services]

Parent's Signature

Child's Name

Date

Notificación a Optar un Hijo / Hija de Nuevo en los Servicios o Programa de Aprendizaje de Inglés

Fecha:

Estimado Padre,

En _____ (Fecha de Noticia para optar de retirar) usted nos comunicó su deseo de rechazar el aprendizaje de Inglés (EL) o programa particular (EL) servicios propuestos para su hijo/ hija _____.

Entendemos que usted ha revisado su decisión anterior y ahora le gustaría aceptar el programa o (EL) particular servicios propuestos para su hijo / hija. Los servicios están diseñados específicamente para ayudar a su hijo / hija a obtener conocimientos del idioma Inglés así como para adquirir contenidos académicos del grado. Creemos que estos servicios serán de gran beneficio para su hijo /hija.

Por favor indique abajo cuál (EL) programa o servicios en que usted quisiera que su hijo /hija participara. Nosotros mantendremos este formulario en archivo indicando que usted ha revisado su decisión previa y quiere los servicios (EL) para su hijo/hija.

Yo _____ (nombre de padre) deseo

_____ optar a mi hijo / hija de nuevo en todos los programas y servicios de (EL) .

_____ optar mi hijo / hija de nuevo en algunos programas (EL) y servicios ofrecidos

A mi hijo / hija.

Deseo aceptar los siguientes programas y servicios .

Firma de Padre

Nombre de Hijo / Hija

Fecha

Notification to opt a Child back into EL programs or particular EL Services

Date:

Dear Parent:

On _____ (insert date of Notice to Opt-Out) you notified us of your desire to decline the English Learner (EL) program or particular EL services proposed for your child _____ (insert name).

We understand that you have revised your previous decision and would now like to accept the EL program or particular EL services proposed for your child. EL services are specifically designed to help your child obtain English Language proficiency as well as acquire grade-level academic content. We believe these services will be a tremendous benefit to your child.

Please indicate below the EL program or particular EL services you would like your child to participate in.

I, _____ (insert name of parent), wish to
____ opt my child back into all of the EL programs and services offered to my child.

____ opt my child into some of the EL programs or particular EL services offered to my child.

I wish to accept (List programs/services)

Parent's Signature

Child's Name

Date