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June 25, 2019

Holly Schullo, PhD  
Chief Administrator  
Alma d' Arte Charter School  
402 W. Court Ave  
Las Cruces, NM 88005

**NOTICE OF BREACH**

Dear Dr. Schullo,

On January 2, 2019, you provided the Public Education Commission, ("Commission"), a Corrective Action Plan, ("CAP"), to address financial concerns, deficiencies in identifying, assessing, and monitoring English Language Learners, and servicing students with special needs. Because the CAP lacked specificity, and because a final CAP was not submitted to the Commission, on March 21, 2019, the Commission issued a Notice of Concern to the school, addressing continuing deficiencies in the English Language Learner program and with the servicing of students with IEPs. The school responded on March 31, 2019.

Because the school's response did not fully address the Commission's concerns with the CAP, and because the Special Education Bureau and Language and Culture Bureau, who reviewed the draft CAP, found issues with the proposal, the Commission sent a further letter to the school's counsel, Patricia Matthews, on April 22, 2019, to which the school responded on May 1, 2019. The school appeared at the Commission's May 10, 2019, meeting to discuss the proposed CAP. At that meeting, the Commission requested from the school various data, including, *inter alia*, data to be provided to the Special Education Bureau regarding services being provided to the special

education students enrolled at the school, and certain information to be provided to the Language and Culture Bureau.

The school did provide data to the relevant bureaus, who reviewed it. They found the data lacking, and that the school was not demonstrating that it had fixed its issues. They determined that it appeared the school was still failing to provide required special education services, including failing to provide compensatory services that were compliant with the requirements of IDEA and State law, to its student population with IEPs, and that the school was failing to ensure proper identification of its English Language Learners. Specifically, the bureaus reviewing the data and responses supplied by the school found, among other things, that:

- No special education students were receiving specialized instruction in writing;
- No special education students were receiving specialized instruction in reading;
- No special education students were receiving specialized instruction in math;
- No special education students were receiving specialized instruction in processing speed;
- Numerous other deficiencies were noted with respect to the individualized education programs (“IEPs”) created for special education students;
- Numerous deficiencies were noted in the service logs for special education, indicating that proper records were not being kept;
- English language learners are not being properly identified, and the identification process and service of English language learners is not understood by the school.

The school appeared at the Commission’s June 14, 2019, meeting, where its failure to resolve the issues identified in the Notice of Concern and continuing performance issues with respect to English language and special education learners was on the published agenda. The school was presented with the feedback from the Language and Culture and Special Education bureaus, and their findings of continuing deficiencies in the school’s performance with respect to English language learning and special education needs.

The Commission found that the school’s response to its continuing deficiencies, and the concerns raised by the Commission and the respective bureaus of the Public Education Department, was inadequate, and therefore voted to place the school in breach of its Charter Contract. Specifically, the Commission voted that Alma d’Arte Charter School receive a Notice of Breach, stating that there are concerns beyond the norm that continue with the school’s special education services and English Language Learner services. In order to resolve the breach of contract, the school will be required to provide accurate, complete, and compliant data regarding special education

services and English Language Learner services to the Commission, and to address the specific concerns raised by the Commission, the Special Education Bureau, and the Language and Culture Bureau, by August 12, 2019, absent unforeseen circumstances. The school should also provide a narrative stating how it has addressed the concerns of the Commission and the respective bureaus by that date. The Commission further voted to work with the Charter Schools Division and the Special Education Bureau to obtain a contract for special education monitoring of the school which will include mentoring the special education director, or the head administrator, and for an operational audit to be conducted of the school.

The school's response to the ongoing concerns, including the concerns expressed at the June 14 meeting, and in the review of its responses by the Special Education Bureau and Language and Culture Bureau, will be considered at the August 22-23, 2019 regularly scheduled meeting of the Commission. Failure to finally address these long-standing concerns and this Notice of Breach may result in the Commission instituting procedures to revoke the school's Charter.

I am happy to answer any additional questions regarding the process.  
Sincerely,

Patricia Gipson,  
Chair, Public Education Commission

