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NEW MEXICO PUBLIC EDUCATION DEPARTMENT
SPECIAL EDUCATION DIVISION
Complaint Resolution Report
Case No. 2122-34
August 2, 2022

This Report requires corrective action. See pages 13-15.

This complaint was filed with the Special Education Division (SED) of the New Mexico Public Education Department (PED) on June 3, 2022, 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 SED has investigated the complaint and issues this report pursuant to 34 C.F.R. § 300.152 (a)(5) and 6.31.2.13(H)(5)(b) NMAC.

Conduct of the Complaint Investigation

The PED's complaint investigator's investigation process in this matter involved the following:

- review of the complaint and supporting documentation from complainant;
- review of the District's responses to the allegations, together with documentation submitted by the District at the request of the PED's independent complaint investigator;
- review of the District's compliance with federal IDEA regulations and state NMAC rules;

¹ The state-level complaint procedures are set forth in the federal regulations at 34 C.F.R. §§ 151 to 153 and in the state rules at Subsection H of 6.31.2.13 NMAC.

- interviews with the Parent, Advocate, Pre-K Coach, former classroom Teacher and Early Intervention Coordinator; 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 educator ethics issues, or any alleged ADA or Section 504 disability discrimination issues, are not within the jurisdiction of this complaint investigation and, as a result, were not investigated. For this reason, the Complaint Investigator did not investigate issues pertaining to responsibility for Student's injury at school.

Issue for Investigation

The following issue regarding alleged violations of the IDEA, its implementing regulations and State rules, are addressed in this report:

1. Whether the District failed to develop and implement an IEP with needed accommodations and modifications, behavioral supports and other behavioral services in an appropriate setting that would provide the Student with a free appropriate public education (FAPE), in violation of 6.31.2.11(B)(5) NMAC, 6.31.2.11(C)(2); 6.31.2.11 (F) and 34 C.F.R. §§ 300.320-300.328;
2. Whether the District failed to provide staff with access to Student's IEP to ensure that Student received needed services and supports as outlined on the IEP in violation of 34 C.F.R. § 300.323 (d);
3. Whether the District failed to provide access to educational records in a timely manner in violation of 6.31.2.13 (B) NMAC and 34 C.F.R §300.613 and;
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

Background Information

1. At the time of the complaint, Student was four years old and attended a preschool within the District.
2. The preschool was not limited to children with disabilities; Student had opportunities in and out of the classroom to be with non-disabled peers.
3. Student had autism and additional needs in adaptive behavior, social skills, communication, self-regulation and fine motor skills.
4. Parents provided a copy of an evaluation addressing autism concerns completed by the Center for Developmental Disability. The evaluation was completed on June 11, 2020 and provided to the District on January 5, 2021.
5. Student also has been diagnosed with Pica, but did not need an individual health plan because of that diagnosis.
6. Although the preschool was an all-day program, Student attended only half day and participated in home-based Applied Behavior Analysis (ABA) services in the afternoons.

May 20, 2020 IEP and December 3, 2021 IEP

7. An addendum meeting was held on May 20, 2020 to discuss plans for Student's transition to preschool. Present levels of academic and functional performance were updated indicating that Student learned many skills during the school year.
8. Speech language issues were a concern as were tantrums when Student screams, hits, pinches, scratches and throws objects. Student needed structured daily routines and transitions were difficult for Student.
9. It was noted that Student did not need any accommodations or modifications.
10. Student had three goals: cognitive, social-emotional and adaptive.
11. Plans were discussed for an updated speech-language and fine motor skills assessment in the fall. Those evaluations were completed and reviewed.
12. That day, Student was determined eligible under the category of development delay.
13. Student's most recent IEP meeting was developed on December 3, 2021.
14. Student received 14 hours per week of special education services: 780 minutes per week in the preschool room, 30 minutes per week of occupational therapy (OT) and 30 minutes per week of speech-language (SL) services.
15. Student could write their name and name all the letters of the alphabet.
16. Student was not potty trained. Student could open milk, wash hands, follow directions and would occasionally pick up toys.

17. Student could walk, run, jump, march and hop. Student could access the school environment and had friends at school but was resistant to writing and cutting.
18. The IEP noted that Student had no behaviors at school that impeded learning. Student did not demonstrate a need for extended school year (ESY) services.
19. Parents reported that Student would have meltdowns and tantrums at home. Student had significant anxiety and at times did not want to go to school.
20. There were four goals listed on the IEP.
 - a. Communication: Name 18 uppercase and 15 lowercase letters, identify book components and differentiate letters and words;
 - b. Adaptive: Interact with other children, developing themes and play, initiate play with others and use the toilet;
 - c. Communication: Follow oral directions and answer WH questions;
 - d. Motor Skills: Trace and write 50% of the alphabet and cut circles and triangles.
21. Transition planning on the IEP included continuing to work on independent living skills. The IEP noted that Student may need assistance from ABA therapist.
22. On Student's IEP, the only justification or explanation for the least restrictive environment (LRE) placement was "[Student] qualifies for special education services."
23. The IEP also noted that Student needed no additional accommodations and modifications because the preschool room was the only needed accommodation.
24. The IEP included plans for the upcoming school year as Student transitioned to kindergarten.
25. The IEP team reviewed the 11 considerations in the Autism Checklist for Best Practices/Strategies for a Student with Autism, including behavior support needs.
26. Quarterly progress notes would be provided. A prior written notice (PWN) and procedural safeguards were provided to Parent.

Injury to arm and access to records

27. On March 31, 2022, Student was outside with classmates at morning recess. No one saw Student fall or any type of injury but when recess ended, Student went to the health office because Student's left forearm was hurting.
28. Student was grasping the arm but did not respond when asked where it hurt and what happened. They were no visible bruises or scratches. When Student was offered ice, Student returned the ice almost immediately and returned to the classroom where Student laid down and fell asleep.
29. Parents were notified after the incident and Parent came to school because she was concerned that Student was sleeping during the day, which is unusual.

30. Student was taken to the doctor and had a major break in his arm that required surgery.
31. Typical practice is to provide copies of nurse's reports to parents that day or as soon as possible thereafter, for all nurse or health aide's visits.
32. Parents contacted the school and requested a copy of the incident report.
33. An incident report was not prepared. The health aide did prepare a standard record of the event. Although parents were initially told they could not have a copy of that record, it was eventually provided to the parents within a few days.
34. The health aide's report was provided to the Parents within a timely manner. All other records pertaining to the injury maintained by the District were provided to Parents in a timely manner.
35. A review of the charting in the nurse's files (the record requested) were that Student's forearm hurt, there was no discoloration or bruising, Student returned to classroom, and the arm felt better.

Access to ABA services

36. At the last IEP meeting, Parents had requested ABA therapy be provided in the classroom in the afternoons. The IEP team discussed and determined that ABA therapy was not educationally necessary for Student but Student could benefit from ABA therapy.
37. Student was making progress on all goals but had not mastered any goals. Potty training was still a struggle for Student.
38. Parents reported that Student had made great gains from regular ABA therapy and if the therapist could provide services at school, then Student would have 1-1 support to work on and achieve special education goals, such as potty training.
39. The District was not opposed to having the ABA therapist come and provide ABA services in the school, but the ABA therapist would need to meet all District and State requirements to work in the school such as criminal background checks.
40. Arrangements have not yet been finalized for ABA services to be provided within the school, the District and providers have been working on completing necessary requirements.

Access to IEP information and appropriate accommodations

41. Parents were concerned that the staff was not aware of Student's needs, particularly the Pica and autism diagnoses.
42. The Teacher was involved in the development of Student's IEP.

43. The Health Aide who treated Student during the March 3, 2022 incident may not have been aware of all of the particulars of the IEP but had assisted Student in the past on entering the building and transitions and was aware that Student was autistic.
44. Parents were concerned that the IEP was not individualized based on Student's needs since all preschoolers had the same level of programming and no accommodation or modifications were listed on Student's IEP.
45. Parents were also concerned that the IEP included no behavioral supports for Student.
46. Parents had reported that Student had significant anxiety and often did not want to go to school but that this information was not in the IEP.
47. There were 17 students in the classroom with one full time aide.
48. Since this was a regular education preschool and Student did not have a 1-1 aide, Parents questioned how Student was receiving individualized specialized instruction.
49. Parent stated that Student had significant behavior needs, Pica and personal hygiene issues, including still wearing diapers and that none of these were being addressed at school.
50. Parents also reported that Student was not regularly changed or encouraged to use the bathroom because when Student came home their diaper had clearly not been changed for an extended period.
51. Parents reported that their concerns were disregarded and were not included in Student's IEP.
52. Based on the IEP, Student was in the preschool program and needed no other accommodations or modifications beyond the preschool program. Student did receive OT and SL services.
53. On November 2, 2022, the Teacher took a new position within the District and was replaced with a long-term substitute teacher who was not familiar with special education or autism.
54. The Teacher had kept regular contact with the private ABA therapist to discuss techniques and strategies to work with Student. Unfortunately, the Teacher was not with Student after November.
55. Student made progress on all IEP goals this year.
56. Student was provided a visual schedule and objects in the classroom were labeled by name to help with communication and functionality in classroom.
57. Student participated in activities in the classroom and did not have frequent meltdowns or tantrums.
58. If Student needed a break, Student could go to the break place, but as the year progressed, the need for the break place decreased.

Discussion and Conclusions of Law

Issue No. 1

Whether the District failed to develop and implement an IEP with needed accommodations and modifications, behavioral supports and other behavioral services in an appropriate setting that would provide the Student with a free appropriate public education (FAPE), in violation of 6.31.2.11(B)(5) NMAC, 6.31.2.11(C)(2); 6.31.2.11 (F) and 34 C.F.R. §§ 300.320-300.328?

The IDEA is meant to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) designed to meet their unique needs. FAPE is administered through an IEP developed by the IEP team and implemented by the district. The IEP must be “reasonably calculated to enable the child to make progress appropriate in light of the child’s circumstances.” *Andrew F. V. Douglas County School District RE-1*, 137 S.Ct. 988, 999 (2017); see also 34 C.F.R. §§ 300.320 to 300.324. The primary function of an IEP is to develop a plan to achieve academic and functional advancement. *Andrew F.*, 137 S.Ct. at 999). A student’s unique needs are more than just mastery of academic subjects, but may include social, health, emotional, physical, and vocational needs of eligible students. *County of San Diego v. California Special Education Hearing Office*, 93 F.3d 1458, 1467 (9th Cir. 1996). It is the responsibility of the IEP team to determine the special education and related services that a student needs to receive FAPE. *Andrew F.*, 137 S.Ct. at 1001.

The IEP must be implemented as written, including all required components. See 6.31.2.11(B) and 6.31.2.11 (F)(1)(a) NMAC and 34 C.F.R. § 300.323(c). An IEP must include:

1. A statement of the child's present levels of academic achievement.
2. A statement of measurable annual goals, including academic and functional goals.
3. A description of how the child's progress toward meeting the annual goals will be measured.
4. A statement of the special education and related services and supplementary aids and services to be provided to the child.
5. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the extracurricular or other nonacademic activities.
6. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on statewide and districtwide assessments.

7. The projected date for the beginning of the services and modifications along with the anticipated frequency, location, and duration of those services and modifications.
8. Appropriate, measurable postsecondary goals and the services needed to reach those goals.
9. Not later than one year before the child reaches the age of majority under state law, a statement that the child has been informed of the child's rights under the IDEA with regard to the rights of the child in reaching the age of majority. 34 C.F.R. § 300.320.

Failure to implement material parts of the IEP may be considered a denial of FAPE. See *Sumter County School District 17 v. Heffernan*, 642 F.3d 478, 484 (4th Cir. 2011); *Van Duyn v. Baker School District 5J*, 502 F.3d 811, 822 (9th Cir. 2007); *Houston Independent School District v. Bobby R.*, 200 F.3d 341, 329 (5th Cir. 2000), cert. denied, 531 U.S. 817 (2000); *Neosho R-V School District v. Clark*, 315 F.3d 1022, 1027 n. 3 (8th Cir. 2003). Failing to provide needed supports and services can be a denial of FAPE. *Dear Colleague Letter*, 68 IDELR 76 (OSERS/OSEP 2016).

The IEP team must consider the least restrictive environment (LRE) when determining placement for a student. Whenever possible, students with disabilities should be educated with students with regular education peers unless, even with services and supports, an individual student's needs warrant a more restrictive environment. 34 C.F.R. § 300.114. Districts must also ensure that disabled students are with non-disabled peers at meals, recess and other nonacademic and extracurricular activities to the maximum extent appropriate. 34 C.F.R. § 300.114 (a).

Student's placement was a preschool classroom with disabled and non-disabled students. Given Student's needs, this appeared to be an appropriate placement, but the IEP did not provide justification or explanation of the reasons the preschool setting was appropriate for this individual Student. Without that analysis, the appropriateness of the placement could appear arbitrary or not individualized. Similarly, Student received no accommodations and/or modifications because the IEP stated the preschool classroom was the only needed accommodation. While it may be true that Student did not need additional modifications and/or accommodations beyond that provided in the preschool classroom, the statement on the IEP raises questions about whether Student's IEP was individualized to meet the needs for this particular Student. Not all students in the preschool room were disabled, yet as the IEP stated the preschool program was the only accommodation needed, all preschool students received the same accommodations and modifications as part of the program offered in the preschool classroom.

The Teacher noted that Student was functioning well and made progress in the classroom this school year. Student participated and had friends within the preschool classroom that carried over to playing together at recess. Student was provided a visual schedule and objects in the classroom were labeled by name which helped with communication. This also helped Student function and participate within the classroom. Student participated in activities in the classroom and did not have meltdowns or tantrums. If Student needed a break, Student could go to the break place, but as the year progressed, the need for the break place decreased. Staff regularly in the classroom noted that Student was not exhibiting anxiety or avoidance of activities or individuals. Progress on potty training was slow, but Student made some progress on that and all goals. Student's level of progress may have increased if Student attended school all day. While Student may have made more progress with a 1-1 ABA therapist in the afternoon, that is not a requirement for FAPE unless the IEP team determined that Student needed ABA therapy to receive FAPE. The IEP team considered the need for ABA services within the school and determined that although the services may be beneficial for Student, they were not educationally necessary at this time. There was not sufficient evidence to determine that the IEP's team's decision was inappropriate or that Student definitely needed such services to receive a FAPE.

The IEP was appropriately implemented and Student was making progress on all goals. However, the IEP team's failure to describe its LRE analysis and denial of individualized accommodations and modifications in the preschool setting suggests that the IEP was not individualized based on Student's needs.

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

Issue No. 2

Whether the District failed to provide staff with access to Student's IEP to ensure that Student received needed services and supports as outlined on the IEP in violation of 34 C.F.R. § 300.323 (d)?

Each school district must ensure the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. 34 C.F.R. § 300.323.

The Teacher, SL and OT providers were all involved in the development of the IEP and were responsible for implementation of the IEP. The Nurse and Health Aide were not familiar with the particulars of the IEP, but they were aware of the Pica diagnosis and that Student did not have an Individual Health Plan. The Health Aide who treated Student following the injury to Student's

arm was aware of Student and had previously assisted Student in coming into the classroom and in the hallway during transitions and was aware Student was autistic.

The District ensured that appropriate staff members and service providers were involved in and made aware of Student's IEP and the medical and educational needs of Student.

As to Issue No. 2, the District is not cited, and Corrective Action is not required.

Issue No. 3.

Whether the District failed to provide access to educational records in a timely manner in violation of 6.31.2.13 (B) NMAC and 34 C.F.R § 300.613?

Parents have the right to inspect and review education records of their students that are collected, maintained or used by a district. 34 C.F.R. § 99.3, 34 C.F.R. § 99.10(a) and 34 C.F.R. § 300.613 (a). Districts must provide parents access to educational records within a reasonable amount of time or at least within 45 days of the request. 34 C.F.R. § 99.10 (b). Educational records include any record that is directly related to a student and includes information recorded in any way. 34 C.F.R. § 99.3. Districts may have policies and procedures that apply to parents requesting access to their student's educational records. These policies cannot prevent parents from having access to those records. *Letter to LEA Superintendents*, 108 LRP 47595 (FPCO 2008).

Parents requested a copy of the incident report pertaining to their Student's injury on the playground. Although there was no formal incident report, there was a record of the visit to the Health Aide which included what happened, what was observed and medical treatment, if needed. Parents' initial request for the record was denied because there was no incident report. When Parents requested again, the Principal initially stated that Parents were not entitled to the Health Aide's records. However, the Principal did provide the Health Aide's records from the office visit well within the 45 days. Although the initial denial of access to this record may have been questionable, the Parents were provided with a copy of the records they requested within a reasonable time.

As to Issue No. 3, the District is not cited, and Corrective Action is not required.

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 CFR § 300.101 and 6.31.2.8 NMAC?

Students who are eligible for special education services are entitled to a free appropriate public education (FAPE). 34 C.F.R. § 300.101; 6.31.2.8 NMAC. Districts are obligated to provide a FAPE

to students within their jurisdiction who have been determined eligible for special education services. 34 C.F.R. § 300.17. The determination of whether there has been a denial of FAPE requires consideration of two components: substantive and procedural. The question one must answer to determine the substantive standard is whether the IEP was “reasonably calculated to allow the child to make progress appropriate in light of the child’s circumstances.” *Andrew F. v. Douglas County School District. RE-I*, 137 S. Ct. 988 (2017). The Court in *J.L. v. Mercer Island School District*, 592 F3d 938, 951 (9th Cir. 2010), held that a procedural violation may be a denial of FAPE when it resulted in the loss of an educational opportunity, infringed on parents' opportunity to participate in the development of the IEP or deprived the student of an educational benefit. All circumstances surrounding the implementation of the IEP must be considered to determine whether there was a denial of FAPE. *A.P. v. Woodstock Board of Education*, 370 F. Appx. 202 (2d Cir. 2010). A failure to provide behavioral and other supports that does not allow the student to receive educational benefit may be a denial of FAPE. Dear Colleague Letter, 68 IDELR 76 (OSERS/OSEP 2016).

The failure to make an individualized analysis of Student’s needs with respect to Student’s least restrictive environment and necessary accommodations and modifications deprived Student of an IEP. The IEP noted that Student’s LRE was the preschool classroom and no additional modifications and accommodations were needed. Student’s placement was a preschool classroom. Some of Student’s classmates were disabled, some were not. Student had goals on the IEP, but the lack of individualized analysis on the IEP would suggest that all preschool students received the same services. Student did not receive the specialized instruction required by the IEP. If the preschool classroom was the appropriate placement, the IEP should have included reasons why Student needed the preschool classroom to receive FAPE. Without consideration of Student’s individualized need for accommodations and modifications to receive FAPE, Student was denied an educational opportunity. These procedural violations resulted in a denial of FAPE for this Student.

There was no substantive denial of FAPE on this record. The IEP was reasonably calculated to allow Student to make appropriate progress in light of Student’s circumstances. Student made progress on all goals and according to the teacher, made growth in all areas, albeit limited growth.

As to Issue No. 4, the District is cited, and Corrective Action is required.

Summary of Citations

IDEA/State Rule Provisions Violated	Description of Violation
6.31.2.11(B)(5) NMAC, 6.31.2.11(C)(2); 6.31.2.11 (F) and 34 C.F.R. §§ 300.320-300.328	The District failed to develop and implement an IEP with needed accommodations and modifications, behavioral supports and other behavioral services in an appropriate setting that would provide the Student with a free appropriate public education (FAPE).
6.31.2.8 NMAC and 34 C.F.R. § 300.101	The District's actions and/or omissions towards the Student resulted in a denial of a free appropriate public education (FAPE).

Required Actions and Deadlines

By August 12, 2022, the District's Special Education Director must assure the SED in writing that the District will implement the provisions of this Corrective Action Plan (CAP). The SED 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:

Dr. Elizabeth Cassel
Corrective Action Plan Monitor
Special Education Division
New Mexico Public Education Department
300 Don Gaspar Avenue
Santa Fe, NM 87501
Telephone: (505) 490-3918
Elizabeth.Cassel@state.nm.us

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 SED 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 SED.

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 SED will notify the parties of any extension granted.

Please carefully read the entire CAP before beginning implementation. One or more steps may require action(s) in overlapping timeframes. All corrective action must be completed no later than August 2, 2023 and reported to the SED no later than August 16, 2023. All documentation submitted to the SED 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 SED</u>	<u>Document Due Date</u>
1.	As described above, the District will submit a written assurance to the Corrective Action Plan Monitor that it will abide by the provisions of this Corrective Action Plan (CAP).	August 12, 2022	Written Assurance Letter/Email	August 12, 2022
2.	The District Special Education Director and the school principal shall meet with the NMPED SED Education Administrator assigned to the District and the NMPED SED 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 District Director shall be responsible for arranging this meeting with NMPED SED.	August 19, 2022	Notes from meeting prepared by District	August 26, 2022

Step No.	<u>Actions Required by District</u>	<u>Complete Actions By</u>	<u>Documents Required to be Submitted to PED SED</u>	<u>Document Due Date</u>
3.	<p>The District Special Education Director will meet with the student’s special education teacher, general education teachers, related service personnel and school principal to review the Complaint Resolution Report to ensure that those persons understand the complaint, the violations that were found, and the corrective actions that will be taken to address the violations.</p>	August 26, 2022	Notes from meeting prepared by District	September 2, 2022
4.	<p>The District will convene a facilitated IEP meeting for Student. The FIEP meeting shall address:</p> <ul style="list-style-type: none"> • individualized supports and services needed for student; • determination of appropriate placement that considers Student’s LRE to allow access to non-disabled peers while allowing Student to make progress on goals; <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 FIEP meeting shall be held on a date and time that is convenient for the parent. The parent will be provided with a copy of the IEP and PWN at the conclusion of the FIEP</p>	August 26, 2022	<p>Invitation to IEP meeting, IEP, Prior Written Notice, Agenda for FIEP team meeting</p> <p>Confirmation of arrangement with Facilitator from PED approved list of Facilitators</p>	<p>15 days after the FIEP meeting is held</p> <p>Within 3 days of making arrangements for facilitator.</p>

Step No.	<u>Actions Required by District</u>	<u>Complete Actions By</u>	<u>Documents Required to be Submitted to PED SED</u>	<u>Document Due Date</u>
	<p>meeting.</p> <p>The District shall ensure that the FIEP team includes, but is not limited to, parents, special education teacher, general education teacher, and related services providers (OT, SLP, etc.).</p>			
5.	<p>The District shall arrange to provide training to District staff (including special education teachers, special education administrators, and related service personnel), on the following special education topics:</p> <ul style="list-style-type: none"> (1) developing and implementing an IEP containing appropriate goals with corresponding instruction, services, accommodations and modifications and other needs; (2) IDEA procedural requirements including LRE analysis; (3) Services for preschool or early childhood students. <p>The training shall be provided by a person with expertise in special education who was not involved in responding to this complaint and who is approved by NMPED.</p>	September 30, 2022	<p>Confirmation of the date of the training</p> <p>Confirmation of attendees at the training and plan for addressing provision of training to those staff not in attendance</p> <p>Submission of proposed trainer and trainer’s resume and proposed presentation for NMPED approval.</p>	<p>September 15, 2022</p> <p>October 15, 2022</p> <p>September 1, 2022</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/ Michele Bennett

Michele K. Bennett, Esq.

Complaint Investigator

Reviewed by:

/s/ Miguel Lozano

Miguel Lozano, Esq.

Chief Counsel, Special Education Division

Reviewed and approved by:

A handwritten signature in cursive script, appearing to read "Deborah Dominguez-Clark".

Deborah Dominguez-Clark

Director, Special Education Division