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**NEW MEXICO PUBLIC EDUCATION DEPARTMENT  
SPECIAL EDUCATION DIVISION  
Complaint Resolution Report  
Case No. 2223-10  
October 21, 2022**

**This Report requires corrective action. See pages 11-16.**

This complaint was filed with the Special Education Division (SED) of the New Mexico Public Education Department (PED) on August 23, 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.<sup>1</sup> 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;

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<sup>1</sup> 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.

- review of the District’s compliance with federal IDEA regulations and state NMAC rules;
- interviews with the Parent, Facilitator, Special Education Director, present Special Education teacher, present Principal, previous Principal, previous Special Education Teacher, Recreational Therapist and one-to-one Aide;
- 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.

**Issues for Investigation**

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

1. Whether the District failed to develop and implement an IEP that would provide Student a free appropriate public education (FAPE) in violation of 34 C.F.R. § § 300.320-34 C.F.R. 300.328 and 6. 31.2.11(B)(1) NMAC, specifically whether the District:
  - a. Provided a one-to-one aide for Student as agreed to by the IEP team, and
  - b. Provided appropriate supports and services to ensure Student’s safety in the school setting; and
2. 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. Student was in the fourth grade with a diagnosis of autism.
2. Student’s needs, as outlined on the September 27, 2021 IEP, included basic reading, math, written language, expressive and receptive language, self-help skills and social-emotional skills.

3. Student's placement has been in a self-contained classroom with a full-time one-to-one aide.
4. Student's present levels of academic and functional performance on the most recent IEP indicated that Student was at the preacademic level in most areas. Student could read 1-2 consonant-vowel-consonant word sentences, was verbal, but was not always intelligible, would get lost without assistance, loved to listen to stories and answer simple WH questions ("who" "what" "where" "when" "why"), could identify six letters with 70% accuracy, state name when prompted and copy simple shapes and lines.
5. Student also could identify eight colors, three shapes, rote count to ten and would ask for help as needed.
6. Goals included communication, reading, written language, math, social-emotional and recreation therapy.
7. Student received 21.25 hours of special education services per week including adult supervision with a one-to-one aide for 1800 minutes per week.
8. An addendum meeting was held on December 15, 2021 to add occupational therapy (OT) as a related service.
9. Student received speech-language services (SL) virtually and OT services in person, but the OT schedule varied from week to week. Student also received services from the Recreational Therapist once a week for 30 minutes.
10. Last year, Student may not have received all OT services because behavioral incidents prevented the provision of direct OT services. Records are unclear whether Student received all SL services. Sometimes, Student would refuse to attend OT and SL services.
11. The plan was to integrate Student into general education, as appropriate.
12. Student transferred to a new school on September 1, 2022.
13. Student has not received OT services since moving to the new school.
14. The District was investigating the need for compensatory related services.
15. Parent reported they never received a signed copy of the September 27, 2021 IEP. Parent signed the IEP, but the IEP provided to them did not include signatures. The District reported that they did not finalize the signed form in the system and therefore, the signed IEP was not saved on the District's record system.

### **One-to-one aide**

16. The September 27, 2021 IEP provided for a full-time one-to-one aide throughout the school day.
17. At Student's school, there were two adjoining classrooms with a special education teacher and at least two educational assistants who worked with the students.

18. The Special Education Teacher who was assigned to the classroom at the beginning of the year had to leave and was replaced by a certified Special Education Teacher on March 29, 2022.
19. During part of the school year, there were two students in the self-contained classroom that had a full-time one-to-one aide. Eventually, the other student with the full-time aide was transferred to another classroom.
20. Over the course of the 2021-2022 school year, there were two men who were assigned as the one-to-one aides for Student.
21. When the first one-to-one aide was not available, the other aide would take over to work with Student.
22. The Teacher reported on two occasions that both one-to-one aides were unavailable. Nevertheless, the Student still had constant adult supervision and often was individually served by a special education teacher and educational assistant.
23. At all other times, Student had a one-to-one aide available for assistance.
24. At the end of the 2021-2022 school year, because of Student's interactions with classmates, Student was the only Student in the class with a full-time teacher and one-to-one Aide.

### **Student Behavior**

25. Prior to the last school year, Parent reported that Student was happy and wanted to attend school. However, Parent reported that this past school year, Student has not wanted to attend school, has been injured by other students and made minimal progress on goals.
26. At the beginning of the 2021-2022 school year, there were inconsistent reports of Student's behaviors. Some reports indicated that until November or early December, Student had few behavior incidents and was able to participate in school activities including physical education and related services with peers.
27. After that time, Student's behaviors changed, Student would get frustrated and kick, hit and pinch other students and staff.
28. There were differences of opinion about the reasons behind Student's behaviors. Some staff believed that Student's behaviors were learned and could be controlled, while others believed that Student's disabilities prevented Student from controlling Student's behavior. For example, some reported Student did not understand what Student was saying when Student cursed, a common occurrence in the classroom.
29. At the start of the school year, Student was in a self-contained classroom with up to four other students. As the year progressed, the other students would be moved to another

classroom and eventually by March or early April, Student was the only student in the classroom because of Student's inappropriate behaviors.

30. Staff reported that Student, on a daily basis, exhibited behaviors that impeded Student's learning and that of other students.
31. At times, Student's inappropriate behaviors would impact half of the school day, preventing learning and completion of goals.
32. Positive behavior supports were included in the IEP. Accommodations and modifications for this Student included a consistent highly structured classroom with support and routines, positive reinforcement and reminders of rules.
33. Student did not have a behavior intervention plan (BIP) or functional behavior assessment (FBA).
34. Student's behaviors often prevented Student from attending recess with peers, or attending lunch, breakfast, library, computer labs and assemblies as outlined in the IEP.
35. It was not always clear what the triggers for the behavior were, but inappropriate behaviors usually occurred when confronted with tasks that Student did not want to do or was unable to complete or when another student in the room was bothering him.
36. Staff also reported that behaviors, which Student could not always control, were related to speech-language, inappropriate play and social-emotional needs.
37. Student would swear, kick, hit, pinch, or throw objects and, in some instances, would go after other students that did something Student did not like.
38. At times, when Student was out of control and could not deescalate, Parents would be called to come and get Student.
39. There was an incident on November 4, 2021 when Student was scratched on the right side of the neck by another student.
40. Student was taken to the nurse and this incident was noted in the nurse's log. No treatment was required for the injury.
41. This other student had ongoing issues with Student and eventually, the other student was transferred to another classroom, but not before Parents raised concerns about injury to Student.
42. Prior to the arrival of the new Principal in January, 2022 and the new Special Education Teacher in March, there was incomplete or no documentation of Student's behaviors in the classroom.
43. Although there had been an ongoing issue between Student and another student throughout the school year, there were limited records about incidents and responses to the ongoing issues.
44. Once the new Teacher was assigned to Student's classroom, she was directed to document Student's inappropriate behaviors.

45. There were eight disciplinary referrals between April 1, 2022 and May 17, 2022. Student received out of school suspension for two of the referrals.
46. In the classroom, Student had access to a tent to allow Student space to calm down and participate in classroom work.
47. At times, Student, due to aggressive behaviors against staff and other students, was taken to another empty classroom to allow Student to calm down. There was no evidence that Student was left alone or exposed to dangerous objects.
48. The disciplinary referrals were similar in nature: Student used offensive language, and hit or kicked other students and staff. When possible, the other students would be removed from the classroom when Student started acting out. The Aide and Teacher remained in the room with Student and were subjected to Student's aggressive behavior.
49. In one instance, the Teacher was kicked in the knee which required medical attention. At other times, the one-to-one Aide was pinched, kicked, or hit by Student while Student was having a behavioral incident.
50. Also, there was an incident on April 28, 2022 on the playground when Student was using inappropriate language, hitting, kicking, biting students and staff. Student also pushed another student off the slide, injuring the student.
51. After that incident, Student was sent home with Parent.
52. A facilitated IEP was recently held. At that meeting, there was a discussion about provision of OT and SL services during the 2021-2022 school year and since Student transferred to the new school.
53. The IEP team agreed to complete a comprehensive evaluation of Student.

### **Discussion and Conclusions of Law**

#### **Issue No. 1**

**Whether the District failed to develop and implement an IEP that would provide Student a free appropriate public education (FAPE) in violation of 34 C.F.R. § § 300.320-34 C.F.R. - 300.328 and 6. 31.2.11(B)(1) NMAC, specifically whether the District**

- a. **Provided a one-to-one aide for Student as agreed to by the IEP team, and**
- b. **Provided appropriate supports and services to ensure Student's safety in the school setting?**

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). 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).

**a. Provided a one-to-one aide for Student as agreed to by the IEP team.**

There were two individuals that acted as the one-to-one aide for Student. When one aide was unavailable, the other one-to-one aide would replace the one-to-one aide for this Student. There were two occasions when both Aides were out for the day, but the other Educational Assistants and Special Education Teacher would ensure that an adult was with Student at all times during the school day. Although Student did not have a one-to-one Aide on two occasions, this was not a material implementation failure.

**b. Provided appropriate supports and services to ensure Student’s safety in the school setting.**

Student had at least eight disciplinary incidents between April 1, 2022 and May 17, 2022, some of which involved injuries to students and staff and resulted in out of school suspensions. It was reported that half of the school day, Student was not learning because of behavior. The behavioral records from earlier in the 2021-2022 school year were incomplete or nonexistent. Therefore, it is impossible to determine whether inappropriate behaviors had increased or changed since the beginning of the school year. Anecdotal information would suggest that similar behaviors occurred all year because Student was in a classroom with no other peers, Student did not attend recess with peers and there were ongoing incidents with another student, who was ultimately transferred to another classroom. By the end of the year, Student was the only student in a classroom with a one-to-one aide and Teacher, not Student’s LRE.

Despite the negative behavioral issues observed and documented, the IEP team did not meet to revise the IEP, complete an FBA, BIP or seek additional assessments to determine the reason for Student's inappropriate behaviors and how best to address them and ensure Student was making progress on goals. While it may be problematic for Student to have a new teacher in late March, requiring some adjustment for both the Special Education Teacher and the Student, eight serious documented incidents should have triggered an IEP meeting because Student was not making progress on goals when Student was having behavior issues or was out of school due to suspension.

Therefore, although the District did provide a one-to-one aide, except for two days, the District did not consistently implement other aspects of the IEP when they failed to provide the needed supports and services to keep Student safe or modify the IEP to enable Student to make progress on goals.

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

#### **Issue No. 2**

**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.**

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." *Endrew 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 (9<sup>th</sup> 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 benefits may be a denial of FAPE. Dear Colleague Letter, 68 IDELR 76 (OSERS/OSEP 2016).



Student has been at the new school since September 1, 2022 and still has not received OT services. There were questions raised at the last IEP meeting about whether Student consistently received the SL and OT services from last year. This was not an issue raised in this Complaint; however, it was noted that Staff believed Student’s behaviors, in part, were impacted by language limitations and inappropriate play and social-emotional interactions. The District agreed at the last IEP meeting to determine the extent of compensatory services. The District also should have considered the impact of those needs on Student’s behavior and whether additional services or supports were needed. The IEP team recently agreed to a comprehensive evaluation which should provide information about Student’s behaviors and needs for the development of an appropriate IEP since the reports indicate conflicting opinions about Student’s needs and how to address them.

Since there are conflicting opinions and lack of sufficient documentation of Student’s behaviors and the impact of that on Student’s learning, it is impossible to determine if the IEP was reasonably calculated to allow the Student to make progress in light of the Student’s circumstances. Considering Student’s present levels of academic and functional performance and the IEP goals, Student’s progress may be slower than many students. However, it is clear that the IEP team needs additional information to develop an IEP that allows Student to make progress. For this reason, there was a substantive denial of FAPE. Furthermore, the District’s failure to provide the needed supports and services outlined in the IEP and promptly hold an IEP meeting when Student’s behavior and progress significantly deteriorated were procedural violations that rose to the level of a denial of FAPE.

**As to Issue No. 2, the District is cited, Correction action is required.**

**Summary of Citations**

<b>IDEA/State Rule Provisions Violated</b>	<b>Description of Violation</b>
34 C.F.R. §§ 300.320-300.328 and 6.31.2.11(B)(1) NMAC	<p>The District failed to develop and implement an IEP that would provide Student a free appropriate public education (FAPE), by failing to</p> <ul style="list-style-type: none"> <li>a. Provide appropriate supports and services to ensure Student’s safety in the school setting.</li> </ul>
34 C.F.R. § 300.101 and 6.31.2.8 NMAC	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 October 31, 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@ped.nm.gov](mailto:Elizabeth.Cassel@ped.nm.gov)

The file on this complaint will remain open pending the PED's satisfaction that the required elements of this Corrective Action Plan are accomplished within the deadlines stated. The District is advised that the 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 October 21, 2023 and reported to the SED no later than November 1, 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**

<b>Step No.</b>	<b><u>Actions Required by District</u></b>	<b><u>Complete Actions By</u></b>	<b><u>Documents Required to be Submitted to PED SED</u></b>	<b><u>Document Due Date</u></b>
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).	<b>October 31, 2022</b>	Written Assurance Letter/Email	<b>October 31, 2022</b>
2.	The District Special Education Director, and the School Principal shall meet with the SED Education Administrator assigned to the District and the 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 SED.	<b>November 7, 2022</b>	Notes from meeting prepared by District	<b>November 14, 2022</b>
3.	The District Special Education Director and CAP Monitor will meet with Student's special education teacher, one-to-one aide, any related service personnel, school special education coordinator/lead and school principal to review the Complaint Resolution Report to ensure that those persons understand the complaint, the violations that were found, and the	<b>November 14, 2022</b>	Notes from meeting prepared by District	<b>November 21, 2022</b>

<b>Step No.</b>	<b><u>Actions Required by District</u></b>	<b><u>Complete Actions By</u></b>	<b><u>Documents Required to be Submitted to PED SED</u></b>	<b><u>Document Due Date</u></b>
	corrective actions that will be taken to address the violations.			
<b>4.</b>	<p>District shall complete a comprehensive evaluation of student and an FBA.</p> <p>Any reevaluation and/or FBA conducted after September 30, 2022 may serve to satisfy this requirement.</p>	<b>November 21, 2022</b>	Evaluation Report and FBA Report	<b>November 30, 2022</b>
<b>5.</b>	<p>District shall review the provision of SL and OT services provided during the 2021-2022 and 2022-2023 school years. District shall consult with Student’s SL and OT providers to identify missed services. District shall create a plan to provide compensatory services for the amount missed during this period. All compensatory education shall be provided by October 21, 2023.</p> <p>The plan for compensatory services shall be documented in the PWN(s) for the Facilitated IEP meeting(s) as well the IEP resulting from Step 9.</p> <p>These compensatory services are above and beyond the regular services required by Student’s IEP. The schedule for compensatory services should be developed in collaboration with the parent and can include provisions for services in the summer months.</p>	<p><b>November 21, 2022</b></p> <p><b>October 21, 2023</b></p>	<p>Written report of service provision review</p> <p>Documentation of delivery/provision of compensatory education services, including logs of services and progress reports.</p> <p>Prior Written Notice containing plan for compensatory services.</p>	<p><b>November 30, 2022</b></p> <p><b>Monthly from date of compensatory services plan until the compensatory education hours are completed</b></p> <p><b>15 days after the FIEP meeting is held</b></p>

<b>Step No.</b>	<b><u>Actions Required by District</u></b>	<b><u>Complete Actions By</u></b>	<b><u>Documents Required to be Submitted to PED SED</u></b>	<b><u>Document Due Date</u></b>
	<p>If the District, due to staffing or other limitations, is unable to provide the needed IEP and compensatory services as outlined in Student’s IEP and the compensatory services plan, the District is required to contract with a private provider to ensure those services are provided.</p>			
6.	<p>District shall review all progress monitoring and progress reporting conducted during the 2021-2022 and 2022-2023 school years to determine if any deficiencies exist in the frequency or detail of the progress monitoring and reporting. Additionally, District shall determine if progress was insufficient or whether additional needs arose for Student during this period.</p> <p>District shall provide report identifying any deficiencies in progress monitoring and reporting to Student’s special education teacher, one-to-one aide, other service providers.</p>	November 21, 2022	Written report of progress monitoring review	November 30, 2022
7.	<p>District shall create a plan to improve communication with parent which includes:</p> <ul style="list-style-type: none"> <li>• Periodic progress reporting in intervals no longer than bi-weekly;</li> </ul>	November 21, 2022	Written Communication Plan which may be included in Student’s IEP or the IEP meeting PWN.	November 30, 2022

<b>Step No.</b>	<b><u>Actions Required by District</u></b>	<b><u>Complete Actions By</u></b>	<b><u>Documents Required to be Submitted to PED SED</u></b>	<b><u>Document Due Date</u></b>
	<ul style="list-style-type: none"> <li>• Urgent or emergent reporting to parent as needed;</li> </ul> <p>Parents shall be included in the creation of this plan.</p>			
<b>8.</b>	<p>The District will convene a facilitated IEP meeting for Student. The FIEP meeting shall address:</p> <ul style="list-style-type: none"> <li>• Additional needs identified as part of the comprehensive evaluation and FBA required in Step 4;</li> <li>• Needed Compensatory OT and SL services identified as part of Step 5;</li> <li>• Any additional needs identified through the progress monitoring review required in Step 6;</li> <li>• Parent Communication Plan required in Step 7 which shall include a progress reporting plan.</li> </ul> <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</p>	<b>December 2, 2022</b>	<ol style="list-style-type: none"> <li>1. Invitation to IEP meetings,</li> <li>2. IEPs,</li> <li>3. Prior Written Notices, and</li> <li>4. Agenda for FIEP team meetings</li> </ol> <p>Confirmation of arrangement with Facilitator from PED approved list of Facilitators</p>	<p><b>15 days after the FIEP meeting is held</b></p> <p><b>Within 3 days of making arrangements for facilitator.</b></p>

<b>Step No.</b>	<b><u>Actions Required by District</u></b>	<b><u>Complete Actions By</u></b>	<b><u>Documents Required to be Submitted to PED SED</u></b>	<b><u>Document Due Date</u></b>
	<p>PWN at the conclusion of the FIEP meeting.</p> <p>The District shall ensure that the FIEP team includes, but is not limited to, parents, special education teacher, one-to-one aide, and related services providers (OT, SL etc.).</p>			
<b>9.</b>	<p>The District shall arrange to provide training to District personnel (including general education teachers, special education teachers, special education administrators, and related service personnel), on the following special education topics:</p> <ul style="list-style-type: none"> <li>• Developing and implementing an appropriate IEP that includes providing behavioral supports and other needs of Student;</li> <li>• General progress monitoring and progress reporting</li> <li>• Progress monitoring, reporting and documentation of behavior incidence and discipline;</li> <li>• Use of progress monitoring and reporting to inform IEP decision.;</li> </ul> <p>The training shall be provided by a person with expertise in special</p>	<b>December 9, 2022</b>	<p>Confirmation of the date of the training</p> <p>Confirmation of attendees at the training and plan for addressing the provision of training to those staff not in attendance</p> <p>Submission of proposed trainer and</p>	<p><b>November 21, 2022</b></p> <p><b>December 16, 2022</b></p> <p><b>November 14, 2022</b></p>

<b>Step No.</b>	<b><u>Actions Required by District</u></b>	<b><u>Complete Actions By</u></b>	<b><u>Documents Required to be Submitted to PED SED</u></b>	<b><u>Document Due Date</u></b>
	education who was not involved in responding to this complaint and who is approved by NMPED.		trainer’s resume and proposed presentation for NMPED approval.	

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 K. Bennett*  
Michele K. Bennett, Esq.  
Complaint Investigator

Reviewed by:

*/s/ Miguel Lozano*  
Miguel Lozano, Esq.  
Chief Counsel, Special Education Division

Reviewed and approved by:



Deborah Dominguez-Clark  
Director, Special Education Division