

Notice of Breach	Contract Provision Identified by PEC as Breached	Corrective Action Needed	Person Responsible proposed by School	Corrective Action to be Taken Proposed by the School	Date of Completion	Background of Action	CSD Response
01.11.2023	Section 2, Scope, paragraph 2, i. and ii. The school must act through the designated charter representatives in its contract negotiations.	The school must act through the designated charter representatives in its contract negotiations. The Governing Board breached the contract either: 1) by representing to PEC that the Charter Contract was negotiated by a person with authority and approved by the Board when the present board now represents that those people did not have such authority, or the designated representatives who negotiated the Charter Contract acted outside of their scope and without approval from the board. 2) if the designated charter representatives were appropriately acting on behalf of the school, then the present board has failed to comply with the signed contract and implement it. 3) Further, if there was an issue with authority to enter into Charter Contract, the School failed to timely remedy any possible issues related to the contract from the time period May - July 2022 even after being directed to correct these issues by the PEC on August 19, 2022.	Governing Council	a) Provide Proof of Modification of the Charter Mission Statement b) Provide Proof of Modification of the Mission Specific Goal c) Provide Proof of modification of the Charter Contract Language, including Name Change	Feb-23	The designated representatives who negotiated the Charter Contract acted outside of their scope and without approval from the board. The Charter Contract amendment was never provided to the board and was held in confidence by the former head learner Angela Feathers and board President Willie Williams. The attached agenda to the Charter Contract is invalid. The former President and former Head Learner worked outside of board authority to enact policy and keep the board in the dark	To address this portion of the 'Notice of Breach', the school explains in the Corrective Action Plan that it provides sufficient oversight of the Head Administrator to ensure that the educational Program is being implemented, and that the school staff is trained to implement the mission and educational philosophy of the school. The school restates its plan to provide enhanced training to teachers, and explains that it has retained a Montessori trained teacher. CSD determines that the Corrective Action Plan, as it pertains to items 1 and 2 of this portion of the 'Notice of Breach', sufficiently addresses these areas of concern.
Educational Plan and Performance framework							
01.11.2023	Section 4 1, Purpose; 2, Mission; 4, Comprehensive Educational Program of the School; Section 5; Performance Framework	The Governing Board breached the contract by failing "to institute a Montessori program with trained Montessori staff"; to provide documentation to CSD regarding how the mission-specific goals are being implemented, and to fully implement the mission and educational program as negotiated, to set up the mission-specific goals and set up a scoring sheet for the implementation of the mission-specific goals, and to timely seek to amend the contract if the board had concerns with the contract when this requirement was requested of them in August 2022.	Governing Council and Head Learner	Begin offering Montessori training to teachers who have been at the school longer than 3 years per the Mission Specific Goals) by the Indigenous Montessori Team Center	Apr-23	The Indigenous Montessori Learning Center has been contacted and the HL is arranging a more in-depth conversation to begin providing training to our staff. Being that our Mission Specific Goal #2 doesn't provide for training to staff of less than 3 years, we believe this will help jump start this process.	To address this portion of the 'Notice of Breach', the school states in the Corrective Action Plan that no changes have been made to the Montessori program during the current contact term. The explanation, however, does not detail how the school has instituted a Montessori Program, or has provided Montessori training to the teaching staff. In the Corrective Action Plan, the school establishes a goal to provide Montessori training to teachers with 3 or more years of service to the school, and a commitment to update to the PEC in April of 2023. As previously stated, La Tierra Montessori School has committed to proposing an amendment to the mission-specific goals prior to the February 2023 PEC meeting, and has sought consultation from CSD to develop their goals and scoring rubrics.
01.11.2023		Begin offering Montessori training to our teachers who have been at the school longer than 3 years per the Mission specific Goals by the Indigenous Montessori Learning Center	Governing Council and Head Learner	The Indigenous Montessori Learning Center has been contacted and the HL is arranging a more in-depth conversation to begin providing training to staff.	Apr-23	The Indigenous Montessori Learning Center has been contacted and the HL is arranging a more in-depth conversation to begin providing training to staff.	To address this portion of the 'Notice of Breach', the school explains in the Corrective Action Plan that it provides sufficient oversight of the Head Administrator to ensure that the educational Program is being implemented, and that the school staff is trained to implement the mission and educational philosophy of the school. The school restates its plan to provide enhanced training to teachers, and explains that it has retained a Montessori trained teacher. CSD determines that the Corrective Action Plan, as it pertains to items 1 and 2 of this portion of the 'Notice of Breach', sufficiently addresses these areas of concern.
Adequate supervision							

01.11.2023	Section 4.5 , Governance, vi., viii. and ix.: Comply with all provisions of the Contract and law, hiring and overseeing the Head Administrator, and comply with Board Training requirements. Section 4.6 , Operation, ii., iii, vi. and viii.: Comply with all federal and state laws relating to the education of children with disabilities, comply with all laws related to safety, notify the Commission of allegations or inappropriate contact with a student	Governing Board breached the contract by inadequately overseeing the Head Administrator and failed to ensure the Board oversaw the Head Learner which resulted in the failure to implement an educational program	Governing Council	Create and institute a process or procedure for timely reports and updates from head learner for Governing Council to receive regular reports and monitor educational programs presented to students.			To address this portion of the 'Notice of Breach', the school explains that it has hired Patricia Herrera as the Head Administrator. CSD is aware that Patricia Herrera is contracted as 0.19 FTE for the Interim Head Administrator position, and also as 0.50 FTE in a Special Education Coordinator position. It is unclear, from the Corrective Action Plan, how the board plans to ensure appropriate oversight of the school, overall, as well as the Special Education Program, with one employee contracted to oversee both roles. CSD determines that the Corrective Action Plan, as it pertains to this portion of the 'Notice of Breach', requires further development, and does not sufficiently address identified concerns at this time. In the Corrective Action Plan, the school explains that it has fully complied with Governing Board Training Requirements to date and plans to complete all required board training prior to March 2023. CSD acknowledges this and determines that the goal related to this portion of the Corrective Action Plan does sufficiently address this concern outlined in the 'Notice of Breach'.
Special Education and Safety Concerns							
01.11.2023	Section 4.6 , Operation, ii., iii, vi. and viii.: Comply with all federal and state laws relating to the education of children with disabilities, comply with all laws related to safety, notify the Commission of allegations or inappropriate contact with a student	Comply with all federal and state laws relating to the education of children with disabilities, comply with all laws related to safety, including notifying the Commission of allegations or inappropriate contact with a student	Governing Council	Institute process and guidelines for the reporting and investigation of any allegations involving student safety or inappropriate contact with or between students.	Feb-23		The La Tierra Montessori School Corrective Action Plan explains that the school complies with all laws related to safety, and that the school notifies the Commission of allegations or inappropriate contact with a student. The CAP also explains steps LTMS has taken and will take to further develop and refine board approved policy related to school safety and incident reporting. However, following a January 9, 2023 site visit to the school, CSD determined that additional issues related to school safety should be considered prior to determining that the plans outlined in the current CAP adequately address and serve as a remedy for item 4 in this section of the 'Notice of Breach'.
01.11.2023		School is not appropriately working to meet the needs and requirements of special education students	Special Education Team / Patricia Herrera, HL	Creation and implementation of plan for progress monitoring and parental updated on child's process	Apr-23		In the response to the 'Notice of Breach', La Tierra Montessori School reports that it complies with all federal and state laws relating to the education of children with disabilities. In the Corrective Action Plan, the school details steps it has taken to remedy issues found with the school's special education program. Additionally, the school set several goals related to the administration of the program, as well as the documentation and delivery of related services. CSD is unable to determine from the CAP, the school's plan and ability to fully deliver Special Education and related services as outlined in Student IEPs without delay, and throughout each school day, based on the specific, individual needs of students. Additionally, after closer examination of the Special Education Program at La Tierra Montessori school during a January 9, 2023 site visit by the NMPED's Special Education Bureau, it is the belief of the CSD that the school's response to the 'Notice of Breach', including the goals and timelines detailed in the Corrective Action Plan, do not fully address the concerns related to item 3 of this portion of the 'Notice of Breach'.
01.11.2023		Parents are not being made aware of additional services their children may be entitled to or considered for	Special Education Team / Patricia Herrera, HL	Creation and implementation of plan for parents to receive letters from the department regarding ancillary compensatory services	Feb-23	To date, parents have not been made aware of services which may help students outside of school	
01.11.2023		School has failed to implement regular times for children to be removed from class pursuant to IEP for each student	Special Education Team / Patricia Herrera, HL	Students and the program will institute set office hours which will allow for "pull-out" and inclusion support.	Mar-23	School has failed to implement regular times for children to be removed from class pursuant to IEP for each student	
01.11.2023		School has failed to develop and implement investigative reporting plan to ensure the safety and wellbeing of students	Governing Council	Create, Institute and Implement a more streamlined and updated Grievance and Employee Harassment Form; Pet Policy; Student and teacher cell phone policy and a Discipline write up form	Voted on by GB on Dec. 10, 2022	Schools prior plan for reporting information related to student safety and well-being was inadequate to serve purpose of protecting students	
01.11.2023		School must modify the 200 policies related to receipt and process	Governing Council	Update and approve 200 policies	Apr-23		
01.11.2023		Create and implement plan and tracking of student isolation screening	Head Learner and Office Staff	Create and implement plan and tracking of student isolation screening	Update in April 2023 and June 2023	School is to comply and participate in state required assessments to ensure academic outcomes	

Testing and student outcomes

01.11.2023	Section, 5.2, i., ii. and iv. Participate in State-required assessment and meet State's standards of excellence	The Governing Board breached the contract by failing to meet or make substantial progress toward achievement of the department's standards of excellence or student performance standards identified in the charter contract including achieving academic outcomes and participation in state-wide testing.		In the response to the 'Notice of Breach', La Tierra Montessori School reports in the Correction Plan the steps the school has taken to improve the administration of assessments, student participation in assessments, as well as improve student outcomes. The CAP further details goals the school has set related to the administration of NWEA MAPS assessments (mid-year and end-of-year) and ACCESS testing, and the plan to provide ongoing updates to CSD.			CSD determines that the Corrective Action Plan, as it pertains to this portion of the 'Notice of Breach', sufficiently addresses these areas of concern.
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