

STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-5800
www.ped.state.nm.us

February 8, 2023

Head Learner Patricia Herrera
La Tierra Montessori School of Arts and Sciences
P.O. Box 139
Española, NM 87532

RE: Finding of Non-compliance and Required Corrective Action

Dear Head Learner Herrera

The New Mexico Public Education Department (“PED”) is responsible for ensuring that the requirements of the Individuals with Disabilities Act (“IDEA”) are met among local educational agencies within the state. 20 U.S.C. § 1412(a)(11)(A); 34 C.F.R. § 300.149. In furtherance of this responsibility, all educational programs serving children with disabilities are under the general supervision of PED and must meet the state agency’s educational standards. *Id.*

A component of state-level general supervision is monitoring the local educational agencies for implementation of IDEA requirements. 34 C.F.R. § 300.600(a)(1). In instances where monitoring activities have identified IDEA noncompliance, then PED must ensure that this noncompliance is corrected as soon as possible. 34 C.F.R. § 300.600(e).

On January 9, 2023. Special Education Division staff accompanied staff from the Charter School Division on a site visit to the school. During the site visit, a review of Individualized Education Programs (IEPs) was conducted in addition to an interview with you, as the Head Learner who also serve as the Special Education Director, special education case manager and special education teacher. During the visit, several instances of non-compliance were identified including: (1) students not receiving special education and some related services as required per each student’s IEP; (2) special education and related services not being tracked; (3) overdue and incomplete IEPs; (4) incomplete secondary IEPs; and (5) IEPs were not accessible to teachers of

students with disabilities. A follow-up visit was conducted on January 25, 2023, with the Charter School Division. During the subsequent visit, the staff found no evidence that corrections were made to any of the issues identified during the January 9 visit.

Non-compliance of the IDEA or state special education rules identified during these site visits requires corrective action to be implemented by the LEA. The required corrective action is outlined in the attached Corrective Action Plan. All areas of non-compliance shall be corrected as soon as possible and within the deadlines provided in the plan and, in no case later than one year after the identification of the non-compliance. 34 C.F.R. § 300.600.

Thank you for your anticipated cooperation in these compliance activities. If you have any questions or concerns, please do not hesitate to call my office at (505) 819-1337.

Sincerely,

A handwritten signature in blue ink that reads "Deborah Dominguez-Clark". The signature is written in a cursive style with a large, sweeping flourish at the end.

Deborah Dominguez-Clark
Director, Special Education Division

cc: Corina Chavez, Director, Charter Schools Division, PED
Liz Schweiger, Education Administrator, Special Education Division, PED