



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

ARSENIO ROMERO, PH.D.
SECRETARY OF EDUCATION

MICHELLE LUJAN GRISHAM
GOVERNOR

NEW MEXICO PUBLIC EDUCATION DEPARTMENT
SPECIAL EDUCATION DIVISION
Complaint Resolution Report
Cesar Chavez Community School
Case No. 2324-10
October 31, 2023

This Report requires corrective action. See pages 13–16.

On September 1, 2023, there was a complaint filed with the New Mexico Public Education Department's (NMPED) Special Education Division (SED) 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;

¹ The state-level complaint procedures are set forth in the federal regulations at 34 C.F.R. §§ 300.151 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;
- an opportunity was provided to interview the complainant but the complainant declined;
- interviews were completed with the Executive Director and a questionnaire was completed by special education teachers; 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.

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 School failed to develop and implement IEPs that allow students with disabilities to make educational progress, in violation of 34 C.F.R. §§ 300.320-300.328 and 6.31.2.11(B)(1) NMAC; specifically, whether the School:**
 - a. Provided appropriate qualified special educational instruction and services by qualified providers that met each student’s individual needs;**
 - b. Developed and implemented goals that were aligned with curriculum standards and addressed each student’s individual needs;**
 - c. Ensured that each student’s IEP goals were implemented with fidelity to allow student to make educational progress;**
 - d. Ensured that all special education students received all of the special education services and supports required by the IEPs; and**
- 2. Whether the School’s actions and/or omissions towards the students 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

1. There were three students named in the complaint.
2. School was an online public school with asynchronous and synchronous classes. Students completed some work online and participated in Zoom classes.
3. The program was flexible during nontraditional hours to address the needs of students that had been unsuccessful in traditional school settings.
4. Each Student had a mentor to assist in issues regarding completion of work and there were frequent contacts with school staff to troubleshoot issues and celebrate successes.
5. During the 2022-2023 school year, there were three full time experienced special education teachers and two social workers. One of the special education teachers was also the special education coordinator. Additional special education services were provided through contractors.
6. Staff would use differentiated learning with scaffolding and extensive supports to allow students to grow in skills but still participate in grade level classes. Staff encouraged the use of Zoom classes rather than online Edgenuity classes to allow extra support from teachers and educational assistants.

Student 1

7. Student 1 had transferred to Charter School in August 2022.
8. Student 1 was [REDACTED] and in the [REDACTED] grade. They had a program of study to graduate with a regular diploma and thereafter pursue a career as a diesel mechanic.
9. Student 1 was eligible for special education under the category of a specific learning disability in the areas of reading, math and written language.
10. Student 1's IEP dated August 23, 2023, listed 6 goals: transition, reading, 2 math, written language and social/emotional.
11. The only reading goal was "when provided with a specific reading assignment, [Student 1] will be able to identify the main idea, goal and purpose of the passage...."
12. One of the math goals stated, "when given specific math problems, [Student1] will be able to solve simple and complex expressions using terms, factors and coefficients."
13. At their previous school, Student 1 was in a special education classroom for English language arts and math. Student 1 also received social work and rehab counseling. At Charter School, Student 1 received 7.58 hours of special education services a week: 120 minutes per week in reading, 305 minutes per week in math, 15 minutes a week in social work services and 15 minutes a week for case management.
14. Student 1's reading level had improved from first grade on the STAR reading to second grade.

15. In math, Student 1 was working on basic addition, subtraction, single digit multiplication and division.
16. Student 1 also had needs in the area of written language and used speech to text to assist in writing elementary level texts.
17. Student 1 was in general education classes with an educational assistant (EA) available. Student 1 received weekly mentoring and the IEP team recommended the EA be available in science.
18. Student 1 had incompletes in social studies.
19. Student 1 last evaluation was completed in 2018. Parent was not included as a participant on the IEP nor on the most recent eligibility report.
20. Student 1 has had chronic attendance issues. Last year, Student 1 missed 45.5 days of instruction but attendance has improved this year. Student 1 has earned 9.5 credits toward graduation.
21. Student 1 was not reading when enrolled in School but is now at second grade level in reading and showing increases in reading and math scores.

Student 2

22. Student 2 was a [REDACTED] grader and enrolled in Charter School on October 20, 2021.
23. Student 2 was eligible under the category of specific learning disability with needs in reading, math, written language and social work. Student 2 had made limited progress on goals and did not attend school until September 9, 2023.
24. Student 2, [REDACTED] was working full time but Charter School continued to reach out to Student 2 to return to school.
25. The last evaluation was completed on March 18, 2021.
26. Student 2's needs include reading comprehension, math calculation and written expression. These needs are manifested in Student 2's ability to recall math facts, write cohesively, demonstrate sight word acquisition and fluently produce and recall grapheme-phoneme associations. When in school, Student 2 would use accommodations independently and effectively. Student 2's future plans were to be a mechanic and was on a modified graduation program of study.
27. Student 2's IEP was completed on April 6, 2023. A full evaluation was recommended for Fall of 2023.
28. Student had goals in the following areas: reading, written language, math, life skills and social/emotional.
29. The reading goal stated, "[Student 2] will be able to use context clues to determine the meaning of an unfamiliar word...and answer questions based on the passage."

30. A written language goal required editing a five-sentence paragraph on a given topic using a topic sentence, three details and a conclusion.
31. Student 2's math skills are at 2.3 grade level and the goal was to complete basic computational skills using integers and whole numbers.
32. Student 2's special education services included 305 minutes each weekly in English, math and written language and 15 minutes per week of social work services for a total of 15.5 hours of special education services. These services were provided in a special education setting.
33. Progress notes indicated no progress on IEP goals because of absences.

Student 3

34. Student 3 was [REDACTED] and in the [REDACTED] grade when enrolled at Charter School on August 8, 2022, with a goal of becoming a veterinary technician.
35. Student 3 was eligible under the category of specific learning disability in reading, written language and math. Student 3 has attention deficit hyperactivity disorder (ADHD) and took daily medication. Student 3 worked with social worker on anxiety and stress.
36. Student 3 has had chronic absenteeism and has earned minimal credits toward graduation. Student 3 is on the standard program of study for graduation.
37. Student 3 received special education services in math, social studies, science and math at their previous school along with 25 minutes a week of social work support.
38. Consent for a reevaluation was received on January 7, 2022. The evaluation was completed on October 25, 2022.
39. The results of that evaluation noted that a psychological and dyslexia testing was recommended. They have not been completed. Student 3 was assessed to be reading at a third-grade level.
40. Chronic absenteeism was because Student 3 would not get up, slept a lot and was possibly depressed.
41. It was also reported that Student rarely left the house and would not interact with others in the classroom.
42. Student 3's most recent IEP was completed on October 25, 2022. There were six goals for Student: transition, health education, reading, career readiness, written language and math.
43. Student 3's reading goal stated, "when given instruction using reading materials at [Student 3's] reading level, [Student 3] will be able to identify a central idea...and cite two or more supporting details."

44. A written language goal stated, “when given instruction in writing mechanics at grade level, [Student 3] will produce coherent pieces of writing in which the development, organization and style are appropriate....”
45. Student 3 scored at a third-grade math level and the corresponding math goal read as follows: “[Student 3] will demonstrate an understanding of lines and angles by solving problems involving lines and angles.”
46. In the most recent IEP, Student 3 had daily EA support in general education classes. Student struggled in all general education curriculum. In classes, Student 3 often did not log on or stayed on until the end of class.
47. There has been some improvement in attendance but the IEP noted Student does not interact in class and sometime slept through class. Student 3 was enrolled in only three online classes.
48. This year, Student 3 rarely completed assignments and attended class less than half the time.
49. Minimal progress was noted because of absenteeism.

Discussion and Conclusions of Law

Issue No. 1

Whether the School failed to develop and implement IEPs that allow students with disabilities to make educational progress, in violation of 34 C.F.R. §§ 300.320-300.328 and 6.31.2.11(B)(1) NMAC; specifically, whether the School:

- a. **Provided appropriate qualified special educational instruction and services by qualified providers that met each student’s individual needs;**
- b. **Developed and implemented goals that were aligned with curriculum standards and addressed each student’s individual needs;**
- c. **Ensured that each student’s IEP goals were implemented with fidelity to allow student to make educational progress;**
- d. **Ensured that all special education students received all of the special education services and supports required by the IEPs.**

Special education is “specially designed instruction provided at no cost to the parents, that is intended to meet the unique needs of a child with a disability.” 34 C.F.R. § 300.39(a)(1). This specialized designed instruction is adapting the content, methodology or delivery of instruction to address the unique needs of an individual child. 34 C.F.R. § 300.39(b)(3). These unique needs are more than academic needs but can include social, health and emotional needs. *County of San Diego v. California Special Education Hearing Office*, 93 F.3d 1458 (9th Cir. 1996). Behavioral

needs are also part of the IEP process and can be addressed in a behavioral intervention plan (BIP). A BIP is usually a component of the IEP to address behaviors that interfere with the student's learning and are inconsistent with school expectations. *Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions*, 81 IDELR 138 (OSERS 2022).

IEPs are to be developed during an IEP meeting. The IEP team must consider the student's strengths, any concerns of the parents, results of evaluations, and academic, developmental and functional needs of the student. 34 C.F.R. § 300.324(a)(1). Parents, as required members of the IEP team, must have adequate information to make informed decisions. 34 C.F.R. § 300.321(a)(1). Every IEP for a student must contain "[a] statement of the child's present levels of academic achievement and functional performance, including --How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children)." 34 C.F.R. § 300.320(a)(1). This statement of PLAAFP assists in determining the needs of an individual student to develop annual goals to allow the student to receive FAPE and make progress in the general education curriculum. *Bakersfield City School District*, 51 IDELR 142 (SEA CA 2008). The PLAAFP must be comprehensive and provide baseline data that reflects all the child's needs, both academic and nonacademic. This also should include relevant background information about needs, strengths, interests and learning styles. 34 C.F.R. § 300.324(a). The PLAAFP must be individualized to reflect the unique needs and abilities of a particular student. *Letter to New*, 211 IDELR 464 (OSEP 1987).

A child's annual IEP must include measurable annual goals, both academic and functional that meet the child's needs that result from the child's disability and allow the child to participate in and make progress in the general education curriculum. The IEP goals must address all the child's needs that result from the child's disability. 34 C.F.R. § 300.320(a)(2). Annual goals should reflect what is reasonably expected to be accomplished during the annual IEP period. *Letter to Butler*, 213 IDELR 118 (OSERS 1988). The annual goals should be specific to be able to determine progress made and the specific skills needed to achieve progress on goals. 64 Fed. Reg. 12, 471 (1999). When a student is not making progress on their goals, the IEP team needs to meet to modify the goals or determine the need for additional supports and services. 34 C.F.R. § 300.324(b)(ii)(A). An IEP must be implemented with all required components. 34 C.F.R. § 300.324(b)(ii)(a). However, only material failures of implementation will result in a denial of FAPE. *See Van Duyn v. Baker School District*. 5J, 502 F.3d 811, 822 (9th Cir. 2007).

a. Provided appropriate qualified special educational instruction and services by qualified providers that met each student's individual needs.

As noted in the School's response, this School was a public charter school with flexible programs during nontraditional hours to meet the needs of those students who often fall through the cracks. The three named students in the complaint all were at risk when they arrived at school. They also had issues with attendance and completion of work. All three students were eligible under the category of a specific learning disability in reading, written language, and math. The school had three certified special education teachers but the three students were in the general education classroom with EA support. All three students had significant needs in reading, math and written language. Minimal progress was noted because of absenteeism. It was unclear whether the three students could successfully complete the online coursework or Zoom classes with their noted deficits in reading, math and written language without extensive services and support from a certified special education teacher. For example, Student 1 could read at a second-grade level and was completing basic addition, subtraction and one digit multiplication and division but was in online general education classes with EA assistance. In addition, there were concerns that Student 3 may have had additional needs that were not being addressed. The most recent evaluation suggested that Student 3 might have been depressed, slept a lot and missed classes, did not want to socialize or leave home. Psychological and dyslexia evaluations were recommended but not completed. It is not clear that the School was providing appropriate special education services by qualified special education providers to meet each student's needs and make educational progress. With these three named students, they were not making progress, due in part to chronic absenteeism.

As to Issue #1a, the School is cited and Corrective Action is required.

b. Developed and implemented goals that were aligned with curriculum standards and addressed each student's individual needs.

All three students had goals in reading, written language and math. The students' goals were aligned with the curriculum standards but it was not clear that the goals reflected each student's individual needs and abilities. For example, Student 1 was reading at a second-grade level and writing elementary text but the reading goal was to identify the main idea in the story. There was no goal to address that Student 1 was only reading at a second-grade level. One of the math goals required Student 1 to solve simple and complex expressions using terms, factors and coefficients yet Student 1 was working on basic addition, subtraction, and single digit multiplication and division." The written language goal was to use a graphic organizer to produce written work following grammatical conventions to answer questions. Student 3 was reading at a third-grade level, the reading goal was to identify the main idea with supporting details at

reading level. Student 3's transition goal was to be a veterinary technician but the academic goals did not address how to prepare Student for future. Student 2 also wanted to be a mechanic and was working full-time. Student 2's services were to be provided in the special education classroom. Student 2's goals in reading, written language and math were to use context clues to determine the meaning of an unfamiliar word...and answer questions based on the passage; edit a five-sentence paragraph on a given topic using a topic sentence, three details and a conclusion and complete basic computational skills using integers and whole numbers. Student 2 scored at the 2.3 grade level in math. Student 2 has not attended School this year except for one day. The School was unable to explain exactly how students were successful in grade level classes when they did not have the skills necessary to complete grade level work. The School indicated that staff would use differentiated learning with scaffolding and extensive supports to allow students to grow in skills but still participate in grade level classes. The students' goals did not reflect the student's needs or abilities.

As to Issue #1b, the School is cited and Corrective Action is required.

c. Ensured that each student's IEP goals were implemented with fidelity to allow student to make educational progress.

Students that attend Charter School were at risk and have not had success in traditional schools. Supports and mentors were some of the tools used to get the students engaged in the program so the students could be successful. However, for all three of the named students, chronic absenteeism was a problem and the students rarely attended or participated in any of the programming at the school. When students were not in attendance then the School could not implement IEP goals and students were unlikely to make educational progress. There was no evidence that students' goals were not implemented when they were at School.

As to Issue #1c, the School is not cited.

d. Ensured that all special education students received all of the special education services and supports required by the IEPs.

The named students in the complaint were often absent from school which prevented implementation of their IEPs. The PWN from the October 25, 2022 IEP meeting noted that psychological and dyslexia testing were recommended for Student 3 but those assessments were never completed during the evaluation. The results of psychological and dyslexia testing might have suggested other supports or services to increase Student's 3 attendance and progress on IEP goals. Although all three named students had issues with attendance, the number of attempted contacts was noted by social work, special education or other mentors and was documented but there was no evidence that an IEP meeting was convened to determine if there were additional supports and services needed to assist these students. For these three students,

the School failed in their child find obligations by not convening IEP team meetings to determine if additional supports and services were needed for students to be successful.

As to Issue #1d, the School is cited and Corrective Action is required.

As to Issue No. 1a, 1b, and 1d, the School is cited and Corrective Action is required. As to Issue No. 1c, the School is not cited.

Issue No. 2

Whether the School's actions and/or omissions towards the students 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. A District is 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 F.3d 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).

The substantive question requires a review of the students' IEPs. These three students were at risk and all had disabilities in reading, math and written language. The students were not at grade level and were chronically absent from classes which decreased their chances for educational progress. Additional IEP meetings were not convened to determine if there were other measures that could be taken to increase attendance and educational progress. There were frequent contacts by Charter School personnel to troubleshoot and celebrate successes but the students were still absent and making limited or no progress or goals or completing credits towards graduation. Those issues should have been addressed through the IEP process. When an IEP is not working, the IEP team should reconvene to consider other options to ensure the child receives FAPE. There was a substantive violation on the record because the IEPs for the three named students were not individually tailored to address each student's disability-related learning needs.

There were two substantial procedural violations on this record. The failure to convene IEP meetings when chronic absenteeism continued and students made minimal, if any, progress on IEP goals was one violation. Another was the failure to timely complete psychological and dyslexia evaluations for Student 3. These procedural violations deprived the students of educational opportunity because if the IEP team had met and determined the need for additional services or supports or completed a timely evaluation, then the students may have made educational progress instead of minimal to no progress. Collectively, both the substantive and procedural violations on this record resulted in a denial of FAPE for these three students.

As to Issue No. 2, the School is cited and Corrective Action is required.

Summary of Citations

IDEA/State Rule Provisions Violated	Description of Violation
34 C.F.R. §§ 300.320-300.328 and 6.31.2.11(B)(1) NMAC	<p>The School failed to develop and implement IEPs that allow students with disabilities to make educational progress; specifically, the School:</p> <ul style="list-style-type: none"> • Failed to provide appropriate qualified special educational instruction and services by qualified providers that met each student’s individual needs; • Failed to develop and implement goals that were aligned with curriculum standards and addressed each student’s individual needs; and • Failed to ensure that all special education students received all of the special education services and supports required by the IEPs.
34 C.F.R. § 300.101 and 6.31.2.8 NMAC.	The School’s actions and/or omissions towards the students resulted in a denial of a free appropriate public education (FAPE) to the Student.

Required Actions and Deadlines

By November 7, 2023, the **Charter School'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

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 January 12, 2024 and reported to the SED no later than March 29, 2024. 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 PED SED Corrective Action Plan Monitor that it will abide by the provisions of this Corrective Action Plan (CAP).	November 7, 2023	Written Assurance Letter/Email	November 7, 2023
2.	The District Special Education Director and the school principal shall meet with the PED SED Education Administrator assigned to the District and the PED 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 Special Education Director shall be responsible for arranging this meeting with SED.	November 14, 2023	Notes from meeting prepared by District	November 17, 2023
3.	The Charter School shall conduct a full review of all progress reports from the previous 12 months for all students with disabilities enrolled in the Charter School. The Charter School will convene IEP meetings for all those students making insufficient progress on their goals to ensure students are receiving the appropriate supports and services to make educational progress.	Review of Progress Reports and supplemental reporting shall be completed by December 22, 2023 All additional actions (IEP team	Tracking log of progress review which shall include: <ul style="list-style-type: none"> 1. Student ID number 2. Grade level 3. Date of progress report review 4. Findings of review for specific student 5. IEP Team Meeting date (If needed) 	Monthly until all reviews and subsequent required actions are completed for all students.

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>If progress reports were not kept for any individual student, the Charter School will review progress with the respective student’s teachers and document the student’s progress in a written progress report. If those students are found to not have made sufficient progress on their goals, an IEP team meeting shall be held to ensure the student is receiving the appropriate supports and services to make educational progress.</p> <p>If there is insufficient information to determine an individual student’s needs, then consent for additional evaluations shall be requested and needed evaluations shall be completed after parental consent is obtained.</p>	<p>meetings and evaluations) shall be completed no later than March 29, 2024</p>	<p>6. Date of Request for consent for evaluation (if needed)</p> <p>7. Whether Parent Consented or Declined to consent to evaluation</p> <p>8. Evaluation Completion date (if consent is provided)</p>	
<p>4.</p>	<p>In addition to the above review, the Charter School will review attendance records for all students with disabilities enrolled in the Charter School to identify students that currently exhibit chronic absenteeism while considering the Charter Schools online attendance policies.</p> <p>For those students that identified as exhibiting chronic absenteeism, the Charter School shall convene an IEP team meeting to complete an attendance improvement plan which identifies services and</p>	<p>Review of attendance records shall be completed by January 12, 2024</p>	<p>Tracking log of attendance review which shall include:</p> <ol style="list-style-type: none"> 1. Student ID number 2. Grade level 3. Date of attendance record review 4. Number of excused and unexcused absences 5. Whether student exhibited chronic 	<p>Monthly until all reviews and subsequent required actions are completed for all students.</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>
	supports that are needed to address an identified student's absenteeism.		absenteeism (More than 10% of total school days absent) 6. IEP Team Meeting date (If needed)	
5.	<p>For Student 3, the Charter School will complete a psychological and dyslexia evaluation.</p> <p>The Charter School will request parental consent to conduct the evaluation.</p> <p>If the Parents refuse to provide consent for the evaluation, then the Charter School will provide a written record of the refusal.</p> <p>After an evaluation is conducted, the Charter School will convene an IEP team meeting to revise Student 3's IEP to address any additional needs identified through the evaluation.</p>	Evaluation report shall be completed no later than 60 days from date of receipt of written parental consent.	<p>Documentation of request for consent to evaluate.</p> <p>Copies of evaluation reports, IEP and supporting documents</p> <p>or</p> <p>documentation of Parent declining to provide consent to evaluate.</p>	<p>November 15, 2023</p> <p>Within 15 days of completion of the evaluation report</p> <p>Within 7 days of receiving written refusal.</p>
6.	The Charter School shall arrange to provide training to Charter School staff (including special education teachers, special education administrators, and related service personnel), on the following special education topics:	January 19, 2024	<p>Submission of proposed trainer and trainer's resume and proposed presentation for NMPED approval.</p> <p>Confirmation of the date of the training.</p>	<p>December 1, 2023</p> <p>December 18, 2023</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>
	<ul style="list-style-type: none"> • Implementation and development of appropriate IEP goals; • Effective progress monitoring on IEP goals and reconvening IEP meeting when progress is not being made; • Ongoing Affirmative Child Find Duty; and • Chronic absenteeism strategies to allow for educational progress. <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>		Confirmation of attendees at the training and plan for addressing the provision of training to those staff not in attendance.	February 15, 2024

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/ Michelle Bennett

Michele K. Bennett, Esq.

Complaint Investigator

Reviewed by:

/s/ Miguel Lozano

Miguel Lozano, Esq.

Chief Counsel, Special Education Division

Reviewed and approved by:

DocuSigned by:

Margaret Cage

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Margaret Cage, Ed.D.

Director, Special Education Division