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NEW MEXICO PUBLIC EDUCATION DEPARTMENT
OFFICE OF SPECIAL EDUCATION
Complaint Resolution Report
Albuquerque Public Schools
Case No. C2324-21
December 11, 2023

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

On October 12, 2023 there was a complaint filed with the New Mexico Public Education Department's (NMPED) Office of Special Education (OSE) 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 OSE 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;
- District Questionnaire Answers completed by District staff on November 29, 2023;
- interview with the Parents on December 1, 2023; 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 District developed an IEP that provided sufficient supports for meeting Student’s individual needs, specifically, toileting needs, pursuant to 34 C.F.R. § 300.320, 34 C.F.R. § 300.324, and 6.31.2.11(B) NMAC.
2. Whether the District provided Parent access to Student’s education records, specifically student progress reports, within 45 days of their request, pursuant to 34 C.F.R. § 300.613 and 6.31.2.13(B) NMAC.
3. 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

1. The Student is currently 13 years old and in the seventh grade for the 2023-24 school year.
2. Prior to the filing of this complaint, the Student was last evaluated on December 9, 2020. Student was identified as a student with a disability under the primary disability classification of Multiple Disabilities. The multidisciplinary evaluation team report (MET)

states, in part, Student needs significant assistance with completing all daily living activities, including toileting. In addition, the Student has significant needs in areas related to language, adaptive skills, cognitive function, sensory processing, motor skills, and social interactions.

3. There are multiple IEPs relevant to the period of this investigation. The first IEP is dated January 11, 2022. At the time the IEP was implemented, the Student was in the fifth grade. Relevant portions of the IEP include:
 - a. The IEP contains 12 IEP goals to support academics, communication, motor skills, behaviors, and daily living skills.
 - i. The IEP goal that supports the Student's daily living skills states the following:
 1. "By September 2022, in multiple school settings, [Student] will pull up [their] pants with minimal prompting at least 60% of opportunities across five consecutive days as measured by teacher observation and teacher checklist."
 - a. The Student will be able to pull their pants up with minimal prompting at least 70% of opportunities by January 2023.
 - ii. Special Education services through June 30, 2022 includes, in part:
 1. Life/Work Skills: 420 minutes/week
 - a. Note: The District was asked to explain what life/work skills services entailed. The District's response presumably explains what services have been provided since the Student has transferred to the middle school, not necessarily what instruction was provided in the elementary setting. As described by the District, life/work skills does not include instruction regarding toileting. It is unclear if life/work skills included toileting instruction prior to the 2022-23 school year.
 2. Medical/Safety Support in General Education: 180 minutes/week
 - iii. Special Education services beginning July 1, 2022 includes, in part, a decrease in Life/Work skills services from 420 minutes/week to 275 minutes/week. In addition, no medical/safety support in general education is included.
 - iv. The supplementary aids and services nor accommodations include anything related to toileting.
4. An IEP Progress Report dated May 27, 2022 includes the following regarding Student's progress on their toileting-related goal:

- a. February 28, 2022: Student pulls up their pants 65% of the time; pulls down their pants 100% of the time. The Student needs assistance pulling up their underwear, pull up, and pants from the back.
 - b. May 27, 2022: Student pulls up their pants 65% of the time with prompting; pulls down their pants 100% of the time. The Student needs verbal and hands on support to pull up pants from behind. The Student needs full support for bowel movements.
5. An IEP amendment was made on September 21, 2022, when the Student was in the sixth grade and at the middle school. The IEP states Parents were updated regarding what type of tracking is kept for Student. Specifically, the Team was tracking toileting, among other things. The special education and related services were updated to include “medical/safety support in general education” for 1,650 minutes/week. However, the service schedule that was updated was the previous service schedule for the 2021-22 school year; not the service schedule that then-currently applied. Thus, at that time, the Student’s service schedule reflected no medical/safety support in general or special education classrooms. No other changes were made to the IEP.
6. The prior written notice (PWN) indicates that the District was proposing to offer a one-on-one educational assistant (EA) for 1,650 minutes/week. The PWN does not indicate the EA was only intended to accompany the Student in the general education setting. Rather, the intent was for the EA to accompany the Student throughout the school day in all settings.
7. In December 2022, the IEP Team met to create a new annual IEP. The IEP is dated December 8, 2022. Relevant portions of the IEP include:
 - a. The IEP indicates the Student continues to have toileting issues that result in removal from classroom instruction for more than 10 minutes per class period.
 - b. The IEP includes toileting data on the amount of time the Student spent in the restroom, the Student’s “bathroom etiquette,” and how many accidents occurred from September through November. Specifically, the data includes the following:
 - i. Student was in the restroom for more than 10 minutes for 4% of all restroom breaks in September; 10% in October; 11% in November.
 - ii. In September, Student soiled their pull-up for 12% of all “intervals” (Note: intervals were described as a 1-hour increment in any given day.); 25% of all intervals in October; and 16% of all intervals in November.
 1. The District indicated, there were 82 “intervals” documented over a span of 12 days, in September. Thus, the Student had approximately 10 accidents in their pull-up during the month of September.

- iii. None of the toileting data included is measurable to the toileting-related goal.
 - c. The IEP does not indicate whether the Student met their toileting-related IEP goal or not. However, the PLAAFP does indicate that the EA working with Student has had success in teaching the Student how to begin cleaning themselves after using the restroom through modeling and verbal cuing.
 - d. Despite the Student's struggles with toileting, the IEP does not contain a goal to address toileting needs. Instead, the IEP contains seven goals to support academics, communication, attention, and functional skills.
 - e. Special Education services includes the same life/work skills instruction as the September 2022 IEP Amendment and 275 minutes/week of "Medical/Safety Support in General Education."
 - i. The IEP does not include medical/safety support in the special education setting, or any other setting, for the remaining 1,650 minutes of the school week.
 - f. The supplementary aids and services nor accommodations include anything related to toileting.
- 8. The PWN dated December 8, 2022 indicates, in part, the District proposes to provide 1,925 minutes of medical/safety support (i.e., one-on-one EA); 275 of those minutes will be in the general education classroom. The PWN does not say anything regarding toileting.
- 9. The District asserts toileting was discussed at the December 2022 IEP meeting. However, the Team's focus was on academics and social skills and the Parents did not request a toileting goal. The Parents claim they did not know the toileting goal was removed from the December 2022 IEP. The Parents assert toileting has always been one of their priorities for the Student and they would not have wanted the toileting goal removed from the IEP.
- 10. On January 17, 2023, the Parent emailed District staff requesting that the Student be sent to the restroom every 30 minutes to avoid accidents and to prevent further regression.
- 11. On January 26, 2023, an internal District email indicated the Parents have requested the Student be taken to the restroom every 30 minutes and that staff are currently honoring the request, to the greatest extent possible.
- 12. An IEP meeting was held on February 3, 2023 to incorporate input from the Student's physical therapist who was unable to attend the December 2022 IEP meeting.
- 13. The next documented communication regarding toileting was on February 9, 2023. The District emailed the Parents requesting availability to discuss toileting successes and challenges. It was agreed that a meeting would take place on February 17, 2023.
- 14. A "Record of Conference" dated February 17, 2023 states a summary of the conversation held regarding toileting. Specifically, in part, the Student is being reminded to go the restroom every 30 minutes.

15. Toileting data between February 23, 2023 and March 30, 2023 was provided. The data includes time spent in the restroom, whether the Student's pull-up or clothes needed to be changed, whether the toilet was used, and whether the Student engaged in appropriate bathroom etiquette. The records do not reflect that the Student was taken to the restroom every 30 minutes. All logs contain one to three instances in which the restroom was used in a given day.
16. Additional toileting data between April 24, 2023 and May 12, 2023 was provided. The data includes an inventory of supplies for toileting (e.g., pull-ups, wipes, clothing, etc.).
17. On August 10, 2023, at the beginning of the Student's seventh grade year, the Parent emailed the District about the number of clothing changes that were occurring as a result of toileting accidents. The Parent requested that Student be supported with toileting. The District indicated in its response that the Student is being taken to the restroom regularly.
18. On August 14, 2023, the Parent emailed the District again regarding toileting concerns. Specifically, the Parent expressed concern over the number of accidents the Student was having and indicated the Student was to be taken to the restroom every 30 minutes. The Parent also requested the bathroom log be sent home every week with the Student's weekly report and for the District to "compile all the data that has been recorded for [Student] in the last year." The email was titled "toileting."
19. The Parent emailed again on August 15, 2023 asking that the Student be taken to the restroom during transitions to/from classes. The District indicated that was implemented that same day. The District did not acknowledge the records request.
20. On September 27, 2023, the Parent inquired about their records request from August 14, 2023. The Parent indicated they requested "all data collected for [Student] in the past and present school year be collected and [provided]." The District did not respond.
21. The District asserts the Parents were provided with hard copies of all toileting logs for the 2023-24 school year on September 28, 2023. The toileting logs include time spent in the restroom, whether the Student's pull-up or clothes needed to be changed, whether the toilet was used, and whether the Student engaged in expected behaviors.
22. On September 29, 2023, the Parent indicated they wanted "any and all education data that may have been collected for [Student], including toileting [data]." The District indicated data collected the previous school year was sent home weekly; data collected during the 2023-24 school year only consisted of toileting data and had been provided. The Parent asked how the Student's progress is monitored, recorded, and referenced to show whether Student is progressing on their IEP goals. The District stated iReady data, Unique Learning System, and TouchChat data is used to track progress.
23. On October 10, 2023, the Parent again requested that the District compile and provide all data that has been recorded for the last year.
24. The complaint was filed on October 12, 2023.

25. The District provided educational data to the Parents on November 9, 2023. The records consisted of data from “Dynamic Learning,” “iReady,” “Unique,” IEP goal tracking sheets, class assessments, toileting tracking sheets, and weekly communication logs.
26. The Student was re-evaluated on November 13, 2023. Student is still identified as a student with a disability under the primary disability classification of Multiple Disabilities. The MET includes recommended self-care accommodations to assist Student with toileting.
27. A facilitated IEP meeting was held on November 13, 2023 and a new annual IEP was developed. Relevant portions of the IEP include:
- a. The IEP contains seven IEP goals to support academics, communication, and career readiness.
 - i. The IEP goal that supports the Student’s career readiness goal related to toileting states the following:
 1. “In preparation for post-secondary education and employment, when given the opportunity [six] to [eight] times per day, [Student] will follow a bathroom routine with prompting including successfully voiding in the toilet 80% of the time.”
 - ii. Special Education services includes an increase in life/work skills instruction from 275 minutes/week to 278 minutes/week and an increase in “Medical/Safety Support in General Education” from 275 minutes/week to 278 minutes/week.
 - iii. Supplementary Aids and Services includes, in part, one-on-one adult support throughout the school day for 1,950 minutes/week.
 - iv. The Accommodations do not include anything related to toileting, including the recommendations of the MET report.
28. The Parents provided an audio recording of the facilitated IEP meeting. The recording includes a discussion regarding toileting. Specifically, the Parents stated they would like to discuss how the Student used to have a toileting goal and wondered why it was removed from the IEP. Someone from the District stated, “as far as I know, [Student] didn’t have one when [they] came to us.” The conversation then continued to determine what an appropriate toileting goal would be.
29. The District was asked to provide Student’s reports of progress between October 2022 and present. The District provided a progress report dated October 6, 2023. The report includes progress on Student’s December 2022 IEP goals. The District asserts the October 2022 report on progress was not saved in the appropriate format and the District needed to request additional information from Student’s previous teacher. The District never provided further explanation to the Investigator, nor was progress provided on Student’s toileting goal after May 2022.

Discussion and Conclusions of Law

Issue No. 1

Whether the District developed an IEP that provided sufficient supports for meeting Student's individual needs, specifically, toileting needs, pursuant to 34 C.F.R. § 300.320, 34 C.F.R. § 300.324, and 6.31.2.11(B) NMAC.

The IDEA requires a district to offer an IEP reasonably calculated to enable a child to make progress appropriate in light of their circumstances. *Andrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 999 (2017). The primary function of an IEP is to develop a plan to achieve academic and functional advancement. *Id.* A student's unique needs 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). However, an IEP is not required to incorporate every program, aid, or service that a parent desires for their child. *See Coleman v. Pottstown Sch. Dist.*, 64 IDELR 33 (3d Cir. 2014, *unpublished*). 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. Failing to provide needed supports and services can be a denial of FAPE. *Dear Colleague Letter*, 68 IDELR 76 (OSERS/OSEP 2016).

It is clear that the Student has significant needs not only academics, communication, and motor skills, but daily living skills, as well. Since before January 2022, the Student's daily living skills (i.e., toileting needs) have been included in their educational programming.

In December 2022, despite the IEP indicating the Student was progressively spending more than 10 minutes in the restroom at a time, during each class period, resulting in missed instruction, and the Student was having an increasing amount of toileting accidents, the IEP did not include a toileting-related goal.

The District contends that the IEP Team decided it was best to address the Student's academic and social skills instead of their toileting needs. However, this assertion is not credible. Not only do the Parents not recall the decision to only focus on academic and social skills, the Parents did not know the toileting goal was removed from the IEP until after the filing of this complaint. Moreover, at the November 2023 facilitated IEP meeting, the District is heard saying on the audio recording that it did not believe the Student came to the District with a toileting goal. If a conversation had taken place at the December 2022, the District would likely have reminded the Parents of the conversation instead.

While an IEP need not include every service desired by a parent, or include a distinct goal for all of Student's needs, the IEP must provide an appropriate educational benefit.

Here, as of December 2022, the Student was increasingly missing more than 10 minutes of instruction during each class period. On top of that, the Student was having an increasing number of accidents. Presumably, in order to clean and change the Student, they, again, were missing out on instruction. Given the increasing difficulty with using the restroom, and doing so timely, the Student's IEP should have included a toileting goal.

Despite not including a goal, as early as mid-January 2023, the District did continue to provide toileting support to the Student. In addition, as of November 2023, the District has developed a new IEP that, once again, includes a toileting-related goal.

Other Concerns

While investigating whether the IEPs developed provided sufficient supports to meet Student's individual toileting needs, numerous errors were discovered. Specifically, the one-on-one EA support the Student was to be provided was not appropriately documented or described in the IEP as early as September 2022. Despite developing a new annual IEP in December 2022, the description of one-on-one EA support to be provided was still incorrect (i.e., the IEP only documented one-on-one EA support for 275 minutes/week in the general education setting). It was not until November 2023 did the IEP reflect the correct, and intended, EA support the Student was to be provided.

In addition, it is unclear whether the report of progress was ever provided to the Parents in October 2022, as it was never provided to the Investigator, and the District admitted progress was not documented/reported on correctly. Moreover, while the December 2022 IEP includes toileting data, it is not measurable to the goal, making it impossible to determine what progress the Student made in regard to same between May 2022 and December 2022.

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

Issue No. 2

Whether the District provided Parent access to Student's education records, specifically student progress reports, within 45 days of their request, pursuant to 34 C.F.R. § 300.613 and 6.31.2.13(B) NMAC.

Under the IDEA, a parent has the right to inspect and review their child's education records. 34 C.F.R. § 300.613(a). Accordingly, a school district "must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency." *Id.* A district must comply with a request from a parent to review their child's education records "without unnecessary delay and before any meeting regarding an IEP," and in no case more than 45 days after the request. *Id.*

Education records are “records that are: (1) [d]irectly related to a student; and (2) [m]aintained by an educational agency or institution or by a party acting for the agency or institution.” 34 C.F.R. §§ 99.3 and 300.611(b). A record means “any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.” *Id.*

Here, the first records request was made on August 14, 2023. To comply with the IDEA and NMAC, the District was required to provide the requested records no later than September 28, 2023. The issue here lies with what records were requested and required to be made available.

The email from the Parent was titled “toileting” and discussed concerns regarding same. The District concluded, without consulting with the Parent, that the request only encompassed toileting data and provided same on September 28, 2023. After the data was provided, the Parent indicated that all progress monitoring data should have been provided. While the District should have spoken to the Parent regarding their request, it was reasonable for the District to conclude that the Parent was only requesting toileting related data given the title of the email and the contents within. Thus, there is no violation of the IDEA’s access rights regulations.

The second records request was made on September 29, 2023. It is the Investigator’s understanding that the records requested by the Parent, at that time, was for all progress monitoring data that is kept to track the Student’s progress towards their annual IEP goals.

The IDEA does not require a particular method to track a student’s progress towards their annual IEP goals. *Analysis of Comments and Changes to 2006 IDEA Part B Regulations*, 71 Fed. Reg. 46,662 (2006). However, some form of data collection must be used to measure a student’s progress. Whatever method of measuring progress is to be used must be documented in the student’s IEP. *See generally* 34 C.F.R. § 300.320 (a)(3)(i).

As noted in the General Findings of Facts, the District provided the progress monitoring data within 45 days after the Parent’s request for same. If the Parents want to see additional records, they are encouraged to make another request for same. The District shall communicate with the Parents in timely manner so that the District fully understands what records the Parents are requesting. The Parents are reminded that only records maintained by the District related to the Student are required to be made available. The District is under no obligation to create a new “record” to satisfy the Parents request.

As to Issue No. 2, the District is not cited.

Issue No. 3

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.

To determine whether FAPE was provided, the United States Supreme Court in the Rowley case, established a two-part test:

1. Has the district complied with the procedures set forth in the IDEA?
 2. Is the IEP reasonably calculated to enable the child to receive an educational benefit?
- If the two-part test is satisfied, FAPE was provided. *Board of Educ. of the Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 553 IDELR 656 (1982).

A procedural violation results in a denial of FAPE if it: (1) impedes the child's right to FAPE; (2) significantly impedes the parent's opportunity to participate in the decision-making process regarding the provision of FAPE; or (3) causes a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2).

As discussed under Issue No. 1, the Student's IEPs contained errors regarding what services were to be provided and it is unclear whether progress was documented, or provided, in regard to Student's toileting-related goal. In addition, the Student's December 2022 IEP was not reasonably calculated to enable the Student to receive an educational benefit. For these reasons, it is concluded, the Student was denied FAPE.

As to Issue No. 3, the District is cited, and Corrective Action is required.

Summary of Citations

IDEA/State Rule Provisions Violated	Description of Violation
34 C.F.R. § 300.320; 34 C.F.R. § 300.324; and 6.31.2.11(B) NMAC	The District failed to develop an IEP that was reasonably calculated to allow the Student to make progress appropriate in light of their circumstances.
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 FAPE.

Required Actions and Deadlines

By December 22, 2023, the District's Special Education Director must assure the OSE in writing that the District will implement the provisions of this Corrective Action Plan (CAP). The OSE 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
Office of Special Education
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 OSE 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 OSE.

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 OSE 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 March 1, 2024 and reported to the OSE no later than March 8, 2024. All documentation submitted to the OSE 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 OSE</u>	<u>Document Due Date</u>
1.	As described above, the District will submit a written assurance to the PED Corrective Action Plan Monitor that it will abide by the provisions of this Corrective Action Plan (CAP).	December 22, 2023	Written Assurance Letter/Email	December 22, 2023
2.	The District Special Education Director and the school principal shall meet virtually with the OSE Education Administrator assigned to the District and the OSE 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 virtual meeting with OSE.	January 12, 2024	Notes from meeting prepared by District	January 19, 2024
3.	The District Special Education Director will meet with Student's special education teachers, related service providers, principal, and general education teachers to review the Complaint Resolution Report to ensure that those persons understand the complaint, the violations that were found, and the	January 19, 2024	Notes from meeting prepared by District	January 26, 2024

Step No.	<u>Actions Required by District</u>	<u>Complete Actions By</u>	<u>Documents Required to be Submitted to PED</u> <u>OSE</u>	<u>Document Due Date</u>
	corrective actions that will be taken to address the violations.			
4.	<p>District shall arrange training for school staff (including special education teachers, special education administrators, and related service personnel) to be provided by a person with expertise in special education who is approved by the PED. This training may be provided by an employee of the District.</p> <p>The training shall address the following special education topics:</p> <ul style="list-style-type: none"> (1) Developing and implementing an appropriate IEP that includes providing services and supports for all areas of eligibility; (2) Developing individualized measurable goals that address a student’s individual needs; and (3) Developing an IEP that correctly describes the level of services and supports to be provided. 	March 1, 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>Confirmation of attendees at the training and plan for addressing the provision of training to those staff not in attendance.</p>	<p>January 18, 2024</p> <p>January 31, 2024</p> <p>March 8, 2024</p>
5.	<p>The District shall convene an IEP meeting for the Student. The IEP meeting shall address, at minimum:</p> <ul style="list-style-type: none"> • The Student’s progress on the toileting-related goal, since implementation of the goal; and • The sufficiency of the tracking on the toileting-related goal. <p>Changes to the IEP can be made through an IEP addendum if the parents agree to the changes to the</p>	January 19, 2024	<p>1. Invitation to IEP meeting, 2. IEP, 3. Prior Written Notice, and 4. Agenda for IEP team meeting</p> <p><u>OR</u></p> <p>addendum agreement with the parents and revised IEP</p>	15 days after the IEP meeting is held

Step No.	<u>Actions Required by District</u>	<u>Complete Actions By</u>	<u>Documents Required to be Submitted to PED</u> <u>OSE</u>	<u>Document Due Date</u>
	IEP in writing outside of an IEP meeting. If the parents do not agree to changes outside of an IEP meeting, the required IEP meeting described above must be held.			

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/ Emily Adams

Emily Adams, Esq.

Complaint Investigator

Reviewed by:

/s/ Miguel Lozano

Miguel Lozano, Esq.

Chief Counsel, Office of Special Education

Reviewed and approved by:

DocuSigned by:

Margaret Cage

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Margaret Cage, Ed.D.

Director, Office of Special Education