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NEW MEXICO PUBLIC EDUCATION DEPARTMENT  
SPECIAL EDUCATION DIVISION  
Complaint Resolution Report  
South Valley Preparatory School  
Case No. 2324-26  
January 26, 2024

**This Report requires corrective action. See pages 13-16.**

On November 27, 2023, there was a complaint filed with the New Mexico Public Education Department's (PED) 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.<sup>1</sup> 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 Charter School's responses to the allegations, together with documentation submitted by the Charter School 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. §§ 300.151 to 153 and in the state rules at Subsection H of 6.31.2.13 NMAC.

- review of the Charter School's compliance with federal IDEA regulations and state NMAC rules;
- Charter School's Response to Request for Supplemental Documents completed on January 10, 2024;
- interview with the Complainant on January 16, 2024;
- interview with the Charter School's Special Education Director on January 16, 2024;
- interview with the Charter School's Special Education Teacher on January 17, 2024;
- interview with the Charter School's 21<sup>st</sup> Century Coordinator on January 18, 2024;
- Charter School Questionnaire Answers completed by the Charter School on January 18, 2024;
- interview with the Charter School's Executive Director on January 18, 2024; 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. For this reason, the Complaint Investigator did not investigate any issues raised by the Complainant related to the development of individual health plans, qualification of health providers, and the completion of mandatory sexual harassment, child abuse, or other staff required trainings.

### **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 Charter School failed to protect the confidentiality of personally identifiable information while storing records, in violation of 34 C.F.R. § 300.623.
2. Whether the Charter School provided prior written notice (PWN) to parents of students with disabilities a reasonable time before it proposed or refused to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student, in accordance with 34 C.F.R. § 300.503.

3. Whether the Charter School failed to provide a certified and/or qualified interpreter for parents of students with disabilities, when required, in violation of 34 C.F.R. § 300.322(e) and 6.31.2.13(C) and (E) NMAC.
4. Whether the Charter School has provided special education and related services required by students' IEPs, in accordance with 34 C.F.R. §§ 300.320(a)(4) and 300.323 and 6.31.2.11(B) NMAC.
5. Whether the Charter School's actions and/or omissions resulted in a denial of a free appropriate public education (FAPE) to student with disabilities, in violation of 34 C.F.R. § 300.101 and 6.31.2.8 NMAC.

### **General Findings of Fact**

1. The complaint was filed on behalf of students with disabilities attending the Charter School. The investigation focused on confidentiality of personally identifiable information (PII), use of interpreters and translators, PWNs, and receipt of specialized instruction.
2. Many of the staff members who would have knowledge regarding the allegations contained in the complaint, including all of the special education staff, are no longer employed by the Charter School. Thus, the information provided was limited to the knowledge of staff members who were hired during and after the summer of 2023.
3. The Charter School educates students in grades six through eight. There are 40 special education students attending the Charter School this school year.
4. The Investigator reviewed the Individual Education Programs (IEPs) and PWNs of ten special education students who attended the Charter School during the 2022-2023 and/or 2023-2024 school years. The sample students were in sixth, seventh, or eighth grade. Nine students had a disability classification of specific learning disability (SLD) and one student had a disability classification of other health impairment (OHI).

### **Personally Identifiable Information**

5. The Charter School admitted that student files were located in an unlocked filing cabinet during the summer of 2023. The Charter School asserts the filing cabinet was in a locked classroom that only select staff members could access.
6. In addition, the Special Education Director indicated "piles of papers" were located on a bookshelf in the room assigned to them during the summer of 2023. The Special Education Director asserts the room was locked and they were unaware who would have had access to the room prior to their employment.
7. The Complainant indicated the filing cabinets and its contents were moved by employees who do not have a legitimate educational interest in the student records. Specifically,

certain retained employees took it upon themselves to reassign offices in the summer of 2023. The office that was previously used as a special education office was moved to a different location. As a result, the filing cabinet and student records that were in the old special education office were moved.

8. The Complainant also asserted that the second floor of the Charter School, where the records were found, was painted over the summer. There is conflicting information as to the office the student files were located in and whether the second floor was painted or not.
9. Since discovering the unlocked filing cabinet, the Charter School states the files were digitized and moved to a locked filing cabinet. The Executive Director indicated all hard copies of files have been retained but the files could be shredded.

### **Prior Written Notice**

10. Students 2, 3, 4, and 5 enrolled at the Charter School prior to the start of their sixth-grade year. Students 1, 6, and 9 transferred to the Charter School from another public agency within the state after the start of the 2022-23 or 2023-24 school years. All seven students came to the Charter School with an IEP previously developed and implemented by a different public agency.
11. The Charter School indicated all seven students' IEPs from their previous school districts were "adopted" upon their enrollment and comparable services were provided. No documentation, including PWN, was provided to the Investigator to support the Charter School's assertion that the students previous IEPs were adopted or that the Charter School initiated the provision of special education and related services upon the students' enrollment.
12. In addition, Student 2 and Student 3's IEPs were amended in April 2023. The Charter School did not issue a PWN regarding the amendments.
13. The Charter School developed IEPs for eight of the students in the sample, at some point during the investigation time period. The PWNs regarding each student's new annual IEP are vague or contradictory. Specifically:
  - a. Student 2, 3, 4, 5, 8, 9, and 10's service minutes decreased drastically or specially designed instruction was no longer required, in at least one subject area, from their previous IEPs. The PWNs does not provide an explanation for these changes in programming and services.
  - b. The PWN issued regarding Student 8's new annual IEP states social work services was proposed and accepted. The PWN also states, after an evaluation is completed, the IEP Team will determine if social work services should be included.

- c. Errors were noted in Student 9's PWN. Specifically, the PWN indicates the Charter School proposed eligibility under the category of speech or language impairment but the comment indicates that SLD better describes Student 9. The PWN also indicates settings 2 and 3 were accepted when setting 3 was actually rejected.

### **Use of Interpreters**

14. The Charter School asserts it provides interpreter services to any student or parent in need of same, regardless of special education eligibility.
15. For Spanish speaking families, the Charter School identified a specific employee it has used to interpret and translate. The employee speaks the local dialect, lives in the community, and has been in the education field, supporting Spanish speaking families for over 25 years.
16. The Employee indicated to the Investigator that they have interpreted and translated for the Charter School for 13 years. Previously, they interpreted and translated for a neighboring school district. While employed at the neighboring school district, the Employee received training for interpreting and translating. However, the training occurred over 20 years ago. No certificate or documentation was provided at the conclusion of the training.
17. The Executive Director indicated to the Investigator that in addition to the specifically named employee, the Charter School has used other Spanish speaking staff members. When asked how the Executive Director determines whether someone is qualified to interpret and translate for non-English speaking families, the Executive Director indicated it is based on the individual's experience in the community and the school.

### **Specialized Instruction**

18. The Charter School has not kept service logs or other documentation showing what special education services students have received. The only service logs kept, and provided, were logs that documented related services or services provided by ancillary staff for Student 9 and Student 10. However, ancillary services provided were not logged for Student 2 and some logs were missing for Student 10. Thus, the Investigator was unable to determine whether the students in the sample received services according to their IEP.
19. However, based on the logs that were provided, it is clear that Student 9 did not receive the required amount of speech services. According to Student 9's IEP dated November 16, 2021, they should have received 240 minutes/week (or 4 hours/week) of speech services. During the 2022-2023 school year, before a new annual IEP was developed and

implemented, Student 9 received less than 10 hours of speech services. After a new IEP was developed and implemented on March 9, 2023, Student 9 was to receive 45 minutes/week of speech services. Since the implementation of the IEP and through the end of the 2022-2023 school year, Student 9 did not receive upwards of four hours of speech services, as required. Similarly, thus far in the 2023-2024 school year, Student 9 has not received all required speech services minutes.

- a. Note: Student 9 transferred to the Charter School on October 27, 2022 with an IEP dated November 16, 2021. It is unclear why the Charter School did not develop a new annual IEP, as required, before the expiration of the November 16, 2021 IEP.

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

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

#### **Whether the Charter School failed to protect the confidentiality of personally identifiable information while storing records, in violation of 34 C.F.R. § 300.623.**

Confidentiality of special education student records are specifically governed by the IDEA, found at 34 C.F.R. §§ 300.610 through 300.627. The IDEA regulations concerning confidentiality “are tailored specifically to the special education environment.” *Letter to Anderson*, 50 IDELR 167 (ED 2008). “Each public agency must protect the confidentiality of any personally identifiable information at collection, storage, disclosure, and destruction stages.” 34 C.F.R. § 300.623(a).

The IDEA does not provide specific security requirements that a public agency must follow to protect student education records. The U.S. Department of Education issued guidance that indicates methods for protecting confidential information are reasonable when they reduce the risk of unauthorized disclosure to a level proportionate to the likely threat of, and potential harm from, unauthorized disclosure. 73 Fed. Reg. 74806, 74844 (Dec. 9, 2008).

Here, special education records containing personally identifiable information (PII) were moved from one location to another. Once moved, the student records were left in an unlocked cabinet and in piles on a bookshelf. Charter School asserts the records were stored within a locked room. However, while the room may have been locked, someone moved the files. Given the high turnover rate, including all special education staff and a high percentage of administrative staff, it is likely the people who moved the files did not have a legitimate educational interest in same. Thus, it is concluded, special education files were not properly safeguarded from potential improper disclosure.

Important Note: Based on the Executive Director's comment that files could be shredded now that the files have been digitized, the OSE reminds the Charter School that pursuant to 6.31.2.13(L)(6)(b) NMAC, certain special education records must be retained for five years. In addition, before destruction of personally identifiable information, parents must be informed of same. *Id.* at (5). *See also* 34 C.F.R. § 300.624.

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

**Issue No. 2**

**Whether the Charter School provided prior written notice (PWN) to parents of students with disabilities a reasonable time before it proposed or refused to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student, in accordance with 34 C.F.R. § 300.503.**

A public agency must provide sufficient notice before it makes or refuses to make substantial changes to the child's educational program. 34 C.F.R. § 300.503(a). This obligation to provide prior written notice is triggered when the proposed change involves the identification, evaluation, educational placement, or provision of FAPE to the child. *Id.* It is essential to adequately identify the specific action being proposed or refused to ensure parents are "fully informed." *See Letter to Boswell*, 49 IDELR 196 (OSEP 2007).

PWNs must include a description of the action proposed or refused by the district; an explanation of why the district proposes or refuses to take the action; a description of each evaluation procedure, assessment, record, or report used by the district as a basis for the action; a description of other options the IEP team considered and the reasons why those options were rejected, and a description of any other factors relevant to the district's proposal or refusal. 34 C.F.R. § 300.503(b)(1-3) and (6-7). It must also include a statement that the parents of a child with a disability have protections under the procedural safeguards and the means by which to obtain a copy, if the notice is not for an initial evaluation, and sources for parents to contact to obtain assistance in understanding the procedural safeguards. 34 C.F.R. § 300.503(b)(4-5).

Here, seven of the ten students in the sample came to the Charter School with an IEP developed and implemented by a different public agency. The Charter School failed to send PWNs regarding the transfer of the students' IEPs or initiating the provision of special education and related services which is an IDEA violation. *See Zane Trace Local Sch. Dist.*, 81 IDELR 175 (SEA OH 2022). In addition, the Charter school failed to issue PWNs following an IEP amendment for Student 2 and Student 3. Finally, the PWNs issued following the development of IEPs for eight of the ten students in the sample were lacking in detail and/or contradictory to itself or the IEP.

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

**Issue No. 3**

**Whether the Charter School failed to provide a certified and/or qualified interpreter for parents of students with disabilities, when required, in violation of 34 C.F.R. § 300.322(e) and 6.31.2.13(C) and (E) NMAC.**

Parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, placement, and/or the provision of FAPE to the child. 34 C.F.R. § 300.322 and 6.31.2.13(C). “[A] public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents . . . whose native language is other than English.” 34 C.F.R. § 300.322(e). The public agency must communicate with parents in the parent’s native language, if necessary. 6.31.2.13(E) NMAC.

The U.S. Department of Justice and the U.S. Department of Education indicated in a Dear Colleague letter that public agencies “must provide language assistance to [limited English proficiency (LEP)] parents effectively with appropriate, competent staff . . . It is not sufficient for the staff merely to be bilingual.” *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents* (Jan. 7, 2015). Public agencies should ensure that: (1) interpreters and translators have knowledge in both languages of any specialized terms or concepts to be used in the communication at issues; and (2) are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality. *Id.*

Here, the Charter School uses bilingual employees to translate for Spanish speaking parents. The specifically named employee indicated they received training on interpreting and translating over 20 years ago. However, it is unclear whether the Charter School ever verified whether the specifically named employee was qualified to interpret and translate. Moreover, it is unclear, but unlikely, the other bilingual employees used to interpret and translate, on behalf of the Charter School, received any training to do same. While the IDEA nor NMAC prescribe qualifications for an interpreter, the *Dear Colleague Letter* cited above makes it clear that bilingual staff members do not satisfy the requirement to provide language assistance to LEP parents. Because the Charter School does not select interpreters and translators, according to the guidance issued by U.S. Department of Justice and the U.S. Department of Education, the Charter School is found in violation of the regulations.

**As to Issue No. 3, the Charter School is cited and Corrective Action is required.**



**Issue No. 4****Whether the Charter School has provided special education and related services required by students' IEPs, in accordance with 34 C.F.R. §§ 300.320(a)(4) and 300.323 and 6.31.2.11(B) NMAC.**

The IDEA seeks to ensure that all children with disabilities receive a FAPE through individually designed special education and related services pursuant to an IEP. 34 C.F.R. § 300.17. The IEP is “the centerpiece of the statute's education delivery system for disabled children . . . [and] the means by which special education and related services are ‘tailored to the unique needs’ of a particular child.” *Andrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 994 (2017) (quoting *Honig v. Doe*, 484 U.S. 305, 311 (1988); *Bd. of Ed. v. Rowley*, 458 U.S. 176, 181 (1982)).

An IEP must identify the special education and related services necessary to allow the student to advance appropriately towards annual goals, to be involved in the general education curriculum, and to be educated and participate with other nondisabled children. 34 C.F.R. § 300.320(a)(4). A school district must ensure that “as soon as possible following the development of the IEP, special education and related services are made available to a child in accordance with the child’s IEP.” 34 C.F.R. § 300.323(c)(2). A student’s IEP must be implemented in its entirety. 34 C.F.R. § 300.323(c)(2).

If a student with an IEP moves to a new district in the same state within the same school year, the new district must provide services comparable to those the student received in their old district until the new district either: (1) adopts the IEP developed by the old district; or (2) develops, adopts, and implements a new IEP. 34 C.F.R. § 300.323(e). There is no set timeline for the new school district to adopt an IEP from the old school district or develop and implement a new IEP. *See* 34 C.F.R. § 300.323. However, the new school district must act “within a reasonable period of time to avoid any undue interruption in the provision of required special education and related services.” *Questions and Answers on Individualized Educ. Programs (IEPs), Evaluations, and Reevaluations*, 111 LRP 63322 (OSERS 09/01/11).

Because the Charter School has not kept service logs showing what special education services students have received, other than some related service logs, and the high turnover in staff during the summer of 2023, the Investigator was unable to determine whether the students in the sample received services according to their IEPs. At a minimum, it is clear that the Charter School has failed to provide Student 9 with the required special education and related services, in violation of the regulations.

Determining whether services have been provided will require an in-depth analysis of the hours of services each of the students should have received and how the Charter School is providing special education services. Where the failures are material, determining appropriate compensatory services will likewise require an in-depth analysis of Students' IEPs and their progress. Both processes will be more complicated due to the lack of service records and the turnover of special education staff. As such, a review to determine each students' need, if any, for compensatory services is necessary.

**As to Issue No. 4, the Charter School is cited and Corrective Action is required.**

**Issue No. 5**

**Whether the Charter School's actions and/or omissions resulted in a denial of a free appropriate public education (FAPE) to student with disabilities, in violation of 34 C.F.R. § 300.101 and 6.31.2.8 NMAC.**

The IDEA requires that state educational agencies (SEAs) make available a free appropriate public education (FAPE) to all children with disabilities within the state. 34 C.F.R. §§ 300.17 and 300.101; 6.31.2.8 NMAC. The substantive legal standard for determining whether a district offered a student FAPE is whether the IEP was reasonably calculated to enable the child to make progress appropriate in light of their circumstances. *Andrew F.*, 137 S. Ct. 988 (2017).

A procedural violation constitutes 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).

Here, the Charter School's failure to (1) issue PWNs regarding the "adoption" of students' IEPs from other districts; IEP amendments; and sufficiently detailed PWNs; and (2) use qualified interpreters and translators all significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of FAPE of their child.

Moreover, the Charter School's failure to provide special education and related services required by the students' IEPs impedes the students' right to FAPE and, potentially, caused a deprivation of education benefit.

**As to Issue No. 4, the Charter School is cited, and Corrective Action is required.**

**Summary of Citations**

<b>IDEA/State Rule Provisions Violated</b>	<b>Description of Violation</b>
34 C.F.R. § 300.623	The Charter School failed to protect the confidentiality of personally identifiable information.
34 C.F.R. § 300.503	The Charter School failed to provide PWN a reasonable time before it proposed or refused to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student.
34 C.F.R. § 300.322(e) 6.31.2.13(C) and (E)	The Charter School failed to provide a certified and/or qualified interpreter for parents of students with disabilities.
34 C.F.R. § 300.320(a)(4) 34 C.F.R. § 300.323 6.31.2.11(B) NMAC	The Charter School has failed to provide the required special education and related services.
34 C.F.R. § 300.101 6.31.2.8 NMAC	The Charter School's actions and/or omissions towards the students resulted in a denial of a FAPE.

**Required Actions and Deadlines**

**By February 9, 2024**, the Charter School's Special Education Director must assure the OSE in writing that the Charter School will implement the provisions of this Corrective Action Plan (CAP). The OSE requests that the Charter School submit all documentation of the completed corrective actions to the individual below, who is assigned to monitor the Charter School'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](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 Charter

School 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 December 2, 2024 and reported to the OSE no later than December 16, 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**

<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 OSE</u></b>	<b><u>Document Due Date</u></b>
<b>1.</b>	As described above, the Charter School 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).	<b>February 9, 2024</b>	Written Assurance Letter/Email	<b>February 9, 2024</b>
<b>2.</b>	The Charter School Special Education Director and the school principal shall meet virtually with the OSE Education Administrator assigned to the Charter School and the OSE CAP Monitor to review the Complaint Resolution Report, the Corrective Action Plan, and any other measures that the Charter School plans to take to ensure that the violations are corrected and do not recur. The Charter School Director has the discretion to include other Charter School or school administrators or personnel in this meeting. The Charter School Director shall be responsible for arranging this virtual meeting with OSE.	<b>March 1, 2024</b>	Notes from meeting prepared by Charter School	<b>March 8, 2024</b>
<b>4.</b>	The Charter School shall internally review the delivery of special education and related services of all special education students during the Spring and Fall of 2023 to determine the amount of needed compensatory education resulting from the Charter School's possible failure to provide services during the Spring and Fall semesters of 2023. The Charter School shall develop plans for providing compensatory services to the	<b>March 15, 2024</b>	Prior Written Notices containing plans for compensatory services.	<b>March 22, 2024</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</u></b> <b><u>OSE</u></b>	<b><u>Document Due Date</u></b>
	<p>individual students. The plans will be documented in a Prior Written Notice (“PWN”) for each student and sent to parents.</p> <p>Charter School shall maintain a PED-approved tracker that includes the total compensatory hours owed and provided to each student based on missed services as well as student need, whether those hours were accepted by the student’s parents, and the provision of compensatory education hours provided to each student.</p> <p>If a parent declines compensatory education, the Charter School shall get a confirmation in writing and provide the written confirmation to PED.</p> <p>Charter School shall complete all compensatory education hours by December 2, 2024. 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 parents and can include provisions for services in the summer months.</p> <p>If the Charter School, due to staffing or other limitations, is unable to provide the compensatory services as required by this CAP, the Charter School is required to contract with a</p>		<p>Compensatory education tracker</p> <p>Written Confirmation of parent’s decision to decline compensatory speech therapy services.</p>	<p><b>April 5, 2024</b></p> <p><b>Forward when all parents’ decisions have been received and documented.</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</u></b> <b><u>OSE</u></b>	<b><u>Document Due Date</u></b>
	private provider to ensure those services are provided.			
<b>5.</b>	<p>The Charter School 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.</p> <p>The training shall address the following special education topics:</p> <ul style="list-style-type: none"> <li>(1) Confidentiality of personally identification information while storing records;</li> <li>(2) Intrastate transfer students or students who enroll at the Charter School with an implemented IEP;</li> <li>(3) Prior written notice;</li> <li>(4) Qualifications of interpreters and translators; and</li> <li>(5) Implementing an IEP as written, specifically, the provision of services and keeping detailed records of same.</li> </ul> <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 PED.</p>	<b>April 1, 2024</b>	<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><b>February 23, 2024</b></p> <p><b>March 1, 2024</b></p> <p><b>April 2, 2024</b></p>
<b>6.</b>	The Charter School shall provide a written plan on how it will handle newly enrolled students who come to the Charter School with an IEP.	<b>April 2, 2024</b>	Written Plan	<b>April 9, 2024</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</u></b> <b><u>OSE</u></b>	<b><u>Document Due Date</u></b>
<b>7.</b>	The Charter School shall provide a written plan on the requirements it will establish when selecting interpreters and translators.	<b>April 2, 2024</b>	Written Plan	<b>April 9, 2024</b>

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 PED Corrective Action Plan Monitor.

Investigated by:

*/s/ Emily Adams*

Emily Adams, 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