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NEW MEXICO PUBLIC EDUCATION DEPARTMENT
OFFICE OF SPECIAL EDUCATION
Complaint Resolution Report
West Las Vegas School District
Case No. C2324-72
August 2, 2024

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

On June 3, 2024, a complaint was 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.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 Parent;
- 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;
- interview with the Parent (with advocates in attendance);
- interviews with several District personnel; and
- research of applicable legal authorities.

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 failed to conduct Special Education evaluations within the required timeframe pursuant to 34 C.F.R. § 300.301.
2. Whether the District failed to comply with Child Find requirements pursuant to 34 C.F.R. § 330.111 and 6.31.2.10 NMAC.

General Findings of Fact

1. Student is [REDACTED] years old and attends a High School within the District (School). She was a sophomore during the 2023-2024 school year.
2. Student attended summer school in 2024.
3. Student is currently attending school under a Section 504 Plan (504 Plan).
4. On April 19, 2023, Parent provided the District with medical diagnoses from a healthcare provider in connection with Post Traumatic Stress Disorder (PTSD) and Attention-deficit/Hyperactivity Disorder (ADHD).
5. The initial 504 Plan, dated April 26, 2023, indicates the following medical diagnoses: PTSD, chronic and ADHD, combined type.
6. Accommodations made under the 504 Plan for the PTSD diagnosis are: preferential seating (in the back); extra time on work (1 week); accommodate workload; access to SEL/

Counselors when needed; and access to phone for safety and comfort to contact mom and/or dad when dysregulated.

7. Accommodations made under the 504 Plan for the ADHD diagnosis are: a syllabus to provide dates, deadlines, etc.; extended time on assignments, projects, assessments per teacher discretion (student advocacy); and allow Student to listen to music when needed, at teacher discretion.
8. Parent indicated during her interview that Student was previously hospitalized for mental health issues.
9. Parent also described several conditions that Student has and for which Student still receives services (but not listed in the 504 Plan), including depression, anxiety, and suicidal ideation.
10. Parent indicated that the majority of Student's teachers have been accommodating.
11. However, Parent described two teachers who have been resistant to providing accommodations.
12. During the 2023-2024 academic year, Student requested that she be allowed to use headphones to help her concentrate. One teacher would not allow it.
13. Parent reported she heard from the Student's School Counselor that Student was being "singled out" by classroom teachers, which may have caused additional behavioral issues from Student.
14. Also, Parent believes Student has become more hypervigilant which has caused increased behavioral issues.
15. Parent indicates Student's mental health issues have persisted for a period of time, and, as a result, she struggles academically.
16. Parent believes that Student's mental health condition has been exacerbated due to Parent's cancer diagnosis, as well as a relative's cancer diagnosis.
17. In addition to seeing the School Counselor, Student has been seeing an outside counselor (who provides services outside of school as well as during school).
18. Parent reported that Student had been allowed to leave the regular classroom and work in a conference room. However, the High School Building Principal wanted Student returned to the regular classroom.
19. Parent reported that Student failed her math class for a second time. No specifics were provided.
20. On February 28, 2024, Parent asked for a "full diagnostic evaluation" of Student given Student's academic struggles, attendance, and behavior issues.
21. Parent was asked to drop by the school to sign a Consent for Evaluation form, which was signed on March 6, 2024.
22. On February 29, 2024, the School Counselor emailed five of Student's teachers asking to be provided with their progress/observations of Student no later than March 1, 2024.

23. As of March 1, 2024, three of the five teachers responded by internal email to the February 29, 2024, request by the School Counselor.
24. On March 6, 2024, Parent signed the Consent for Evaluation form despite the fact that no specific evaluation methods or tools were identified on the form.
25. At the time, Parent provided a post-it note to the School Counselor with the tests/evaluations the Parent thought should be conducted.
26. No evidence was provided by the District of a Prior Written Notice (PWN) being drafted and sent to Parent regarding the District's decision to proceed with evaluating Student.
27. On March 7, 2024, the School Counselor conducted a student observation during the Student's chemistry class.
28. The School Counselor indicated that the student observation was required to begin the evaluation process.
29. The Student Observation Form provided was incomplete in that the second page of the two-page form did not contain any data or information.
30. A follow-up request was made to the District for a completed Student Observation Form, but one was not provided.
31. Student reported to Parent after the student observation was completed that the teacher's behavior seemed to change when the School Counselor was in the Chemistry classroom for the observation.
32. Student reported to Parent that the Chemistry teacher paid more attention to Student during the student observation which made the Student feel uncomfortable.
33. When Parent learned of the March 7, 2024, student observation, she visited with District personnel.
34. Parent was not provided a copy of the Student Observation Form.
35. As part of the Consent for Evaluation, the District's Educational Diagnostician was tasked with administering two tests: an Academic Achievement Test (designed to measure mastery of skills and knowledge acquired in academic areas (i.e., reading, math writing, etc.) and an Intelligence Test (designed to measure learning ability or intellectual capacity).
36. On April 3, 2024, the District's Educational Diagnostician conducted the Academic Achievement Test.
37. Also on April 3, 2024, the District Social Worker had begun an initial meeting with Student but did not complete any other evaluation(s) or other work with Student.
38. After the completion of the Academic Achievement Test, the Educational Diagnostician scheduled with Student the administration of the Intelligence Test for 8:00 a.m. on April 4, 2024 (with the date and time agreed to by Student).
39. The Student did not attend school on April 4, 2024, and, therefore, the Intelligence Test was not administered.

40. The District Occupational Therapist confirmed that no testing had been completed.
41. The District provided no other information regarding any attempts to conduct evaluations/tests from March 7, 2024, to April 2, 2024.
42. Internal District emails between the District Special Education Director, IEP Specialist, and Educational Diagnostician indicated that on the morning of April 4, 2024, the District (through the Special Education Director) determined that it would halt any further evaluation/testing due to Student's chronic absenteeism.
43. No evidence was provided of other evaluations being conducted between the date of the Consent For Evaluation (March 6, 2024) and the District's determination (April 4, 2024) that Student's attendance was the cause of the District's inability to conduct additional evaluations.
44. Between March 6, 2024, and April 4, 2024, there were 22 school days. According to District attendance records, of those 22 days, Student was in full attendance 10 days, in partial attendance 9 days, and absent for the full day on 3 days.
45. These internal emails between the District Special Education Director, IEP Specialist, and Educational Diagnostician also indicate that the District Psychologist had "done some testing." However, no confirmation was provided that any such evaluation(s) were conducted and/or completed nor was any documentation provided regarding any report of evaluation(s).
46. Parent was not asked to attend a meeting and was not provided with any information regarding evaluations/testing the District had attempted to administer of Student but was not able to complete.
47. A PWN was prepared on April 19, 2024, indicating a "meeting" had been held on April 19, 2024. The PWN is not dated.
48. The District's personnel indicated that, in fact, no actual team meeting had taken place.
49. The PWN indicated that the District would halt further attempts to evaluate Student due to chronic absenteeism.
50. District internal emails in early April 2024 indicate that "[t]here were several issues with absences during our attempts to test and [Student] is around the 25% range for total absences. We came to the consensus that we should halt our attempts to test due to the number of absences."
51. One internal email dated April 24, 2024, indicates that the School Counselor was asked to prepare the PWN.
52. A PWN was created but was not dated.
53. The School Counselor did not believe she had been asked to prepare and send the PWN to Parent.
54. Ultimately, the District provided no evidence to show the April 19, 2024, PWN (including the procedural safeguards notice) was provided to or signed by the Parent.

55. The PWN makes reference to a “review of a 504 referral packet for special education testing to determine eligibility under the guidelines of the IDEA of 2004, the decision not to move forward with testing at this time has been made” and that the decision was based on the Student’s attendance and the NMPED Attendance Success Plan.
56. The District’s reasoning for this determination is stated in the PWN as follows:
- a. According to the Attendance for Success Plan established by the NM Public Education Department (PED), the student has a history of significant absences, whether excused or unexcused he [sic] has missed more than 10% or more of her educational time over the last year and to date.
 - b. Per NM PED. Missing 10% or more of instruction days can translate to a child being unable to master reading, writing, and math skills, which results in failing subjects as the student did not receive appropriate instruction due to chronic absences.
 - c. At this time the it has been determined based on the history of absences, that we cannot eliminate the possibility that either the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor in the child's academic performance and therefore would not be able to determine eligibility for special education services under ID EA, 2004 guidelines.
57. However, internal email communications indicate the decision was made to halt all attempts to evaluate/test on April 4, 2024.
58. The PWN further states that Student should be returned to the 504 Plan for the current medical diagnoses and should “continue to receive supports/strategies through the Multi-layered System of Supports (MLSS)/interventions in the general education setting until the Student’s attendance improves.”
59. The final provision of the PWN indicates that a copy of the student/parent’s rights/procedural safeguards in special education per IDEA 2004 “will be provided to the family in the correspondence regarding the determination on special education testing.”
60. Parent indicated she did not receive a copy of any correspondence from the District that contained the PWN and the rights/procedural safeguards.
61. No evidence was provided by the District regarding evaluations/testing that were conducted and/or scheduled after April 4, 2024.
62. The District’s decision on April 4, 2024, to halt attempts to evaluate/test Student was made prior to the 60-day timeframe (ending on May 5, 2024) under the IDEA regulations.
63. When efforts by the District were halted, 31 days remained for completion of the initial evaluation within the timeframe under the IDEA.
64. During the time period from April 4, 2024, to May 5, 2024, there were 21 school days. Attendance records the District provided show the Student was present (either for the

whole day or for a partial day) on 18 days. Student was absent from school (for the entire day) on 3 days.

65. Student attended the District's 2024 summer school but no evaluations/testing were attempted.
66. The Educational Diagnostician indicated that she was not aware the Student attended summer school but that the decision to halt testing until fall 2024 had previously been made.
67. Parent is not aware of any attendance plan or other type of plan in connection with Student's attendance.
68. The District Truancy Officer had sent a first (January 16, 2024) and a second (February 9, 2024) notice of noncompliance with the Attendance for Success Act.
69. No additional action was taken by the District after those notifications.
70. The District Truancy Officer's document involving Student contained dates of activities (from October 5, 2023, to April 5, 2024) and indicates that as of April 5, 2024, there was no student attendance plan (truancy contract) in place.

Discussion and Conclusions of Law

Issue No. 1

1. Whether the District failed to conduct Special Education evaluations within the required timeframe pursuant to 34 C.F.R. § 300.301.

The IDEA provides that any party may present a complaint with respect to any matter relating to the identification, evaluation, educational placement, or provision of FAPE to a disabled student. 20 USC §1415(b)(6).

The obligation to evaluate arises when there is a reason to suspect a disability and reason to suspect that the disability is adversely affecting a child's educational performance so that the child needs special education services. The threshold for "suspicion" is relatively low. The key is not whether the child is qualified, but whether the child should be referred for an evaluation. *Department of Educ., State of Hawaii v. Cari Rae S.*, 158 F. Supp. 2d 1190, 1194 (D. Hawaii 2001); *School Bd. of the City of Norfolk v. Brown*, 769 F. Supp. 2d 928, 942 (E.D. Va. 2010). In an opinion from the Ninth Circuit, the court held that a disability is suspected when the district is put on notice that symptoms of disability are displayed by the child. *See Timothy O. v. Paso Robles Unified Sch. Dist.*, 822 F.3d 1105, 1120 (9th Cir. 2016). Notice may come in the form of expressed parental concerns about a child's symptoms, expressed opinions by informed professionals, or less formal indicators, like the behaviors in and out of the classroom. *Id.* at 1121.

The federal regulations and state rules provide that a parent may request an initial special education evaluation at any time, including during the Student Assistant Team (SAT) or Multi-layered System of Supports (MLSS) processes. 34 C.F.R. § 300.300; 6.31.2.10(B)(2) NMAC. When a parent requests an evaluation, the public agency must issue, within a reasonable time after the parent request, a prior written notice indicating whether it is refusing to evaluate the child or agreeing to evaluate the child. Under 6.31.2.10(D)(3) and (4) NMAC the specific timeline and actions by a school district are as follows:

(3) The public agency shall respond to a parental request for initial evaluation or reevaluation to the public agency no later than 15 school days from the receipt of the request. If a parent request for an evaluation or reevaluation is received within 15 school days before the start of a scheduled period in which student attendance is not required for at least 14 calendar days, the public agency shall respond no later than 30 calendar days from the date of the request.

(4) The public agency shall respond to a parental request for initial evaluation or reevaluation by:

(a) providing prior written notice consistent with 34 CFR Sec. 300.503 that proposes to conduct the requested evaluation or reevaluation, providing a copy of the procedural safeguards notice to parents required by 34 CFR Sec. 300.504, and seeking parental consent for the evaluation; or

(b) providing prior written notice consistent with 34 CFR Sec. 300.503 of the public agency's refusal to conduct the evaluation or reevaluation and a copy of the procedural safeguards notice required by 34 CFR Sec. 300.504.

See also, 34 C.F.R. §§ 300.300(a) and 300.309(c) (A public agency must promptly request parental consent to evaluate whenever a child is referred for evaluation, and PWN and Procedural Safeguard Notice (PSN) are required to be provided to the parent prior to obtaining informed consent.); 6.31.2.10(D)(5) NMAC; 71 Fed. Reg., 46540, 46637; *see, e.g., Letter to Ferrara*, 60 IDELR 46 (OSEP 2012) ("It has been the Department's longstanding policy that the LEA must respond within a reasonable period of time following the LEA's receipt of the parent's request."). Additionally, prior written notice must be provided a reasonable time before the public agency proposes or refuses to initiate an evaluation. 34 C.F.R. § 300.503(a); 6.31.2.10(D)(4) NMAC.

If the public agency declines the parent's request for an evaluation, the public agency must issue prior written notice in accordance with 34 C.F.R. § 300.503. The parent can challenge this decision by filing a state complaint or a due process hearing request. 34 C.F.R. § 507(a)(1); 6.31.2.10(D)(6)

NMAC. Here, no such PWN was provided to Parent. Rather, the District proceeded with attempts to evaluate without any notice to Parent.

Once the District has reason to suspect that a student is a child with a disability and may need special education, it must take steps to ensure that the child receives a full and individual evaluation without undue delay. 34 C.F.R. § 300.301(a); 6.31.2.10(B)(3) NMAC. The District must then conduct the initial evaluation within 60 days of receiving parental consent. 34 C.F.R. § 300.301(c); 6.31.2.10(F)(2) NMAC. There are two exceptions to the 60-day evaluation timeline: (1) if the parent of a child repeatedly fails or refuses to produce the child for the evaluation, or (2) if the child enrolls in a school of another public agency after the initiation of the evaluation and prior to a determination as to whether the child is a child with a disability. 34 C.F.R. § 300.301(d).

Repeated requests for documentation regarding the District's attempts to evaluate Student from March 6, 2024, to April 4, 2024, (including date, time, and evaluator name) were made, but only partial information was provided. A student observation was conducted on March 7, 2024, by the School Counselor/504 Coordinator. However, the copy of the Student Observation form provided is incomplete. No information was provided by the District for any other evaluations/testing attempted between March 7, 2024, and April 3, 2024. The Educational Diagnostician did complete an Academic Achievement Test with Student on April 3, 2024. However, the Educational Diagnostician indicated that a report has not been completed. Likewise, the District Social Worker had conducted an initial meeting with Student but did not complete any work to complete an initial evaluation.

Based on information provided by the Educational Diagnostician, it is apparent that there was one occasion when the failure to timely conduct a scheduled evaluation (by the Educational Diagnostician) was the failure of the Student to meet with the Educational Diagnostician as mutually arranged (after the April 3, 2024, Academic Achievement evaluation) for April 4, 2024, at 8:00 a.m. However, that same morning (April 4, 2024), the District made the decision to halt all attempts to evaluate Student until fall 2024 (with approximately 30 days left in the 60-day evaluation period under 34 C.F.R. § 300.301; 6.31.2.10(F)(2) NMAC). Student attended the District's 2024 summer school but no evaluations/testing were attempted. The Educational Diagnostician indicated that she was not aware the Student attended summer school but that the decision to halt testing until fall 2024 had previously been made.

Federal regulations and state rules require prompt and timely actions on behalf of public agencies following a referral for a special education evaluation except in the two above-mentioned exceptions. Without further attempts to evaluate/test Student during the 60-day evaluation

period, the District failed to comply with the initial evaluation requirements. Further, neither of the two exceptions to the 60-day evaluation period apply.

In fact, from March 6, 2024, to April 3, 2024, one evaluation (achievement test) and one initial meeting (social worker) had been completed. Again, the District presented no evidence of other attempted evaluations between March 6, 2024, and April 4, 2024. The District halted all attempts to conduct further evaluations on April 4, 2024. Based on attendance data provided by the District, between March 6, 2024, and April 4, 2024, there were 22 school days. Of those 22 school days, Student was in full attendance 10 days, in partial attendance 9 days, and absent for the full day on 3 days. Student also attended summer school at the District.

Further, the District did not rely on this exception in its Response. Rather, the District asserted that chronic absenteeism of “10% or more of instruction days can translate to a child being unable to master reading, writing, and math skills, which results in failing subjects as the Student did not receive appropriate instruction due to chronic absences.” Without attempts to complete other evaluations identified on the Consent for Evaluation (i.e., psychological evaluation, OT evaluation, adaptive behavior, functional behavior assessment, and social work assessment), the District lacks any information and/or data that may associate behavioral issues to a disability under the provisions of the IDEA or, for that matter, to absenteeism.

The second exception provided in 34 C.F.R. 300.301(d)(2) is not applicable to this matter as Student was not transferring from the District.

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

Issue No. 2

Whether the District failed to comply with Child Find requirements pursuant to 34 C.F.R. § 330.111 and 6.31.2.10 NMAC.

Students with disabilities who are eligible under the IDEA are entitled to be appropriately identified, evaluated, placed, and have available to them a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. 34 C.F.R. § 300.1(a). The IDEA and its implementing regulations and state rules use the term "Child Find" to describe the affirmative and continuing obligation of school districts to identify, locate, and evaluate all children with disabilities residing within the district's jurisdictional boundaries who are in need of special education and related services. 34 C.F.R. § 300.111; 6.31.2.10(A) NMAC. The requirements of

Child Find apply to, among others, students who are suspected of being students with a disability and who are in need of special education and related services, even though they are advancing from grade to grade. 34 C.F.R. §§ 300.101(a), 300.111(c)(1); 6.31.2.10(A) NMAC. Further, a school’s ineffective use of interventions and lack of a positive response to interventions may also trigger the Child Find obligation. *Spring Branch Indep. Sch. Dist. v. O.W.*, 961 F.2d 781, 793- 4 (5th Cir. 2020).

Section (a) of 34 C.F.R. § 300.111 specifically provides as follows:

- (1) The State must have in effect policies and procedures to ensure that—
 - (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and
 - (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

6.31.2.10(A) NMAC likewise provides that children “are located, evaluated, and identified in compliance with all applicable requirements of 34 C.F.R. §§ 300.111, 300.131, 300.301 through 300.306, and these or other department rules and standards.” (Emphasis added.)

As noted above, the Consent for Evaluation was signed by Parent on March 6, 2024. District conducted an observation of Student on March 7, 2024. This observation paved the way for evaluations (identified in the Consent for Evaluation) to be conducted. An achievement test was administered on April 3, 2024. After a failed attempt to conduct an intelligence test on April 4, 2024, the District determined that no other evaluations would be completed due to the Student’s chronic absenteeism. The decision to halt additional evaluations occurred prior to the regulatory timeframe in which the evaluations were to be completed. After review of the documents provided and interviews conducted in this matter, it is concluded that the District failed to meet its Child Find obligations related to evaluation.

As to Issue No. 2, the District is cited. Corrective action is required.

Required Actions and Deadlines

By August 9, 2024, 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:

Ms. Yaling Hedrick
Corrective Action Plan Monitor
Office of Special Education
New Mexico Public Education Department
300 Don Gaspar Avenue
Santa Fe, NM 87501
Telephone: (505) 795-2571
Yaling.Hedrick@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 October 5, 2024 and reported to the OSE no later than October 12, 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).	August 9, 2024	Written Assurance Letter/Email	August 9, 2024
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.	August 16, 2024	Notes from meeting prepared by Charter School	August 19, 2024
3.	District shall provide a prior written notice that proposes to conduct an initial special education evaluation and seek parental consent for the evaluation. If the Parent declines to consent for the evaluation, then the Charter School will provide a written record of the decision to decline.	August 9, 2024	Prior Written Notice requesting parental consent to evaluate Student Signed parental consent to evaluate Student or parent’s signed written decision to decline the request to evaluate	August 9, 2024 Within 5 days after receipt of consent or decision to decline

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>
4.	<p>Following receipt of parental consent to conduct an evaluation, District shall conduct a comprehensive initial evaluation of Student and issue an evaluation report.</p> <p>Within 15 school days of completing the evaluation report, District shall hold a meeting with Parent to determine Student’s eligibility for special education and related services.</p>	<p>Within 30 days of receipt of parental consent</p> <p>Within 15 days of completion of the evaluation report</p>	<p>The completed evaluation report</p> <p>Written Eligibility determination</p>	<p>Within 7 days of completion of the evaluation report</p> <p>Within 7 days after the Eligibility Determination Team Meeting is held</p>
5.	<p>If Student is determined to be eligible for special education and related services, the District shall convene an IEP meeting to develop Student’s initial IEP.</p> <p>The IEP meeting shall be held on a date and time that is convenient for the Parent. The Parent will be provided with a copy of the IEP and PWN at the conclusion of the IEP meeting.</p> <p>The District Special Education Director shall participate in the IEP meeting. The District shall also ensure that the IEP team includes, but is not limited to, student, parents, special education teacher, general education teacher, and any related services providers.</p>	<p>Within 15 days of the Eligibility Determination Team Meeting</p>	<p>1. Invitation to IEP meeting, 2. IEP, 3. Prior Written Notices, and 4. Agenda for IEP team meeting</p>	<p>Within 7 days after the IEP meeting is held</p>

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>
6.	<p>The District shall arrange training for school staff (including general education teachers, special education teachers, special education administrators, educational assistants, 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"> (1) the manner in which District staff become aware, or suspected, that a student is a student with a disability who needs an evaluation; (2) the federal and state requirements that the SAT or MLSS process not be used to delay evaluations; (3) the different ways that a parent may request an evaluation; (4) the requirements for issuing a Prior Written Notice in response to parental request for evaluation; (5) the requirement for issuing a Notice of Procedural Safeguards in response to parental requests for initial evaluation; (6) maintaining documentation of parent requests and provision of Prior Written Notice and Notice of Procedural Safeguards; and 	<p>October 5, 2024</p>	<p>Submission of proposed trainer and trainer’s resume and proposed presentation for PED 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>August 23, 2024</p> <p>September 6, 2024</p> <p>October 12, 2024</p>

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>
	(7) timelines for the completion of an evaluation, evaluation report, and eligibility determination.			

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/ Samuel Kerr

Samuel D. Kerr, J.D., Ed.D.

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