

## Russell, Brigette, PED

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**From:** Lozano, Miguel, PED  
**Sent:** Thursday, February 13, 2025 12:10 PM  
**To:** Chavez, Corina, PED; Russell, Brigette, PED  
**Cc:** Cage, Margaret, PED; Campbell, Natalie, PED; Gill, Ria, PED; Lozano, Miguel, PED  
**Subject:** Alma D' Arte Review of Disenrollment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Director Chavez and Deputy Director Russell:

I am sending the below information on behalf of Deputy Secretary Margaret Cage.

The Office of Special Education (OSE) has reviewed and investigated the allegations related to Alma D' Arte Charter High School regarding alleged disenrollment of students with disabilities due to chronic absenteeism.

Based on the information provided by the Charter School Division and the Charter School, the OSE has determined that the students identified in these allegations were withdrawn from the Charter School by their respective parents or guardians for varying reasons and were not affirmatively disenrolled by the Charter School. Therefore, the Charter School did not have any obligation to provide procedural safeguards required by the Individuals with Disabilities Education Act and state law, including but not limited to the convening of a Manifestation Determination Review prior to an LEAs decision to remove a student with a disability from the Charter School due to violations of the Charter School's code of conduct.

The OSE did not identify any non-compliance related to these allegations and no corrective action will be ordered as a result of this review. No further action will be taken by the OSE related to these allegations.

Please do not hesitate to reach out if you have any further questions regarding this review.

Best regards,

**Miguel Lozano** | Deputy General Counsel  
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New Mexico Public Education Department  
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