



STATE OF NEW MEXICO  
PUBLIC EDUCATION DEPARTMENT  
300 DON GASPAR AVE.  
SANTA FE, NEW MEXICO 87501-2786  
Telephone (505) 827-5800  
[www.ped.state.nm.us](http://www.ped.state.nm.us)

MARIANA D. PADILLA  
SECRETARY DESIGNATE OF PUBLIC EDUCATION

MICHELLE LUJAN GRISHAM  
GOVERNOR

NEW MEXICO PUBLIC EDUCATION DEPARTMENT  
OFFICE OF SPECIAL EDUCATION  
Complaint Resolution Report  
Albuquerque Public Schools  
Case No. 2425-30  
February 14, 2025

**This Report does require corrective action. See pages 14-15.**

On December 16, 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.<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 District's responses to the allegations, together with documentation;
- review of District's compliance with federal IDEA regulations and state NMAC rules;
- interview with Complainant, Assistant Superintendent for Special Education, and Special Education Teacher; and

---

<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.

- 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 allegations related to professional or ethical misconduct by a licensed educator or related service provider, or allegations related to the Americans with Disabilities Act or Section 504 of the Rehabilitation Act 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 District failed to provide transportation for Student as an accommodation listed in Student's current IEP, in violation of 34 C.F.R. §§ 300.34 and 300.132 and 6.31.2.7(B(7) NMAC and 6.41.44.9(G) and (H) NMAC;
2. Whether District failed to follow the IDEA disciplinary procedures when disciplining Student for violations of District's code of conduct, in violation of 34 C.F.R. § 300.530 and 6.31.2.11(F) and 6.11.2.11 NMAC, including, but not limited to:
  - a) Failure to recognize that discipline imposed, including informal removals, created a pattern of removals which constituted a change of placement and required a manifestation determination review;
  - b) Failure to provide required services during change in placement of student; and
  - c) Failure to develop appropriate interventions and services to address behaviors, which may include a Functional Behavioral Assessment (FBA) and a Behavior Intervention Plan (BIP).
3. Whether Parent was denied meaningful parental participation in decisions involving the education of Student in violation of 34 C.F.R. § 300.501(b) and (c)(1) and 6.31.2.13 (C) NMAC; and
4. Whether District's actions and/or omissions towards 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. Complainant is Parent of Student.
2. Student is a 12-year-old attending District school program for Social Emotional Support (SES) at level 1 (SES1). Student does not attend neighborhood school. Student is eligible under IDEA Part B for Other Health Impairment (OHI), diagnosis of ADHD and Specific Learning Disability (SLD).

### **Transportation Issue**

3. Student's IEP includes transportation to and from school. The corresponding Prior Written Notice (PWN) uses the language "curb to curb."
4. There are 3 schools relevant to the transportation issue:
  - a) Student's current school ("School") and also his school for the 2023-2024 school year and a school that has the SES1 program;
  - b) One optional school for Student ("Alt 1"): A school Student has not attended but does have an SES1 program; and
  - c) A second optional school for Student ("Alt 2"): Student's neighborhood school that Student has not attended and which started an SES1 program months into the 2024 school year.
5. Student received transportation to the school during the 2023-2024 school year (to and from School). Student has not received transportation for the 2024-2025 school year (to and from School).
6. Parent has transported Student to and from School every school day during the 2024-2025 school year. Parent has not been reimbursed for this transportation.
7. Neither Student's home residence, nor his school has changed from last year to this year; the change was that Student's least restrictive environment changed from SES2 to SES1.
8. Student's IEP, Multidisciplinary Evaluation Team (MET) Report and Prior Written Notice (PWN) demonstrate Student continues to be eligible for special education and related services for OHI and SLD and a change in Student's placement from SES2 to SES1, with Parent agreement. Student's IEP provides location for where Student will attend the SES1 Program as being School and states that Student's neighborhood school (Alt 2) does not provide the SES1 Program.
9. May 14, 2024, IEP states the following relevant to this investigation:
  - a) Student exhibits behaviors that impede his or her learning or that of others;
  - b) A functional behavior assessment (FBA) does not need to be conducted and an FBA has already been conducted;
  - c) Decreased provision of social work services for Student from 960 minutes per semester to 540 minutes per semester;

- d) Student receives transportation to and from school;
    - 1) Student is in District program that requires transportation to and from school daily. The student will receive special education transportation for the duration of this IEP due to the disability and to access the program site. Curb to curb transportation to address needs that are indicated in the IEP will be provided. Students on a transfer are not entitled to special transportation.
    - 2) Student requires specialized services not provided at the neighborhood school.
10. Student's IEP was not modified when his neighborhood school became able to provide SES1. This change at neighborhood school happened months into 2024-2025 school year.
11. Regarding transportation and/or location for education, District communications to Parent were:
- a) In the APS Student Contact Log (January 6, 2022, to December 4, 2024), the only entry relative to transportation is an entry for August 4, 2023. This entry states Student's special education teacher, G.D., made contact about bus situation; no further details provided.
  - b) August 22, 2024, email from District employee that Parent's raised issue about transportation would better be handled by the Special Education Department;
  - c) August 22, 2024, email from Assistant Superintendent for Special Education Department asking for Student's name so she could follow up (this communication exists as a chain and Student's name is in the chain);
  - d) August 23, 2024, email from Exceptional Student District Specialist asking for Student's name so she could follow up;
  - e) August 27, 2024, email from Assistant Superintendent for Special Education Department asking if Student had gotten transportation;
  - f) October 31, 2024, email from Parent to Assistant Superintendent for Special Education Department and Exceptional Student District Specialist citing multiple concerns including lack of transportation;
  - g) October 31, 2024, email from Exceptional Student District Specialist stating she would share concerns (request) with Executive Director of Compliance, (no language regarding lack of transportation);
  - h) November 1, 2024, notes from meeting of Parent, SES1 teacher, Exceptional Student District Specialist and another individual without title wherein the transportation department confirmed that the SES1 program would transport to Alt 1 and that the Exceptional Student District Specialist would "reach out to transportation to see if [Student] can be transported here [School]."
  - i) November 4, 2024, email from Assistant Superintendent for Special Education Department advising she has learned that Student lives in Alt 2 school's neighborhood and asked Parent if she would "consider moving back to your neighborhood school?" and that Alt 2 has a SES1 class that "can be considered that

- was not in place last school year.” (No records that Student ever attended this school; records indicate School is only middle school this Student has attended and no language that transportation provision depended on changing schools;
- j) November 5, 2024, email from Executive Director of Resolution & Compliance stating that “The option of attending your home/nearest school was extended to you. The program has been added on that campus. Please keep us informed of what you decide is best.” (This communication does not include information regarding the impact that this decision may have on Student’s transportation – transportation is not mentioned as being part of the facts on which to base the decision).
12. District offered a signed statement from an Assistant Principal who did not work at School for the 2024-2025 school year. This statement stated that this individual called Parent in July 2024 and stated that transportation would be provided to the school closest to Student’s home that had an SES 1 program (Alt 1) and that if Student stayed at School, Parent would have to provide transportation because District transportation would only be provided to Alt 1. This information is not at all consistent with a through j above. It also does not exist on any communication logs provided by District. Parent states that this conversation was specific to sport utility vehicle services (SUV) and that she was not told that bus service depended on Student transferring to a different school.
13. Student was transported to School for the entire year of 2023-2024 and so transportation to that school for this Student did not hinge on where he lived or the distance from his home to School. The only change between 2023-2024 and 2024-2025 was Student moving from SES1 program to SES2 program. When that change occurred, Student’s IEP stated School as Student’s school with placement in SES 1 program and transportation as a service requirement.

#### **Discipline Process & Parental Participation**

14. Student’s current services include instruction in English Language Arts, Math, Science, Social Studies, and Life/Work Skills, as well as Social Work and School Health.
15. Student’s IEP related services include curb to curb transportation as discussed above.
16. Student has a Behavior Contract and a spreadsheet that coordinates with the Accept Identify Move (AIM) and Acceptance and Commitment Therapy (ACT) Hexaflex Token Economy and Behavior Record.
17. Student came into the 2024-2025 school year with a BIP dated November 22, 2022, and an FBA from 2018.
18. As Student began to have behaviors that impeded his learning, District documents demonstrate that behaviors were addressed as follows:
- a) Parent, Special Education Teacher and Social Worker had online meeting to discuss options to reduce negative behaviors;

- b) November 1, 2024, a BIP was developed from the meeting referenced above that amended Student's prior BIP;
  - c) A new FBA did not occur as the functionality of Student's behaviors were not different than those listed in the 2018 FBA (verbally and physically aggressive; avoidance of work, attention from peers are behaviors listed in the 2018 FBA and are consistent with observed behaviors for the 2024-2025 school year);
  - d) As behaviors continued with some increase in intensity after the BIP was amended in November 2024, a Request for Support related to Student's BIP was initiated on December 18, 2024, and additional strategies were put into place; and
  - e) At Parent's request, a re-evaluation of Student began (as of January 31, 2025, some specific assessments have occurred and others are pending).
19. District provided Investigator with 5 referrals, and the following were listed as interventions previously used with Student:
- a) Incident A – behavior expectation review
  - b) Incident B - Develop Emotional Currency: Be Visible and Available; Caring Habits: Respect; Develop Rapport, Relationships, Repair (Restorative Conversations) and Additional; Supports: Clear and Concise Directions.
  - c) Incident C - Caring Habits: Respect
  - d) Incident D - Caring Habits: Respect
  - e) Incident E - behavior expectation review
  - f) Incident F - Develop Emotional Currency: Meet and Greet; Develop Emotional Currency: Be Visible and Available; Develop Emotional Currency: Be a Safe Place to Go; Caring Habits: Support; Caring Habits: Encourage and Caring Habits: Listen
20. District's documents evidence formal discipline as follows:
- a) Out of School Suspension (OSS) on September 9, 2024, for 1 day;
  - b) Prohibited from staying at a school basketball game on September 16, 2024;
  - c) Lunch Detention on October 30, 2024;
  - d) OSS on October 31, 2024, for 1 day; and
  - e) OSS on December 5, 2024, for 3 days.
21. Parent disagrees with paragraph 20, above, and asserts that District sent Student home early from school on August 23, 2024; August 27, 2024; August 29, 2024; October 1, 2024; October 2, 2024; October 3, 2024; October 16, 2024; November 4, 2024; and November 18, 2024.
22. Of the dates listed in paragraph 21, the only date the investigator could corroborate via documents provided by Parent and District was August 23, 2024. On that date, a student teacher called Parent to pick up Student early. This contradicted District policy and such was addressed with the student teacher. Also, District corrected the mistake and told Parent that early pick up was not necessary. The documents provided by District are consistent with Student not being sent home early on dates listed in paragraph 21. Student was sent home a couple of times from non-school-affiliated programs (Boys and

Girls Club and Martial Arts Club) and this may have created Parent's confusion about whether District had sent Student home early. Other dates cited by Parent have communications about Parent picking Student up early for non-discipline reasons, or about attendance of Student at the after school Martial Arts Club which indicate District did not send Student home early.

23. Parent stated she would provide investigator with phone records to demonstrate calls from school on the disputed dates, but such was not provided.
24. Based on Parent information and District documents, District personnel used language such as: (1) Student was "high", was "wandering the halls," and that (2) Student had "brain rot/verbal brain rot."
25. Student's December 4, 2024, pragmatic language screening determined more testing was necessary.
26. As of January 27, 2025, Parent asserts that no further evaluations or testing has occurred. District provided information that demonstrates assessments have been moving forward with Autism observation at Student's School, testing for cognitive, achievement, speech/language evaluation and occupational therapy testing. Parent returned consent form sent by District's diagnostician on February 7, 2025. School psychologist interview with Parent has occurred and interview with Student has been rescheduled. Follow up testing with District audiologist is scheduled for February 21, 2025.

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

***Issue No. 1: Whether District failed to provide transportation for Student as an accommodation listed in Student's current IEP, in violation of 34 C.F.R. §§ 300.34 and 300.132 and 6.31.2.7(B)(7) NMAC and 6.41.44.9(G) and (H) NMAC.***

Under IDEA, the key inquiry is whether a certain change in placement is likely to affect a child's overall learning experience. *DeLeon v. Susquehanna Cmty. Sch. Dist.*, 747 F.2d 149, 153 (3d Cir.1984). Placement changes when there has been a fundamental change in the child's educational program or an elimination of some basic element that otherwise changes the child's educational experience. *Lunceford v. Dist. of Columbia Bd. of Educ.*, 745 F.2d 1577, 1582 (D.C.Cir.1984). Location changes when the actual physical location of educational services changes. *AW ex rel. Wilson v. Fairfax Cty. Sch. Bd.*, 372 F.3d at 683. The IDEA requires a student's parents to be part of the team that creates the child's individualized education program (IEP) and determines the child's educational *placement*. 34 C.F.R. § 300.321.

Under IDEA "educational placement" is a holistic term that refers to an educational program and the accompanying educational environment. *Johnson v. District of Columbia*, 839 F.Supp.2d 173, 178 (D.D.C.2012). Educational placement does not refer to a specific location, classroom, school, or program. 71 Fed.Reg. 46540, 46687 (Aug. 14, 2006). Certainly location, or "physical

placement,” can be a component of a student’s IDEA placement. *Eley v. D.C.*, 47 F. Supp. 3d 1, 17 (D.D.C. 2014).

Student’s IEP provides for curb-to-curb transportation to and from school. That has not occurred.

Parent raised the issue of lack of transportation in August, 2024. The IEP, agreed upon by all parties, stated Student’s school was School and stated in the same document that transportation was a part of this IEP.

District asserted in its written response that it informed Parent that transportation could only be provided if she enrolled Student in a different location than Student’s current school. That is not what District documents demonstrate. District communications to Parent were unclear and inconsistent. The signed statement by an Assistant Principal who did not work at School during the 2024-2025 school year, about a phone call to Parent during the summer, does not make sense with the totality of other communication by District, and Parent states that she was informed only that SUV service would not be available at Student’s School and was not told that bus service would be unavailable or that transportation depended on Student transferring. The totality of evidence available does not indicate communication that would allow Parent to understand that transportation for Student depended on her choice of school location. District did not clearly inform Parent that provision of services (transportation plus SES1 class) could only occur at a particular school. Student was transported to School for the entire year of 2023-2024 and so transportation to that school for this Student did not hinge on where he lived or the distance from his home to School.

District failed in its duty to provide transportation for Student as required by Student’s IEP. This is a violation of 34 C.F.R. §§ 300.34 and 300.132 and 6.31.2.7(B)(7) NMAC and 6.41.44.9(G) and (H) NMAC.

**As to Issue No. 1, the District is cited, corrective action is needed.**

***Issue No. 2: Whether District failed to follow the IDEA disciplinary procedures when disciplining Student for violations of District’s code of conduct, in violation of 34 C.F.R. § 300.530 and 6.31.2.11(F) and 6.11.2.11 NMAC, including, but not limited to:***

- a) Failure to recognize that discipline imposed, including informal removals, created a pattern of removals which constituted a change of placement and required a manifestation determination review;***
- b) Failure to provide required services during change in placement of student;***



***c) Failure to develop appropriate interventions and services to address behaviors, which may include a Functional Behavioral Assessment (FBA) and a Behavior Intervention Plan (BIP).***

Under IDEA, a district may discipline a student for violation of a code of conduct resulting in removal or suspension from the student's educational program for not more than 10 school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (if those removals do not constitute a change of placement under 34 C.F.R. § 300.536). 34 CFR § 300.530(b)(1), 6.31.2.11(F)(2) NMAC.

Analyzing a change of placement includes changes of placement of a student by removing student from a school extra-curricular activity. 34 C.F.R. § 300.107.

When the placement of a special education student is changed because of a violation of the code of conduct, a manifestation determination review (MDR) meeting must be completed. 34 C.F.R. § 300.530(E). A change of placement occurs when the removal is more than 10 school days or there is a series of removals that constitute a pattern. 34 C.F.R. § 300.356(a). Removals that constitute a pattern are defined as such: (i) Because the series of removals total more than 10 school days in a school year; (ii) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and (iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another. 34 C.F.R. § 300.536. Students that have not been determined eligible for special education services, but the District has a reason to suspect are eligible, are entitled to the procedural protections under IDEA. 34 C.F.R. § 300.534(a). A district does not suspect the student is disabled if the district has conducted an evaluation and determined the child was not eligible for services, or if the parent has not allowed an evaluation or has refused services. 34 C.F.R. § 300.534(a).

- a) Failure to recognize that discipline imposed, including informal removals, created a pattern of removals which constituted a change of placement and required a manifestation determination review;**
- b) Failure to provide required services during change in placement of student;**

In this case, Student attended the Boys and Girls Club on some days; that club is not a school extra-curricular activity. Student also sometimes attended a Martial Arts Club. The Martial Arts Club is not an extra-curricular school activity.

Based on the totality of information provided by the parties, Student was not removed from current placement more than 10 days, even analyzing for a series of removals creating a pattern.

No MDR was necessary for Student. District did not fail to conduct an MDR or to provide required services for Student.

District did not fail to recognize that discipline imposed, including informal removals, created a pattern of removals which constituted a change of placement and required a manifestation determination review; and did not fail to provide required services during change in placement of student.

**c) Failure to develop appropriate interventions and services to address behaviors, which may include a Functional Behavioral Assessment (FBA) and a Behavior Intervention Plan (BIP).**

The provision of FAPE remains the focus and continuing obligation during any disciplinary removals, even during a suspension and the District has an obligation to address whether Students need additional or new supports and services to receive FAPE in the least restrictive environment (LRE). *Dear Colleague Letter on the Inclusion of Behavioral Supports in Individualized Education* (OSERS 2016). Disciplinary removal after repeated similar behaviors should trigger the IEP team to meet to consider other options to address negative behaviors even through monodisciplinary steps. *Id.*

Student exhibited similar and also escalating behaviors from August through December 2024.

While District personnel's usage of the phrase "brain rot" to describe Student is concerning and is something District should address, it does not represent a failure to develop appropriate interventions for Student.

District, in fact, held a meeting with Parent participation in October 2024; amended Student's BIP in November 2024; and submitted a Request for Support related to the November 2024 BIP and the behaviors that occurred in December 2024. Additionally, at Parent request, new evaluations and assessments of Student are on-going. District also implemented specific interventions such as: Develop Emotional Currency with Meet and Greet; Develop Emotional Currency: Be Visible and Available; Develop Emotional Currency: Be a Safe Place to Go; Caring Habits: Support; Caring Habits: Encourage and Caring Habits: Listen.

The facts outlined in the above paragraph demonstrate meaningful consideration of other options to address Student's negative behaviors.

District did not fail to follow the IDEA disciplinary procedures when disciplining Student for violations of District's code of conduct, in violation of 34 C.F.R. § 300.530 and 6.31.2.11(F) and 6.11.2.11 NMAC because it did consider other options to address Student's negative behaviors.

**As to Issues No. 2a, 2b and 2c, the District is not cited.**

***Issue No. 3: Whether Parent was denied meaningful parental participation in decisions involving the education of Student in violation of 34 C.F.R. § 300.501(b) and (c)(1) and 6.31.2.13 (C) NMAC.***

Parents of a student with a disability must be afforded an opportunity to participate in meetings with respect to: (1) The identification, evaluation, and educational placement of the student; and (2) provision of FAPE to the student. 34 C.F.R. § 300.501(b) and (c)(1) and 6.31.2.13(C) NMAC.

District communicated with Parent. Parent was present at the meetings to develop multiple BIPs and participated in IEP Team Meetings. Timely and appropriate PWNs were issued to Parent.

Some of District’s communications lacked clarity and, at times, professionalism:

- special education teacher repeatedly using the phrase “brain rot” to describe a student with disabilities
- BIP language that provides no concrete guidance to Student to help change behaviors – e.g., the FERB for “inappropriate interactions” being “appropriate interactions”

Although problematic, this lack of clarity, and at times lack of professionalism, within the scope of this State complaint, does not rise to the level of denying Parent meaningful participation in decisions involving the education of Student and does not violate 34 C.F.R. § 300.501(b) and (c)(1) and 6.31.2.13 (C) NMAC.

**As to Issue No. 3, the District is not cited.**

***Issue No. 4: Whether District’s actions and/or omissions towards 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.***

Students who are eligible for special education services are entitled to a free appropriate public education (FAPE). 34 C.F.R. § 300.101; 6.31.2.8 NMAC. Districts are obligated to provide a FAPE to students within their jurisdiction who have been determined eligible for special education services. 34 C.F.R. § 300.17. The determination of whether there has been a denial of FAPE requires consideration of two components: substantive and procedural. The question in determining the substantive standard is whether the IEP was “reasonably calculated to allow the child to make progress appropriate in light of the child’s circumstances.” *Endrew F. v. Douglas County School District. RE-I*, 137 S. Ct. 988 (2017). The Court in *J.L. v. Mercer Island School District*, 592 F3d 938, 951 (9th Cir. 2010), held that a procedural violation may be a denial of FAPE when

it results in the loss of an educational opportunity, or infringes on parents' opportunity to participate in the development of the IEP or deprives the student of an educational benefit. All circumstances surrounding the implementation of the IEP must be considered to determine whether there was a denial of FAPE. *A.P. v. Woodstock Board of Education*, 370 F. Appx 202 (2d Cir. 2010). At a minimum, IEPs must be reviewed annually. 34 C.F.R. § 300.324(b).

“Consistent with § 300.323(c), the State must ensure that there is no delay in implementing a child's IEP, including any case in which the payment source for providing or paying for special education and related services to the child is being determined.” 34 C.F.R. §300.103(c). If transportation is a related service in an IEP, the district is required to provide it as a component of FAPE. *In re: Student with a Disability*, District of Columbia State Educational Agency, 2022-0171 (2022).

District did provide transportation to Student from same residence to School for the entire 2023-2024 school year. The only change that occurred for the 2024-2025 school year was that Student’s placement changed to SES1 which allowed provision of services to occur at a school closer to residence of Student. District never clearly communicated to Parent that Student’s IEP services could be provided at a closer school and that transportation depended on Student transferring to a closer school. District failed to provide transportation, a related service for Student per the IEP. This is a substantive violation of Student’s right to a FAPE.

**As to Issue No. 4, the District is cited, corrective action is needed.**

**Summary of Citations**

<b>IDEA/State Rule Provisions Violated</b>	<b>Description of Violation</b>
34 C.F.R. §§ 300.34 and 300.132 and 6.31.2.7(B(7) NMAC and 6.41.44.9(G) and (H) NMAC	District failed to provide transportation for Student as an accommodation listed in Student’s current IEP.
34 C.F.R. § 300.101 and 6.31.2.8 NMAC	District’s actions and/or omissions towards Student resulted in a denial of a free appropriate public education (FAPE).

**Required Actions and Deadlines**

**By February 28, 2025**, 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 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

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 7, 2025 and reported to the OSE no later than March 14, 2025** 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>
1.	As described above, District will submit a written assurance to the PED OSE Corrective Action Plan Monitor that it will abide by the provisions of this Corrective Action Plan (CAP).	<b>February 28, 2025</b>	Written Assurance	<b>February 28, 2025</b>
2.	District Special Education Director shall meet virtually with the PED 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 District plans to take to ensure that violations are corrected and do not recur. District Special Education Director shall be responsible for arranging this meeting with OSE.	<b>February 28, 2025</b>	Notes from meeting prepared by District	<b>February 28, 2025</b>
4.	District shall reimburse Parent for transportation of Student in the amount of \$891.66 for past transportation and \$46.00 per week beginning February 17, 2025 to continue until District transportation begins.	<b>March 7, 2025</b>	Documentation of reimbursement to Parent	<b>March 14, 2025</b>
5.	District shall begin providing transportation for Student to current school.	<b>No later than March 3, 2025</b>	Provide documentation that transportation is being provided to Student	<b>March 3, 2025</b>
6.	District shall arrange to have a virtual meeting between District Assistant Superintendent for Special Education, Executive Director of	<b>No later than March 7, 2025</b>	Confirmation of the date of virtual meeting.	<b>March 14, 2025</b>

C 2425-30 State Complaint Resolution Report

<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>
	Resolution & Compliance and OSE complaint investigator, and Deputy General Counsel regarding: <ul style="list-style-type: none"> <li>• Provision of Transportation as a related service identified in an IEP;</li> <li>• Clear communication to parents when the District’s offer of FAPE includes a change in location.</li> </ul>			

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/ Natalie Campbell*

Natalie Campbell

Complaint Investigator

Reviewed by:

*/s/ Miguel Lozano*

Miguel Lozano, Esq.

Deputy General Counsel, Office of General Counsel

Reviewed and approved by:

DocuSigned by:  
*Margaret Cage*

1D32A08CC33B4F2...  
Margaret Cage, Ed.D.

Deputy Secretary, Office of Special Education