

**NEW MEXICO DEVELOPMENTAL DISABILITIES
COUNCIL
OFFICE OF THE SPECIAL
EDUCATION OMBUD
ANNUAL REPORT**

DECEMBER 2, 2024

[IMAGE: BLUE ARROWS POINT TO A CENTER RED DOT]





INTRODUCTION

The Office of the Special Education Ombud (OSEO) provides comprehensive and personalized information, resources, and support to public school students with disabilities and their families who need assistance acquiring education services. Since its launch in December 2021, OSEO staff and volunteers have assisted over 635 students and families across New Mexico through individualized support, including hundreds of school meetings in 73 districts and 30 counties in every region of the state.

The OSEO works to develop and strengthen advocacy skills in students and families, while building support systems in schools so that students with disabilities can attain the highest levels of independence and achievement. The support systems include not only teachers, but support staff, administrators, ancillary staff, and outside agencies, all collaborating to implement solutions that remove barriers and increase opportunities for students with disabilities in New Mexico public schools. At the center of the OSEO's work is the **student**. At the heart of OSEO's goals is measurable, sustained, intergenerational improvement of **student outcomes**.

[IMAGE: VIEW FROM THE BACK OF A CLASSROOM OF STUDENTS RAISING THEIR HANDS]

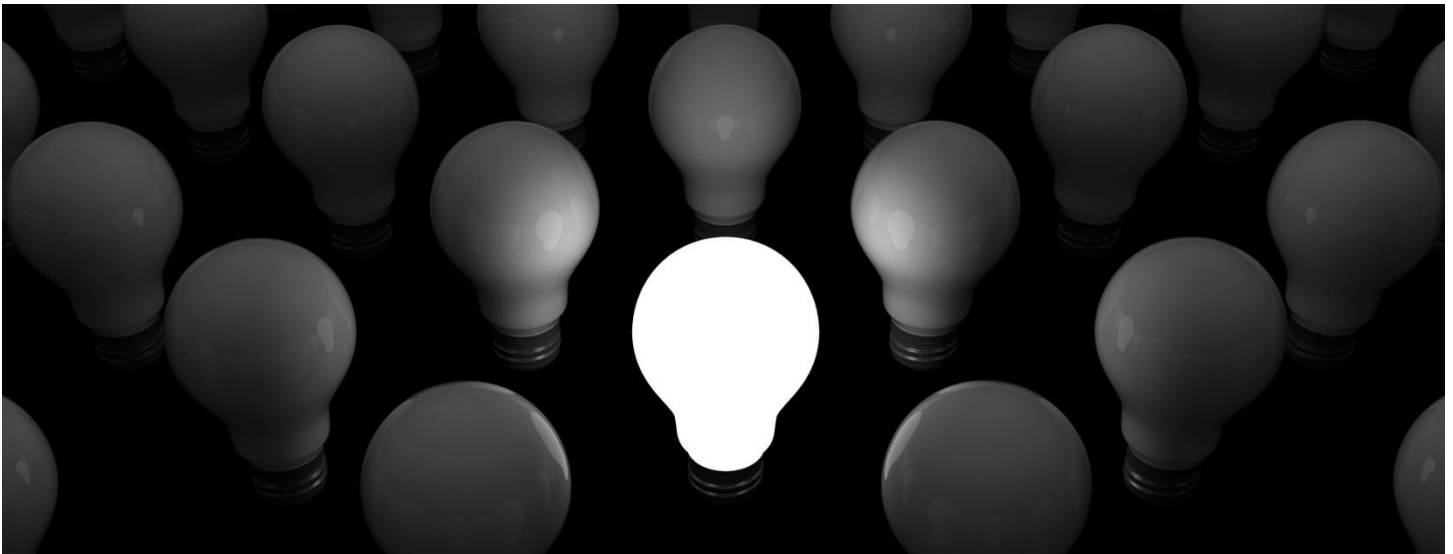
CALL TO ACTION

The Problem

In its 2023 Annual Report, the OSEO distilled its concerns down to two questions:

- (1) Which students deserve to receive a high-quality education in this state?
- (2) What is New Mexico willing to invest to provide a high-quality education to every public school student?

The work of the OSEO continues to grow because the people and leaders of New Mexico are committed to ensuring every public school student—including students with disabilities—deserves to receive a high-quality education. The only remaining question is how New Mexico will establish the necessary investments to achieve that goal.



[IMAGE: A FIELD OF UNLIT LIGHT BULBS WITH ONE LIGHTED BULB IN THE CENTER]

The Recommendation

In its 2023 Annual Report, the OSEO identified three major areas of concern and provided specific recommendations to address each area of concern:

- (1) Communication, Consistency, and Continuity
 - a. Detailed, comprehensive data collection and documentation for each student
 - b. Clear, consistent, regular system for educators and school staff to communicate with students and families, and with each other
 - c. Statewide universal templates, standardized procedures, and annual, spiraled training on Individualized Education Programs (IEP), including Prior Written Notices (PWN), Functional Behavior Assessments (FBA), Behavior Intervention Plans (BIP), Manifestation Determination Reviews (MDR), and disciplinary hearings
 - d. Administrative and educational supports for teachers who teach students with disabilities, including behavior specialists, education assistants with disability training, and other support personnel or services
 - e. Increased salaries for teachers trained to provide special education services

(2) Behavioral Support for Students with Disabilities

- a. Annual professional development for all levels of district staff and school boards, pre-service teacher training, and education for families, on the rights of students with disabilities, how behavior is directly connected to disability, and how to meet the student's behavioral needs
- b. Annual training for all special education school and district staff, including hearing officers, on how to properly conduct MDRs
- c. Routine training and peer support for educators and school staff on positive behavior supports and interventions, and how specific disabilities affect social and emotional regulation
- d. Review and reform of disciplinary policies and matrices in each district to incorporate disciplinary best practices and account for behaviors connected to disabilities, including providing needed tools and supports to manage social and emotional dysregulation and reducing suspensions of students with disabilities, including formal, informal, and indefinite suspensions
- e. Academic and social-emotional learning programs that meet the needs of students with disabilities and adequate time for educators to implement programs correctly
- f. State licensure for behavior specialists and dedicated funding for schools to access behavior specialists for classroom observation, collaboration with families and educators, and implementation of behavior management and modification strategies

(3) Transition Plans

- a. Individualized plans that meaningfully support students to identify and reach both short-term goals in the next twelve months and long-term goals to achieve their greatest independence and aspirations in adulthood
- b. Plans based on the student's individual needs, strengths, skill interests, and preferences, incorporating vocational training, post-secondary education, employment, social skills, and independent living
- c. Plans that weave the student's interests, academic courses, high school electives, and activities to explore and investigate postsecondary education opportunities or permanent employment
- d. Plans that include community and industry resources, delineate the roles of the student, family, and school from the time the student reaches age 14 to age 22, and directly correlate to the stated visions of the student and family

In this report, the OSEO details its activities from November 2023 to November 2024 to address each of these areas of concern. Ultimately, OSEO's work can only directly impact students and families through advocacy and technical assistance. The bulk of systemic change and direct impact on student outcomes must be implemented by education leaders, policymakers, and educators at both state and local levels. Therefore, OSEO's systemic work to move the needle on student outcomes is focused on supporting education stakeholders and improving their performance.

The Key to Success

New Mexico, a historically rich and culturally diverse state, requires strong partnership, persistent collaboration, and a shared sense of urgency and purpose at the state and local levels to fund, organize, and implement significant changes in public schools to improve student outcomes. The key to meaningful and lasting improvements is striking a balance between preserving grassroots local control and maintaining high-quality, centralized standards and best practices. Yet, year after year, New Mexico leaders fail our students by focusing on their fears—of the unknown, of losing control—

instead of taking the courageous leap of faith to build the necessary foundation for change. And year after year, New Mexican students living with disabilities bear the brunt to those failures.

In 2003, New Mexicans voted to dismantle the state school board because education policymaking was too ponderous, and our students were quickly being left behind. In the 2023 Legislative Session, Senate Joint Resolution 1 nearly passed, calling for another constitutional amendment to reinstate the state school board. In May of 2023, the Governor signed Executive Order 2023-062, establishing the Office of Special Education (OSE) within the Public Education Department (PED). In only one year, the OSE has accomplished more to raise the standards of special education policymaking, planning, data analysis, and problem solving than state and local systems have been able to accomplish in over a decade. While the special education system still has a long way to go, the OSE does not show any signs of losing momentum.

The Bottom Line: A Call to Action

The New Mexico Developmental Disabilities Council (DDC) and the OSEO urge local policymakers and state lawmakers to move forward and boost the momentum of OSE's work. Going backward to an antiquated system does not make sense when it already has a proven track record of policy stagnation and inadequate support for New Mexican students with disabilities. A centralized system that coordinates seamlessly with districts and local school boards will allow policymakers to more nimbly implement high-quality standards and best practices, while maintaining local control to stay grounded in grassroots values and priorities.

The OSE's initial success demonstrates the enormity of progress that is achievable when leaders possess subject matter expertise, fearlessness in the face of systemic inertia, the ability to navigate a complex landscape with nuance, and a humble desire to listen and learn from many perspectives. The Council and OSEO therefore **urge lawmakers to institutionalize the OSE in state law** and preserve the hard work and progress already made—and soon to be made—in New Mexico's special education system.

Just as importantly, the Council and OSEO **urge local leaders, policymakers, and advocates to work closely with state executive and legislative agencies** to build a strong, lasting foundation of trust and collaboration. This foundation will create the most efficient and effective pathways to ensure that educators, schools, and districts receive the funding, resources, and support they need to adequately serve students with disabilities and improve student outcomes. The time to build that foundation is now.

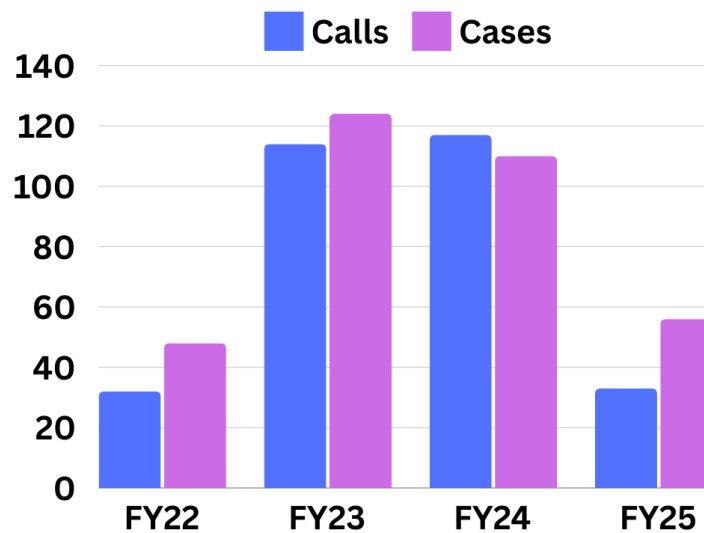
Lastly, the Council and OSEO **urge lawmakers and local leaders to collaborate to pass LESC's school safety package** during the 2025 Legislative Session, including a bill to **clearly define and limit the use of restraint and seclusion** in schools. Data from the United States Office of Civil Rights consistently indicate that as many as 80% of reported seclusion and restraint incidents involve students with disabilities—especially nonspeaking students on the autism spectrum—who are served by an IEP. The lasting effects of restraint and seclusion, including psychological trauma, physical harm, developmental impact, failure to address underlying issues, and escalating behavior, have an even greater negative impact on students with disabilities who may not have the resiliency or personal resources to recover and heal.

ADVOCACY SERVICES

Since its launch on December 1, 2021, the OSEO has assisted **634 students and families** in 73 school districts, 30 of 33 counties, one Pueblo, and all five of OSE’s educational regions in New Mexico. Of the 634 assisted, **338 (53.31%) were cases** in which an ombud attended at least one school meeting to advocate with the student or family. Additionally, OSEO has assisted 296 students and families through telephone calls by providing resources, information, and strategies about the school’s special education obligations, communication procedures, next steps, best practices, and educational services.

The OSEO has received new requests for services at a fairly consistent rate each fiscal year:

- Fiscal Year 2021-2022 Q3 & Q4: **80 students and families** (48 cases, 32 phone calls)
- Fiscal Year 2022-2023: **238 students and families served** (124 cases, 114 phone calls)
- Fiscal Year 2023-2024: **227 students and families served** (110 cases, 117 phone calls)
- Fiscal Year 2024-2025 Q1 & Q2 (July 1 to November 26): **89 families served** (56 cases, 33 phone calls)



OSEO’s workload has grown year after year, however, because a significant portion of cases are recurring or span multiple years. In FY 25, for example, the OSEO continued to serve students and families in 66 active cases initiated in past years, in addition to the 56 new cases initiated in FY 25.

To adequately reflect OSEO’s day-to-day workload, the OSEO tracked the numbers of new and continuing cases. At the time of this report, one case from FY 21, 7 cases from FY 22, 11 cases from FY 23, and 48 cases from FY24 continue to require OSEO services. The cases vary in severity and amounts of time, resources, and interventions needed from ombuds, and some cases can be tremendously labor-intensive. **Of the active cases in FY 24 alone, ombuds attended over 522 meetings with students, families, and school staff, totaling over 1,230 hours.** For example, one case may include 6 meetings, with 24 hours spent with one family. The meetings include developing and reviewing the OSEO advocacy action plan, check-in with the student or family, IEP, SAT, FBA, BIP, or 504 meetings, MDRs, disciplinary meetings, or formal dispute resolution proceedings, including facilitated IEP, mediation, and state complaint.

By the end of Quarter 1 in FY 25, ombuds were working 126 active cases, including 10 cases that were reactivated from previously resolved cases.

Cases	FY2022	FY2023	FY2024	Q1 FY2025
New Cases	48	124	110	56
Resolved/Closed	41	113	62	6
On-going Cases	7	11	48	50
Total Cases	116			
Reactivated cases	10			

“I wanted to thank you again for your participation in the IEP meeting. I can say that your intervention has made my son’s life at school much better. Your influence has gone way beyond the IEP meeting. As you have noticed, that last meeting was a much different meeting. Thank you . . .”

Formal Dispute Resolution

While ombuds aim to solve cases at the lowest level possible, the OSEO also supports families in dispute resolution proceedings with a school district, and fewer than 10% of cases involve formal dispute resolution. Since December 2021, OSEO has assisted over 32 families with facilitated IEPs, mediation, and state complaints. The OSEO has seen a 100% success rate so far in mediation, where the family and school district have been able to reach a mutual agreement.

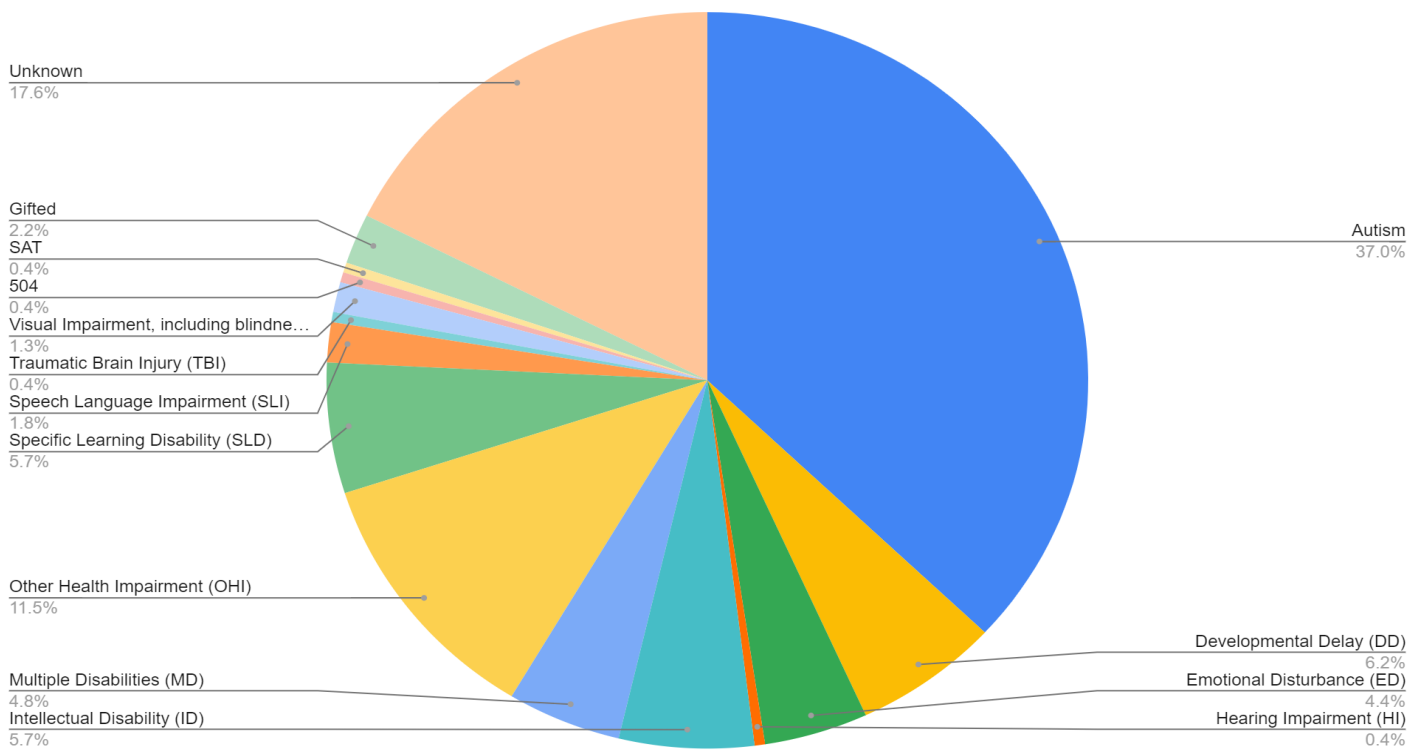
In state complaints, the OSEO provides assistance both before a state complaint needs to be written and after a family has already received a decision from a state investigator. When a family feels that it is no longer possible to reach a resolution with the school or district, the OSEO supports the family from the beginning to the end of the state complaint process. This includes assisting the family as they write the complaint, providing information during the investigation, and supporting the family until the resolution of the Corrective Action Plan (CAP). In the state complaints where the OSEO has been involved from the beginning, all but one case has required corrective action on the part of the school district. In some instances, the Parent & Family Liaison from PED will refer a family to OSEO after the school district has received a CAP.

The low number of formal dispute resolution proceedings reflects that parents and educators both overwhelmingly prefer to find immediate, student-centered solutions, as well as the OSEO’s commitment to building strong relationships and collaboration between families and schools.

Eligibility

OSEO provides free services to all students who have a disability that may qualify them for services through an IEP, 504 Plan, or Student Assistance Team (SAT). Students may also be eligible for services when they struggle with academic performance or social emotional learning. In FY 24, the largest category of eligibility among the students served by the OSEO was autism, at 37%. A significant number, 11.5%, had unknown eligibility because the family did not disclose the student’s disability or the OSEO did not have access to school documentation. To improve data collection, in FY 25, the OSEO added a question regarding eligibility in its service request form, as well as in its follow-up service assessment survey. With better eligibility information, the OSEO can better help schools determine which specialized services will most benefit its students and identify professional development opportunities for its educators.

FY24 Families Served by Special Education Eligibility

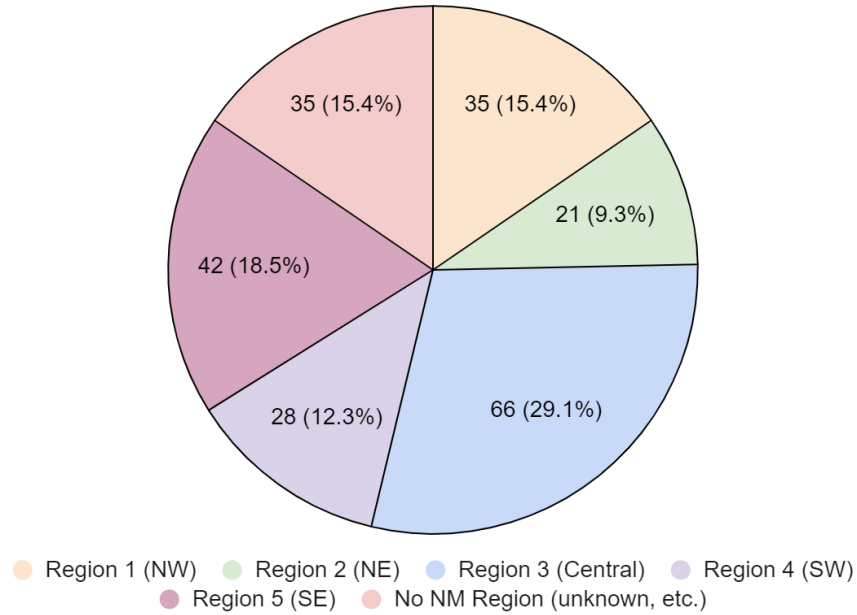


Region & Education Level

To maintain data collection consistency across state agencies, the OSEO utilizes the OSE’s five regions: Region 1 (NW), Region 2 (NE), Region 3 (Central), Region 4 (SW), and Region 5 (SE). In FY 24, 29.1% of families assisted by the OSEO resided in the Central region, which includes two of the largest school districts in the state. The OSEO has observed a recent increase in smaller districts reaching out for assistance as families better understand the OSEO and its services, receive referrals from families who have utilized the ombud program, and see OSEO flyers posted in high traffic areas within each school, as required by law.

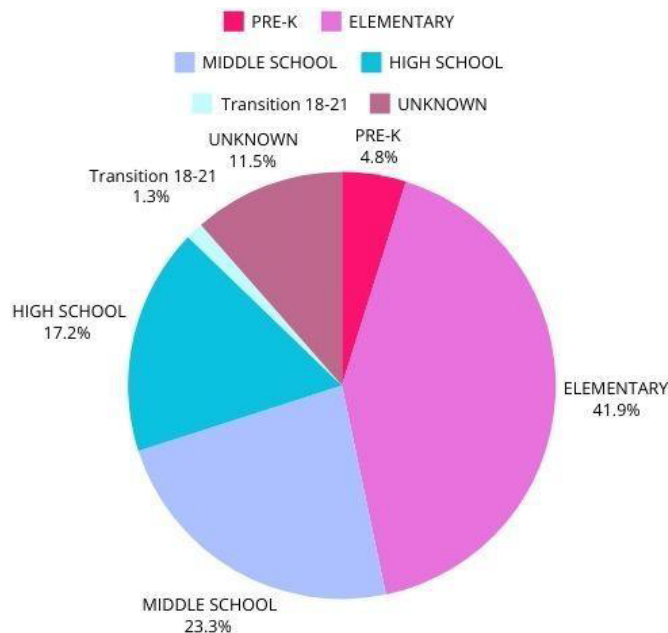
Having multiple cases in any district is often a sign the district or school has ensured information about OSEO’s free services are shared with families, and not necessarily that the district is doing a poor job supporting students with disabilities. In fact, some districts are repeatedly the subject of criticism and complaint, but ombuds are not able to develop a caseload in those districts because families are so fearful of retaliation.

FY24 New Mexico District Regions



Of the 227 families served in FY 24, the majority of students were in elementary school—95 students (41.9%)—and in middle school—53 students (23.3%). The OSEO is currently partnering with Early Childhood Education and Care Department (ECECD) and Higher Education Department (HED) to promote its services and develop stronger transition planning into and out of the K-12 public school system. DDC and OSEO work with ECECD, PED, OSE, HED, CYFD, and Indian Affairs Department in weekly meetings to ensure interagency collaboration. For example, the OSEO partnered recently with ECECD to ensure that families with pre-K students learned about OSEO’s services by presenting at an Early Childhood Community meeting.

FY24 Participants by Grade



Behavioral Support

Of the 634 total families assisted by the OSEO, **286 families (45.1%) sought assistance to address how schools were handling behavior and discipline.** Because cases involving unmet behavioral needs and improper disciplinary actions require significantly more time and attention, they constituted well over half of the work ombuds performed. The ombuds attended over 11 manifestation determination review (MDR) meetings to determine whether a student's behavior was directly tied to their disability. The total increases when including the MDRs of students who had 2 or more MDRs due to long-term suspensions. Many more cases became focused on behavioral needs after an ombud began working with the family and realized low levels of academic performance were a result of unrecognized student behaviors that require accommodations or an IEP.

In FY 24, of the 227 total families assisted by the OSEO, 124 families (52.86%) sought assistance to address how schools handled behavior and discipline. Of the 89 new cases received in the first quarter of FY 25, 28 cases (24.93%) seek assistance to address how schools handle behavior and discipline. The data demonstrates the vast need for additional support, resources, and professional development so schools can adequately serve students with behavioral needs. State and local leaders and policymakers must provide schools the necessary tools and resources to conduct individualized and positive functional and behavioral plans for the success of students with disabilities. Compliance with the IDEIA requires that the student's educational needs are met in all school environments.

PROGRAM ACTIVITIES

Advocacy Action Plans

In FY 24, the OSEO reviewed its protocols and developed the Advocacy Action Plan (AAP). As OSEO's team grows, the ombuds utilize AAPs to ensure consistency of services across the ombud team, greater clarity and more targeted focus on student and family goals, and continual analysis and improvement of services.



Identify

Identify the student's and family's primary and secondary concerns. Work with the family to explore options and potential solutions. Create an AAP that outlines the steps of ombud support needed.



Document

Document the actions of the ombud, student, and family in the AAP. Review and revise the AAP with the student and family regularly to ensure the ombud's work aligns with student and family goals.



Track

Track resolution of concerns, services provided, and hours spent on each case. Follow up with students and families to ensure past concerns are resolved and new concerns have not arisen.

The AAP also includes case management logs that document communications with students, families, and schools. Once the student, family, school, and ombud are satisfied with the immediate outcomes for the student, the case is documented as resolved. Students and families are encouraged to contact their ombud again when additional concerns arise. Since beginning the AAP process, the OSEO has resolved 216 cases. As referenced above, OSEO continues to serve students and families in 66 active cases initiated in past years.

"I am very impressed with the knowledge, expertise, and commitment of your program. I feel that now I can get the help I so much need in advocating for my daughter. I must say that a few weeks ago I was feeling helpless and hopeless . . . I now have high hopes that I will get my child the help she needs."

Data Collection and Analysis

In its 2023 Annual Report, the OSEO conducted an IEP review and analyzed the data gleaned from the review to formulate its recommendations. In FY 24 and FY 25, DDC and OSEO are working

closely with PED and OSE to develop and implement a comprehensive, standardized system to gather data on students with disabilities, their need for services, the effectiveness of the services they have received, and other information related to IDEIA compliance and student outcomes. As a major part of this effort, the OSEO has supported and collaborated with OSE on developing the new unified IEP template to ensure compliance with IDEIA standards and requirements.

Interagency Collaboration

The majority, if not all, of the recommendations in OSEO's 2023 Annual Report require the dedicated, strong commitment of both PED and local education leaders and policymakers.

Therefore, in FY 24 and continuing in FY 25, the OSEO focuses its systemic efforts on supporting the work of PED's newly established Office of Special Education:

- Weekly Huddle - OSE's weekly special education meetings, which include Cabinet Secretaries and top agency leaders, have developed a strong, ongoing interagency collaboration to strategize how to better serve students with disabilities across the state of NM. Through the weekly huddles, OSEO has provided support and training at Special Education Director Academies and Parent University, shared OSE resources with districts, schools, and families, and provided boots-on-the-ground information about the work of schools and families in the IEP process. Additionally, the OSEO has provided consultation or field expertise on the following OSE projects and priorities:
 - Reading program support
 - Applied Behavior Analysis (ABA) therapy support in schools
 - OSE newsletter information – distributing to OSEO's network of families, advocacy groups, and other education stakeholders
- Unified IEP Template – In addition to providing detailed feedback on drafts and emphasizing the need to improve documentation of transition planning and behavior supports, OSEO led the efforts to solicit student and family feedback. OSEO hosted 5 virtual meetings to gather student and family feedback on the template before it was finalized, amplifying the voices of families during the feedback process. OSE has now completed the unified IEP template, which will be used across all districts in NM.
- OSE Professional Development Tour – OSEO shared resources with parents and presented on a panel to provide guidance to families about how to communicate with the school, build relationships with school staff, and support the highest level of inclusion as possible. OSEO provided information about its program and services to school district staff. Multiple Special Education Directors have called the State Ombud to ask for advice on services, accommodations, and requirements.
- Restraint and Seclusion Working Group – Because students with disabilities are impacted at significantly higher rates than any other student demographic, DDC led a working group to study restraint and seclusion in New Mexico public schools, including a broad range of education stakeholders, such as district leaders, teachers, parents, and advocates, and propose policy recommendations to clarify and restrict the use of restraint and seclusion. With the partnership and collaboration of LESC, PED, and OSE, DDC was able to help craft a proposed bill for the 2025 Legislative Session.
- IEP Review Collaboration: Both OSE and OSEO have reviewed components of IEPs across the state. Both agencies have discovered inadequacies in IEP documentation of important items—such as transition planning, accurate and comprehensive data on performance and goals, when accommodations and services were provided and how effective they were, and

PWN information. The agencies have executed an MOU for information sharing and are working on developing a system for consistent data collection and analysis.

- **OSE Resource List**: The leadership at OSE has now added OSEO to both the Parent Liaison and the Governor’s Constituent Support lists, creating a continuum of support for families across the state. Families who have not received OSEO information from schools have been accessing OSEO services through the OSE.
- **Tribal Connections**: PED, OSE, and Indian Affairs Department have begun focusing on special education supports across New Mexico’s Tribal communities. OSEO provides information from direct experiences in meetings with Native American families across NM in public schools, charter schools, Tribally run schools, and Bureau of Indian Education (BIE) schools. Representatives from DDC and OSEO attend the Executive’s Government-to-Government Tribal Education Summits.

Outreach

In addition to the outreach support the OSEO provides to PED and OSE, the OSEO has completed 35 presentations to 552 people and interacted with 933 people while working 24 vendor tables at conferences, transition fairs, and OSE’s Professional Development Tour.

The Council has revamped its committees, including DDC’s education committee. Instead of serving merely in an advisory role in the development of the OSEO, the education committee is now led by self-advocate Council members with lived experience. The committee chairs have chosen an initial project to spearhead—the creation of special education youth councils that include 14- to 18-year-old special education students.

The State Ombud has also partnered with DDC’s Center for Self Advocacy to teach a class called “My Rights Everywhere” in Albuquerque Public Schools’ Works Program. DDC staff teach transition-age students lessons and activities about disability rights when applying for jobs, completing job responsibilities, in their community, and in their home.

The State Ombud regularly attends meetings held by the New Mexico Coalition of Administrators of Special Education (NMCASE), NM Coalition of Educational Leaders (NMCEL), the Special Education Directors Academy, and UNM-CDD, as well as special education meetings conducted by advocacy groups such as Parents Reaching Out (PRO), Education for Parents of Indigenous Students with Special Needs (EPICS), and others, in order to collaborate across the entire spectrum of education stakeholders.

Intake Procedures

In FY 24, the OSEO team reviewed the intake process from beginning to end to identify improvements. As a result, clear procedures were developed, including a shorter intake process, more assistance to families with completing service request forms, weekly team discussion and assignment of new cases, and distribution of case assignments based on location, ombud experience and expertise, and ombud caseload management.

“The messages that [your intake coordinator] conveys regularly are very constructive and reassuring that your team’s assistance . . . will provide the necessary advocacy that I am requesting for my son. . . . I also very much appreciate her quick response to my many inquiries, phone calls, etc. She was also very helpful in getting the process started for me pertaining to the paperwork needed to ensure that [ombuds] could assist as quickly as possible. Her due diligence on her end paid off.”

ADDITIONAL RECOMMENDATIONS

In FY 24, the OSEO completed another full school year of services. In the three major areas of concern outlined in its 2023 Annual Report, the OSEO further identifies the following case examples and recommendations:

Communication, Consistency, and Continuity

Case Example

The following case example highlights the extensive time and efforts of a student and his family to secure critical services. It also highlights the urgent need for interagency collaboration, and collaboration within a school district to ensure important data is gathered, shared, and analyzed.

In December 2023, a primarily Spanish-speaking parent requested assistance from the OSEO. Her 5th grade child with a diagnosis of Attention-Deficit/Hyperactivity Disorder (ADHD), anxiety, and severe depression was being suspended on a regular basis and coming home crying almost daily. The student's community therapist was very concerned that the school's punitive approach was worsening the student's symptoms. Upon reviewing the records, the ombud realized that there was a lack of academic testing and that there may be more than just mental health issues present. The IEP team agreed that they lacked understanding of the student's academic performance, and that a full academic evaluation and behavioral assessment was needed.

The evaluations found that the student had dyslexia and severe learning disabilities in all academic areas. In the ten months that the ombud case was open, the ombud had attended eight school meetings for the student that included an IEP team meeting, an evaluation determination team (EDT) meeting, two disciplinary meetings, a FBA meeting, a BIP meeting, an IEP addendum meeting to address social work services, and a BIP review meeting.

All meetings included a Spanish language interpreter for the parent to better understand, communicate, and participate in the school meetings. The student now has an appropriate level of special education programming and support, a Behavior Intervention Plan, and accommodations that focus on positive reinforcement. The parent reports that the student is no longer coming home in tears.

Recommendations

- (1) Primary focus on student outcomes and academic performance
 - a. Evaluate academic performance to determine whether a student has a disability
 - b. Document every step taken so that progress is not lost from school year to school year
- (2) Inclusion of outside experts in school meetings to better inform the IEP team
- (3) Language accessibility to ensure clear communication and comprehension
- (4) Confirmation that the student or parent understands the content in each section of the IEP
- (5) Discussions and suggestions made by anyone in the IEP meeting documented in the PWN
- (6) Consensus rules established at each school meeting; for example:
 - a. Only one person speaks at a time, and each person is allowed to finish their thought.
 - b. School special education staff will review what rights the student and family have during the meeting and their roles on the IEP team.

Behavioral Support for Students with Disabilities

Case Example

The following case example introduces “George,” who exemplifies the many New Mexico students who fall through the cracks in the education and behavioral health systems.

George was a bright and curious third grader, but faced challenges that made attending school difficult. George was diagnosed with Oppositional Defiant Disorder (ODD), ADHD, and obsessive-compulsive disorder (OCD). His days at school feel like a whirlwind, and his emotions sometimes get the best of him.

One day, during a particularly hectic recess, George felt overwhelmed. A group of kids were playing too close to his body, and the noise spiraled into chaos in his mind. When a teacher approached him, invading his space, he felt trapped and lashed out. He kicked the teacher when she gave a direct instruction. The incident infuriated both the teacher and principal. The police were called and four units arrived. George was charged with aggravated assault and placed on out-of-school suspension (OSS) in a placement away from his neighborhood school.

George’s mother became distraught and was determined to help her son. In September 2023, she contacted the OSEO. She knew George needed support, not punishment. With OSEO’s support and a plan to empower his mother’s advocacy, OSEO and the mother arranged a meeting with school staff to discuss George’s needs, emphasizing his disabilities and how they impact his behavior in various environments. An FBA was requested, and the IEP team crafted an IEP and BIP for George, incorporating strategies to help him cope with overwhelming situations and express his feelings safely. OSEO documented over 50 hours worked in the case.

The school agreed to provide additional accommodations and modifications to reduce the suspensions that had plagued George’s school experience. At one point, George had two advocates. George’s mother chose to keep the advocate who could attend in-person meetings with her. She stayed with her advocate of choice for three months and eventually contacted the OSEO for guidance and help. OSEO quickly responded and reactivated the case.

George’s dysregulation continued to increase due to the inability of school staff and administrators to implement the BIP and IEP. The staff lacked knowledge, tools, and strategies to keep George regulated and participating successfully in a full school day. The elementary school persisted in assigning OSS for at least 2 out of 5 school days within the first few hours in the morning. They also scheduled disciplinary hearings before MDRs, insisting that George’s behavior was intentional, although his disabilities directly impact his ability to understand and act with purpose, or to know right from wrong.

The school’s failure to provide adequate support to develop and strengthen George’s coping mechanisms have led to steadily worsening behavior. His situation became increasingly unmanageable for the school team as George was not taught necessary regulation skills. Time passed, and George began fourth grade. The support from his mom and OSEO remains stable. During the assigned suspensions, IEP services remain undocumented and undelivered. The school misunderstands and lacks the knowledge and skills to address triggers by following the IEP and BIP. George’s tumultuous school journey continues to decline as a lack of positive relationships with teachers and peers impacts George’s self-esteem and motivation. The ombud provided resources, time, and advocacy to support George and his mother through three MDRs, three disciplinary hearings, and a formal State Complaint.

George has now been placed in OSS/ISS totaling over 18 days for infractions such as wearing sunglasses to school and asking for breaks at the “wrong time” while staff continue to place demands, increasing George’s dysregulation.

Recommendations

Until the recommendations in the 2023 Annual Report are implemented, students like George will continue to be funneled through the school-to-jail pipeline. As state and local governments struggle to find the resources to solve poverty, crime, homelessness, addiction, and the mental and behavioral health crisis, New Mexico cannot afford to allow another generation of students like George to fall between the cracks.

Transition Planning

Case Example

The following case example demonstrates the positivity and willingness of an IEP team to transition a student from receiving homebound services to attending kindergarten in public school. The ombud team has rarely witnessed the same level of care and energy when transitioning a teen into adulthood. If transition plans are routinely required for every point of transition, continuity of services between school settings and extensive experience with transition planning will ensure student success after high school graduation.

In the late spring of 2024, a family contacted the OSEO for advocacy services to help transition their son from receiving homebound services, which he was receiving due to the severity of his medical condition, to attending kindergarten in public school. This child was also receiving speech and language therapy to learn how to communicate using an Augmentative and Alternative Communication device, as well as learning sign language to express his wants and needs.

The family's primary concern was to ensure that the school would be able to meet their child's extensive needs and that their child would be able to learn in a public school setting. The OSEO met with the family to formulate their Advocacy Action Plan. The parents and ombud attended the IEP with a strong vision statement, their goals for their child, and highlights of their child's needs for a safe transition. The parents planned to request necessary accommodations while building collaboration with the school district. The IEP meeting was successful as all staff and team members at the meeting provided the knowledge and support needed. The team included teachers from both homebound services and the new school, speech language pathologist, occupational therapist, school administrator, nurse, and the family. The child successfully began attending school in the 2024-2025 school year, and the family celebrated by sending pictures of the child's first day of school to the OSEO.

This portion of the case required 24 hours and 5 meetings with the family and with the IEP team. The case is currently still active to support the family in their request for assistive technology.

Recommendations

- (1) Transition plans for all transitions, including graduation from early childhood education in pre-kindergarten to kindergarten, from elementary to middle school, from middle school to high school, and from high school to postsecondary education, which includes college or trade school, to a transition program serving 18- to 22-year-old students, or to long-term employment
- (2) IEP team training with the Unified IEP Template to ensure all staff understand that transition plans must preserve the accommodations and services that prepare the student to live as independently as possible.

