

DRNM's Annual Review of NMPED Complaints & Due Process Hearing Records

As the 2025-2026 school year drew to a close, DRNM reviewed the Due Process decisions and State Complaint Resolution Reports available from the New Mexico Public Education Department's Office of Special Education. These 68 documents appear on the NMPED website at <https://web.ped.nm.gov/bureaus/special-education/dispute-resolution/state-complaint> and reflect the outcome of 67 individual disputes between parents and local educational authorities (LEAs), as well as the outcome of one district-wide investigation in Deming, NM. DRNM looked at the districts involved, the legal issues raised, disciplinary concerns cited, corrective actions ordered, and how many students with disabilities were impacted. In doing so, we sought to identify patterns that would inform our systemic outreach efforts. We are sharing this information for like-minded special education advocates, parents, and policy-makers across the state.

DRNM identified five major areas of concern:

1. Evaluation delays keep students with disabilities from receiving the services that they are entitled to. One of the clearest problems that emerged from our review is that many students face significant delays in the evaluation process--- including late evaluations, delayed evaluations, poor tracking of timelines, failure to provide Prior Written Notice, and failure to hold timely Eligibility Determination Team meetings after the clinical component of evaluations have been completed.

For students with disabilities, this is not a technical legal rights violation. An evaluation is the doorway to services. When the process stalls, student go for months ---if not years--- without needed therapies, differentiated instruction, accommodations, behavior supports, and updated IEPs. The Deming Public Schools systemic complaint exemplifies this problem. When the NMPED reviewed records for 94 elementary students receiving special education services, the NMPED found that the district's entire tracking system was broken. The IDEA's Child Find obligation is a fundamental requirement demanded of all LEAs. Evaluations are the gateway to a Free Appropriate Public Education for students with disabilities, and we must ensure that access to that doorway is unhindered.

2. Many schools are still punishing disability-related behavior. The majority of parent complaints involved students whose behavior has been historically connected to their disability. These students had qualifying exceptionalities of autism, emotional disturbance, intellectual disability, and ADHD under Other Health Impairment (OHI). Far too often, schools responded to behavioral needs by removing students quickly and unreasonably. Parents reported shortened days, virtual placements (online classes), repeated calls to pick up the child early, pressure toward more restrictive settings, or discipline that did not address their student's needs.

These responses to behavior-related needs stand in stark contrast to the IDEA's required approach: that schools should be asking what the behavior means, what supports are missing, whether a Functional Behavior Assessment is needed, and whether a Behavior Intervention Plan

(BIP) is actually working. For advocates, this is one of the most urgent areas for family education, as parents need to know their rights *before* the school has already normalized disciplinary exclusion.

3. Staffing shortages lead to FAPE denials. Statewide, New Mexico schools have significant staffing problems. All too often, students with disabilities pay the price for this shortage. When districts do not have qualified special education teachers, related service providers, ancillary providers, or educational diagnosticians, IEPs often fall apart in practice. Evaluations are delayed and services are missed. When bus drivers are not available, students with disabilities simply don't go to school. Parents get vague explanations instead of actual remedies.

Staff shortages are not merely a workforce issue. When these gaps interfere with services required by an IEP, it becomes a legal issue. Students are entitled to the services and supports recorded in their IEPs whether or not the school district has staff available to deliver them. Repeated failure to provide services and supports can easily result in the denial of a Free Appropriate Public Education for any given student. To that end, DRNM encourages parents and advocates to carefully document instances when IEP services and supports are not provided due to staff capacity.

4. Districts with repeated complaints should shape statewide priorities. Several districts show up repeatedly in the complaint list, including Albuquerque Public Schools, Santa Fe Public Schools, Belen, Carlsbad, Rio Rancho, and Deming. As these represent some of the largest LEAs in the state, their inclusion on the list is expected. Larger districts serve considerably more students, and not every complaint results in a finding or citation against the district. However, repeated NMPED complaints do indicate where parents are running into formal disputes and are unable to resolve matters locally. As advocates, this data can shape where we hold trainings, where we build parent networks, where we watch for recurring issues, and where we ask harder systemic questions.

5. One parent complaint may reveal a much bigger problem. When representing or advocating on behalf of students, DRNM finds that many parents are often made to feel that they are overreacting, misunderstanding the process, or intentionally creating conflict where none existed before. However, our review of the NMPED resolution reports tells a different story. Oftentimes, district-wide issues brew just underneath the surface. When one parent is brave enough to file a complaint, systemwide problems are found. Again, the Deming systemic complaint demonstrates this perfectly. One parent complained about a delayed evaluation, which afforded the NMPED to investigate wider problems with the district's entire evaluation tracking system. This is why individual advocacy and systemic advocacy belong together. The family who files a complaint for their child may also be creating the record that helps protect other students. In Deming, nearly 100 students were impacted by the courage of one family to file a complaint.

Moving Forward: A Practical Roadmap for NM's Advocates

These complaint resolution reports give us a practical roadmap for advocating across the state. They suggest that we should direct our work towards the following:

- Educating parents about evaluation timelines, Child Find obligations, consent, and Prior Written Notice requirements.
- Informing families of the processes that surround obtaining a Functional Behavioral Assessment (FBAs) and Behavior Intervention Plans (BIPs) and actively advocating alongside parents in IEP meetings for these services.
- Alerting parents to potential rights violations when their student experiences informal removals and shortened school days.
- Training families on disciplinary protections for students with disabilities, particularly in regard to Manifestation Determination Reviews and suspension or expulsion hearings, and holding LEAs accountable for continuing to serve students when required to do so.
- Guiding parents on how to document service disruptions caused by staffing shortages, and filing NMPED complaints when districts fail to deliver FAPE due to inadequate staff capacity.
- Building parent networks and cultivating relationships in districts where families keep reporting similar problems. Encourage the filing of group complaints when LEAs systemically fail to meet their legal obligations.
- Holding the NMPED accountable for enforcing their own corrective action plans and due process hearing orders.
- Participating in coalitions and other groups that promote the improvement of special education services across the state.

The complaint process exists to resolve disputes, but these reports demonstrate that they can do much more. They help identify recurring barriers, expose systemic failures, and point advocates toward the issues that demand our collective attention. DRNM encourages parents and advocates to use these reports not simply as legal records, but as a roadmap for strengthening special education across the state and ensuring that every student receives the free appropriate public education promised by law.