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## **BLOOMFIELD SCHOOL DISTRICT CITED FOR FAILING TO PROVIDE SPECIAL EDUCATION SERVICES DURING THE COVID-19 PANDEMIC**

December 04, 2020 – Bloomfield, NM. In an important determination that impacts hundreds of students with disabilities in the Bloomfield School District (District), the New Mexico Public Education Department (NMPED) has cited the District for violations of the Individuals with Disabilities Education Act (IDEA) resulting from an October 2020 state complaint filed by the Native American Disability Law Center (NADLC). NMPED's investigation led to a conclusion that the District failed to meet its obligation to provide special education services to eligible students during the COVID-19 pandemic school closures. Families who might be impacted by this important decision are encouraged to contact the NADLC for more information.

NADLC became aware of the issues that gave rise to the complaint through its representation of Native American students with disabilities in legal custody of Children, Youth and Families Department (CYFD). NADLC suspected the District's practices related to the COVID-19 pandemic went beyond these students and requested NMPED conduct a system wide investigation.

As a result of the complaint, NMPED issued a Corrective Action Plan (CAP) to address the three areas in which it found violations of the law: the District's failure to properly implement Individualized Education Plans (IEP); the District's failure to schedule IEP meetings to discuss student progress and need for compensatory services; and lastly, the District impermissible and unilateral reduction in special education services during the COVID-19 pandemic without individualized analysis required under IDEA. The PED determined that the District's failure to provide these services to students resulted in the denial of Free Appropriate Public Education (FAPE) in violation of state and federal law.

To remedy the violations, the CAP requires the District conduct a comprehensive review of special education and related services provided (or not provided) since April of 2020 and notify the families of affected students. The District must further schedule IEP meetings for all eligible special education students in the District to review student progress during school closure and determine whether recovery services are warranted. It must provide those recovery services where necessary.

While the COVID-19 pandemic has changed the landscape of how education is provided, this decision has made it clear that school districts must continue to meet the needs of students with disabilities.

To learn more about the State Complaint, tune in to this podcast featuring Alexis DeLaCruz, Staff Attorney at Native American Disability Law Center talking with The Advocacy Institute ([www.advocacyinstitute.org/isrc/podcasts/NativeAmericanDisabilityLawCenter.mp3](http://www.advocacyinstitute.org/isrc/podcasts/NativeAmericanDisabilityLawCenter.mp3)).

For additional information, including the Complaint and Decision, please visit [www.nativedisabilitylaw.org](http://www.nativedisabilitylaw.org). Anyone with questions about this decision or how it may impact individual students' rights should contact the Native American Disability Law Center.

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