**PEGASUS**
LEGAL SERVICES FOR CHILDREN

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### NEW MEXICO PUBLIC EDUCATION DEPARTMENT ORDERS ALBUQUERQUE PUBLIC SCHOOLS TO REFORM POLICIES AND PRACTICES FOR DISCIPLINING CHILDREN WITH DISABILITIES

The New Mexico Public Education Department ("NMPED") issued last week a 24-page report documenting the results of its investigation into Albuquerque Public Schools' ("APS") policies and practices when disciplining children with disabilities.

The report follows a systemic complaint filed on behalf of class of children with disabilities and their advocates by Pegasus Legal Services for Children and Disability Rights New Mexico. That complaint alleged that APS subjects children with disabilities to disciplinary proceedings without regard for whether the disability played a role in the conduct. This practice violates both federal and state law and exposes children with disabilities to a harsh and punitive process for conduct that they cannot help.

For the children involved, this means that they must face the full brunt of a quasi-judicial proceeding and lose weeks of educational services for disability-related conduct.

The NMPED agreed. The NMPED conducted a two-month long investigation, identified 92 student/class members, reviewed dozens of files and hundreds of pages of documents, and retained the services of an independent consultant to analyze the data collected.

Following its investigation, the NMPED concluded, among other findings, that APS committed a "substantive and serious violation" of the law. To correct its failings, APS must develop, implement, and widely publish new disciplinary policies and procedures, train its staff in best practices, and inform class members of its new policies and procedures and of their right to seek legal remedies.

Families interested in learning more about their rights are encouraged to call Pegasus Legal Services at 505.244.1101 or Disability Rights New Mexico at 505.256.3100.