

# **THE MARTINEZ-YAZZIE ACTION PLAN: TYPICAL VERSUS TRANSFORMATIVE**

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## **Executive Summary**

This review finds that, despite meaningful additions to the final Martinez-Yazzie Action Plan (expanded front matter, new vision statements, community-perspective sections, and more detailed action tables), the plan still does not meet what the court required nor what communities have repeatedly asked for. The core reason is structural: the plan is not built on a multicultural, multilingual, place-based (MCMLPB) framework and it does not use a balanced evaluation and accountability approach (BEAA). Because these two anchors are missing, many of the new details actually make the plan more fragmented than the draft — goals, outcomes, action steps, and accountability tools don't line up.

### **1. Missing Foundational Framework and Evaluation**

The court and communities called for an approach that starts with inputs, capacity, and positive conditions for learning — especially for Native students, English learners, students with disabilities, and economically disadvantaged students. The plan instead doubles down on test-based outcomes without first specifying what it will take — people, funding, professional learning, working conditions, and PED infrastructure — to deliver high-quality, culturally and linguistically responsive instruction statewide. A balanced evaluation and accountability approach would help tremendously by focusing on measures that matter the most (learning environments, staffing, cultural/linguistic relevance, access, services, etc.) while also tracking academic results as the effect of those investments and improvements.

### **2. Need to Shift From Test-Centered to Student-Centered**

The current assessment-heavy stance is not aligned to the evidence on equity or to decades of community input. New Mexico is being asked — by the court and by community — to move away from “more accountability through tests” and toward “better opportunities and supports for students.” That means more relevant coursework, bilingual/multilingual and multicultural education, stronger services for students with disabilities, community-driven and land-based learning, and more competent, supported teachers and school leaders. Twenty-five years of test-heavy reform has not closed achievement gaps; adding more of the same to this plan will not produce the “transformative change” the plan itself promises.

### **3. Capacity, Cost, and Transparency Gaps**

Across the action step tables, the plan does not adequately address the existing capacity

gaps in the PED, districts, and schools. It also does not consistently estimate the cost of what is being proposed. Without organizational and financial transparency — a public definition of “sufficiency”, the capacity needed to achieve it, and what it costs at every level — the PED, districts, and Tribal schools will continue rationing inadequate resources while they, along with teachers and students, absorb blame when achievement does not move. This is both inequitable and unsustainable.

**4. Collaboration and Shared Leadership Are Underdeveloped**

The plan talks about community perspectives on every subgoal and names the four student groups throughout, but those perspectives are not fully integrated into the action steps. PED is still positioned as an “island,” holding power without clearly sharing it with Tribal governments, communities, families, teachers, higher-ed experts, or locally rooted equity leaders. Roles and responsibilities are described as “typical,” not transformational. What’s missing is a formal, well-resourced, community-based advisory body — tied to the lawsuit and codified in statute — with authority to oversee implementation to ensure that Tribal sovereignty and local expertise shape ongoing decisions.

**5. Working Conditions and Professional Learning**

The plan gives too little attention to what research and New Mexico educators repeatedly name as central: improving working conditions for teachers and school leaders and embedding professional learning (PLCs, coaching, collaborative planning, community schools structures, etc.). Professional collaborative learning appears in places in the plan, but there is very little that addresses working conditions for teachers and leaders. Given that teacher and leader quality, vacancies, and turnover are core to serving the four student groups well, this is a major omission.

**6. Misalignment Between Front-End Language and Action Tables**

The opening pages contain strong, equity-affirming, culturally grounded language — honoring Tribal sovereignty, valuing multilingualism, recognizing student identity and belonging — but that language is not consistently reflected in later action steps or proposed outcomes. Estimated costs are completely absent. Where the plan could have used community feedback to redesign the system, it largely added that feedback as text rather than as direction.

**Key Implications**

- The plan needs to be rebuilt within a MCMLPB framework and a balanced evaluation and accountability approach.

- Short-term goals should first target inputs and conditions (staffing, CLR materials, inclusive practices, bilingual programs, transportation, out of school time access, etc.), not primarily assessment results.
- PED, the Legislative Education Study Committee (LESC), the Legislative Finance Committee (LFC), and the Higher Education Department (HED) need a unified vision, shared goals, and a transparent estimate of the cost to fully implement existing laws (including the Bilingual Multicultural Education Act, Indian Education Act, Hispanic Education Act, Black Education Act, the state law pertaining to students with disabilities, and IDEA).
- A statute-created, community-based advisory council is the clearest way to ensure accountability to the plaintiffs and to the people most affected. One-way accountability has not and will not work.
- Until the state meets its own obligations and funds the required capacity needed throughout the system, punitive measures such as withholding funds and threats to accreditation are misaligned and counterproductive.

In short, New Mexico has the right voices in the document, but not yet the right vision or structure to act on them. The next version must center student belonging, culture, language, and inclusive and locally driven learning. The best way to do this is for state leadership to adopt a MCMLPB framework as mandated by the court and build out balanced evaluation and accountability with sufficient funding, all within real transformational shared leadership.

## **OVERVIEW OF MAJOR WEAKNESSES IN THE PLAN**

### **Necessary Framework and Evaluation Approach**

While the final version of the plan is much longer than the draft and contains additions such as the glossary, more language aligned with the input gathered from community, and an attempt to delineate outcomes, it still falls severely short from what the court ordered in terms of addressing the required elements and nine components.

Overall, due to the lack of a multicultural, multilingual, and place-based framework (MCMLPB) and a balanced evaluation and accountability approach (community is asking for both as described below), most of the new language and details result in an even more disjointed and misaligned response from the NM Public Education Department (PED) compared to the draft. The addition of place-based in the framework is in response to student and community feedback that relevant, land-based, culturally and linguistically responsive, and locally driven learning is more effective in engaging students than one-size-fits all corporate driven strategies.

In contrast to what currently exists, a MCMLPB framework and balanced evaluation and accountability approach should be the foundation of the plan as well as the foundation of a unified vision and goals shared among the PED, the Legislative Education Study Committee (LESC), the Legislative Finance Committee (LFC), and the Higher Education Department (HED).

A balanced evaluation and accountability approach (BEAA) places greater emphasis on the inputs, capacity, and resources that result in improved learning conditions which then result in greater academic success for underserved students. Balanced evaluation and accountability also tend to drive increased truthfulness which is another necessary aspect of effective evaluation. On the opposite end of the spectrum in evaluation is the over emphasis on student tests or assessments. In the longer and final version of the plan, the overemphasis on student assessments is clearer but it will do nothing to improve teaching and learning, and thus assessment results.

### **Shift From Testing Centered to Student Centered**

Shifting away from test centered reforms is a difficult change to make in education but the leadership in NM is going to have to make it because this is what the judge called for and it is what the community is asking for (i.e. more resources, funding, opportunities, greater competency of teachers and school leaders, better and more relevant courses, truly culturally and linguistically responsive curricula, greatly improved services for students with disabilities, etc.). Plus, this is the only proven way to achieve equity according to the these and other well respected researchers (<https://nepc.colorado.edu/publication/research-based-options>, <https://southerneducation.org/wp-content/uploads/documents/investing-in-what-works-report.pdf>

[https://www.researchgate.net/publication/338030455 New Mexico's 2019 School Finance Reforms and The Essential Building Blocks for State School Finance](https://www.researchgate.net/publication/338030455_New_Mexico's_2019_School_Finance_Reforms_and_The_Essential_Building_Blocks_for_State_School_Finance)). More test centered accountability does not equate to system improvement. That is why “achievement gaps” still exist after almost 25 years of test heavy efforts in the U.S. and NM.

Within a MCMLPB framework and a BEAA, it is possible to identify gaps in inputs, resources, and capacity and corresponding solutions cohesively throughout every level of the system (i.e. classroom, school, district, and state). But doing this also requires being honest about the capacity and infrastructure gaps in the PED while also estimating the cost of the corresponding solutions. Without this kind of organizational and financial transparency where everyone knows what sufficiency is and what it costs and thus the prioritization process is public, district and school leaders will have to continue deciding how to portion out inadequate funding while dealing with inadequate capacity and infrastructure on their own. This is extremely dysfunctional and not sustainable. Plus, energy that could be used to innovate and deepen learning for students and within the education system itself, will continue to be used to blame others and ponder why achievement doesn't improve despite increased investments.

In this context, the “short term” outcomes that were added after each goal are disjointed and misaligned which is not surprising. Because the input, capacity, and resource gaps have not been clearly delineated, it is not possible to create an evaluation and accountability plan that is thorough and cohesive. The threats to withhold funding (even for food) and accreditation that were added are also misaligned as well as counterproductive (refer to pages 24, 50, 115).

### **Move Away From PED as an Island**

Contributing to the dysfunction is the reality that PED operates as an island and doesn't seem to be able to collaborate authentically or share power, both of which go hand in hand. Moving forward, NM will need to temper the power concentration in the PED by requiring more effective leadership expertise and applied equity experience in the role of the Secretary of Education. Understanding how to apply equity in education also needs to become a prerequisite for all LESC staff and legislators and LFC staff who concentrate on public education. Until policy making in NM is grounded in these skills and understandings, tangible improvement will continue to be elusive. An elected state board will only perpetuate some of the same challenges if underlying lack of understanding and political barriers to equity are not addressed.

### **Focus on Working Conditions**

Another important weakness in the plan amplified by additional details is the lack of focus on improving working conditions for teachers and school leaders, despite extensive national and state level data pointing to its importance. Related to this is PED's overreliance on a top-down isolated approach to providing professional development and training for teachers and leaders.

This strategy flies in the face of consistent feedback from teachers all over the nation and in NM. Professional learning communities, instructional coaching, collaborative planning and learning, shared leadership, etc. are much more effective than disjointed PD sessions which is why they are embedded in the Community Schools model (<https://www.nea.org/student-success/great-public-schools/community-schools/what-are-they>).

### **Typical versus Transformational**

Finally, acknowledgement on the part of the PED that “typical” doesn’t work would be a big step toward transformation. The current system was designed over 100 years ago and must evolve if public education is going to remain relevant to society. Within the current confines of typical school schedules, course offerings, teacher roles, and barriers to meaningful and ongoing community engagement, it is difficult for teachers to tailor the content, pace and method of instruction for different student interests and different kinds of learners (<https://education-reimagined.org/a-transformational-vision-for-education-in-the-us/>, <https://education-reimagined.org/>).

### **COMMUNITY PERSPECTIVES SUMMARY**

The PED added “Community perspectives,” but they are not fully addressed in the action step tables. Plus, the perspectives are repeated at the top of every page and all four student groups have been added at the bottom of every subgoal, except for a few where not all the subgroups are targeted. Both of these redundant additions make the document longer while not enhancing the substance.

**Community Perspectives** (they are listed for all four student groups unless otherwise noted):

#### **Goal 1.1**

- Overhaul existing curricula
- Move away from one-size fits all approaches
- Create learning environments that reflect diverse student needs and local communities
- Collaborate with community members and organizations to enhance educational offerings and leverage local expertise

#### **Goal 1.2**

- Resources and funding are needed to improve training for bilingual and culturally rich education
- Partnerships and programs are needed to leverage community expertise and support language preservation
- State should do more to sustain language preservation

#### **Goal 1.3**

- More inclusive settings

- Better transition supports, especially for postsecondary students

#### **Goal 1.4**

- Lack of transportation impedes access for rural, Native American, and economically disadvantaged students
- Inequitable career-connected learning opportunities and programming
- Diverse enrichment activities, including after-school clubs and other extracurricular available to all students

#### **Goal 2.1**

- Improvements to working conditions are needed to include teacher pay and recognition to attract highly qualified teachers
- Need for resources, funding, and PD to support special education and diverse learning needs

#### **Goal 2.2**

- More support for bilingual education programs
- Preserve heritage languages and the cultural identities of students
- Strong partnerships with universities and community-based educational organizations are important in supporting the educator pipeline
- More strategies to retain teachers from local communities and underrepresented groups

#### **Goal 2.3**

- More professional learning, oversight, and accountability are needed to prioritize student needs and inclusivity
- Cultural and linguistic training are needed, especially for new teachers and bilingual educators of diverse students
- Barriers exist in accessing professional development and resources in rural and underserved areas

#### **Goal 3.1**

- Access to modern technology and devices is needed for the target students so they can access academic and well-being supports
- Reliable transportation beyond the school day is needed

#### **Goal 3.2**

- Community-based learning approaches that value bilingual and culturally relevant pedagogy are not sufficient
- Special education students need to receive equitable services and opportunities in inclusive educational environments

#### **Goal 3.3**

- Comprehensive mental health supports and wrap around services are needed

- Community engagement is important to determine what constitutes appropriate social and well-being supports
- Cultural elements are not adequately integrated into everyday learning
- Staffing to support behavioral interventions is inadequate

#### **Goal 4.1**

- Consistent, equitable, fair, and effective funding
- Funds should go directly to the students to impact learning
- More access to career-connected and expanded learning opportunities

#### **Goal 4.2**

- Coordinated systems to track the use of state and federal funds
- Greater involvement of tribal governments and local communities in financial decision-making is important

#### **Goal 4.3**

- Transparency to ensure compliance with all educational acts in state statutes
- Data to be easily available and understood to inform decision-making and educational policies

#### **Goal 4.4**

- Unified approach to education transformation that integrates resources and capacity with equity considerations
- Strong accountability and increased community and tribal involvement in decision-making is important

### **THE CAPACITY OF THE PED, DISTRICTS, AND SCHOOLS**

#### **PED capacity, infrastructure, and/or funding:**

Refer to the following pages for examples where PED capacity, infrastructure, and/or funding are not adequately addressed. It appears that much more is being added to the PED's plate without simultaneously increasing the necessary human and financial resources.

Pages: 21, 22, 23, 24, 29, 34, 35, 36, 38, 40, 43, 44, 45, 46, 47, 49, 51, 52, 53, 54, 55, 57, 58, 61, 63, 68, 69, 71, 72, 73, 74, 76, 77, 78, 79, 82, 83, 84, 85, 87, 88, 89, 90, 91, 92, 102, 103, 104, 108, 111, 114, 115, 116, 117, 118, 119, 123, 124, 139, 144, 146, and 154.

#### **Funding and capacity of districts and schools:**

Greater emphasis should be placed on carefully building the capacity of districts and schools before adding more to their plates. Ideally, they would be more involved in designing and evaluating the various improvement efforts that the PED is proposing.

See a few examples of this on pages 26, 30, 46, 47, 54, 69, 70, 77, 116, 124, and 146.

## NEW SIGNIFICANT SECTIONS AND LANGUAGE

Table 1. captures new sections and language in the plan. Due to the lack of time to finish building out this table beyond page 20 (in the plan), brief summaries of other specific issues, and examples of new language added in the front end of the document that can be used to evaluate the plan’s content are captured below Table 2.

Page #	Location	New Sections and/or Language (my comments are italicized)
4	Par. 2	<p>Educational outcomes are one of the key areas influenced by family incomes. Economically disadvantaged students often start school already behind their peers who come from more affluent families, as shown in measures of school readiness (Ferguson et al., 2007). The incidence, depth, duration and timing of poverty all influence a child’s educational attainment, along with community characteristics and social networks. The American Academy of Pediatrics reports that many children from low-income families show up on the first day of kindergarten unable to meet school-readiness guidelines (Augusta University, n.d.). Also, the National Student Clearinghouse Research Center reports that only half of students who graduate from schools with the highest percentage of economically disadvantaged students, known as high-poverty schools, enroll in college— with just a quarter of those college-bound students earning a degree within 6 years.</p> <p><i>This paragraph is very deficit and flies in the face of other statements made in the plan (i.e. that all students bring strengths, etc.); correlation is not causation, and they approach poverty as though it is causing lower educational success; Gorski would probably call this a poverty equity detour. The plan needs to focus on disrupting the ways that the education system privileges some groups of students by providing more and better opportunities compared to historically underserved students.</i></p>
7	Top	<p>Phase 4: Ongoing Communication and Stakeholder Feedback            PED will continue to engage the public throughout the implementation of this Action Plan. This will include engaging in periodic communication with the public regarding the status of the Action Plan and seeking ongoing feedback from communities and relevant stakeholders on the implementation and impact of actions within the plan. PED will also specifically engage with pueblos, tribes, and nations and PED’s education advisory councils to ensure that the Action Plan continues to address the needs of students with disabilities, English Learners, Native American students, and economically disadvantaged</p>

		<p>students. PED will utilize this feedback to respond to changing needs of students and adjust actions to optimize positive outcomes for students.</p> <p><i>This opens the door to demand a community based type of advisory council to be created in statute, that will be well funded and facilitated, to oversee the implementation of the plan.</i></p>
7-11	Bottom	<p><b>E. Roles and Responsibilities</b></p> <p>The implementation of this plan will require a commitment from all levels of the education ecosystem in New Mexico. To achieve the ambitious goals necessary to transform educational outcomes for students with disabilities, English Learners, Native American students, and economically disadvantaged students, a clear understanding of the roles and responsibilities of all partners is critical. Table 1 summarizes the unique role of each responsible partner.</p> <p><b>Table 1.</b> Responsible Partners, What They Do, and Their Typical Roles</p> <p><i>The information in this table is problematic for several reasons:</i></p> <ol style="list-style-type: none"> <li><i>1) It doesn't include Families or Students as "Responsible" parties which contradicts new language in the plan.</i></li> <li><i>2) In the Tribal partners section, it lacks details as to who in the PED authentically engages (shared leadership) with Tribal leaders and educators and how shared leadership occurs in an ongoing way.</i></li> <li><i>3) "Typical roles" haven't been working for decades so they should have used the input from the listening sessions to begin the redesign of the system. This should say: Transformational roles.</i></li> <li><i>4) In the top two rows that focus on the legislature and PED, neither the NM Legislature nor the PED mention anything about</i> <ol style="list-style-type: none"> <li><i>a. unifying the state around a common vision and goals, despite this being a critical part of effective state level leadership and</i></li> <li><i>b. ensuring that the infrastructure and capacity exists or is built throughout the system (again, this is a critical part of effective state leadership) and</i></li> <li><i>c. being guided by the input of Tribal leaders/communities, and other students, families, communities, NM experts, and advocates.</i></li> </ol> </li> </ol>
8	Bottom	<p><i>In Local school boards and charter school governing boards it says: representing the community's voice, and holding public meetings to listen to concerns and share updates. This could be much more collaborative.</i></p>
9	Top	<p><i>In School district and charter leaders (superintendents and charter school directors) it says: working with school boards, governing councils, and families. This could be much more collaborative.</i></p>

9	Middle	<i>In Principals it says: meeting with families and addressing student needs. This could be much more collaborative.</i>
9	Bottom	<i>In Teachers it says: talking with families about how students are doing. This could be much more collaborative and it could center students and families.</i>
10	Entire page	<i>As mentioned above, this section is completely void of any description about who in the PED shares leadership with Tribal leaders and educators or how it happens. The lack of details here is in stark contrast to the description under Native American Students on page 2.</i>
11	Top	<i>The description of “community” in the Typical roles column is decent. It will be used to evaluate the plan (see below).</i>
11	Middle	<p>F. Overarching Goals of the Action Plan</p> <p>The goals listed here define the changes that this Action Plan aims to accomplish for students with disabilities, English Learners, Native American students, and economically disadvantaged students. These goals represent desired outcomes resulting from the actions detailed in the following sections on critical needs. These goals should be seen as short-term milestones on the way to long-term impacts for students with disabilities, English Learners, Native American students, and economically disadvantaged students that will be achieved each year the action steps are implemented. In addition to the overarching goals, more specific metrics regarding each action are provided in the following sections.</p> <ul style="list-style-type: none"> <li>• Increase the proficiency rate of students with disabilities, English Learners, Native American students, and economically disadvantaged students on statewide reading and math assessments by at least 10 percentage points.</li> <li>• Decrease the achievement gap between these students and student groups not included in the Martinez-Yazzie lawsuit by 25 percent as measured by statewide reading and math assessments.</li> <li>• Decrease chronic absenteeism rates for students with disabilities, English Learners, Native American students, and economically disadvantaged students by at least 25 percent.</li> <li>• By 2029, increase the 4-year graduation rate for students with disabilities, English Learners, Native American students, and economically disadvantaged students by at least 5 percentage points.</li> <li>• Reduce gaps in students’ sense of belonging between students with disabilities, English Learners, Native American students, and economically disadvantaged students and student groups not included in the Martinez-Yazzie lawsuit, as measured by the school culture survey.</li> </ul>

		<p><i>The emphasis on the first two goals is not aligned with the extensive amount of community input that the PED received recently and for decades. Plus focusing on these two goals will not result in the “transformative changes” that the PED is claiming to be seeking. See explanation above about the need for a balanced evaluation and accountability approach, balanced scorecard, and measuring what matters most. Effective short-term goals would focus on building the capacity and infrastructure that leads to optimal learning environments in every classroom. Proficiency rates and test scores won’t increase until other critical pieces are addressed such as teacher and school leader quality, cultural and linguistic responsiveness, ability of teachers and leaders to serve students with disabilities well, etc. and all of these relate to teacher and leader vacancies and high turnover.</i></p> <p><i>Also, student sense of belonging (and engagement) should be at the top of the list of goals. Plus, reducing the gaps in students’ sense of belonging between the four groups and students not in the four groups doesn’t go far enough. Overall, sense of belonging is down among students today in general so the goal should be to make sure 100% of students in the four groups feel like they belong in school. Lower in the plan, the goal is for 100% of students to be exposed to the Science of Reading and Math so why shouldn’t sense of belonging be equally important?</i></p>
14	Middle	<p><i>Table 2. PED actions are new.</i></p> <p><i>Problems with this new section:</i></p> <ul style="list-style-type: none"> <li>• <i>Cost estimates are nowhere to be found.</i></li> <li>• <i>HQIM as it exists currently is highly problematic. Go to this link and click the red button titled Adopted Multiple List-All Subjects. <a href="https://web.ped.nm.gov/bureaus/instructional-materials/the-adoption-cycle/">https://web.ped.nm.gov/bureaus/instructional-materials/the-adoption-cycle/</a>. When looking at tab K-8 ELA,SLA,ELD,WL2020, only 226 materials have been designated as CLR out of 6,801. In addition, it is unclear how CLR is determined in NM. This is a major issue given that human and financial resources could be used in a more effective manner, but it would require a shift from a corporate driven model to a locally driven model.</i></li> <li>• <i>“Expert partners” should say NM expert partners.</i></li> <li>• <i>Universal access to PreK should also focus on CLR and students with disabilities.</i></li> <li>• <i>In the NM Literacy Center bullet, multilingual is mentioned at the end of the paragraph while multicultural is not mentioned at all.</i></li> </ul>

		<ul style="list-style-type: none"> <li>• <i>Is the plan to review HQIM what we need? Is summer enough, should NM faculty be included, etc.?</i></li> <li>• <i>In developing new math courses, the focus should be on relevant, cultural and land-based curricula. The community and students voiced this loud and clear.</i></li> </ul>
16	Middle	<p><i>Table 2. PED actions are new.</i></p> <p><i>The appropriation for targeted incentives to attract and retain bilingual teachers should be recurring or permanent.</i></p>
17	Par. 1	<p><i>The first sentence in the first paragraph was removed:</i></p> <p>Access to opportunities is inequitable when resources and learning opportunities are available but not accessible to all (page 6 in draft 1b).</p> <p><i>New at the bottom of the same paragraph:</i> The sequenced action plan addresses this need and takes steps to remove barriers and increase inclusive participation.</p>
17	Middle	<p><i>Table 4. is new.</i></p> <p><i>What will they do once they “calculate the cost of providing students... a new educational device at least every 5 years”?</i></p> <p><i>Cost estimates are not provided for out-of-school time programs and activities which is the norm throughout the plan.</i></p>
18	Bottom	<p><i>The inclusion of agricultural programming is odd; they should focus on land-based and sustaining agricultural practices.</i></p>
19	Top	<p><i>Re: 6 career-connected learning opportunities, how will they fund this?</i></p> <p><i>They removed:</i> There is insufficient funding and other barriers to accessing early childhood education and preK (see page 7 in draft 1b).</p>
20	Middle	<p><i>Most of the recommendations provided by community are not addressed in the action steps despite being included in the “Community perspectives”. For a list of the Community perspectives, refer to pages 6-8 above.</i></p>

Table 1.

**IMPORTANT LANGUAGE OR SECTIONS THAT WERE REMOVED**

Table 2. captures important language or sections that were removed from the final draft of the plan.

Language or Sections in the Final Draft but not in the Final Plan		
Page	Location	

3	Par. 1	<i>This was removed:</i> Effective implementation is also dependent on legislative actions, increased and recurring funding, and an investment in the capacity at the PED and partner agencies.
26	Bottom of Table 4.	<i>This was removed:</i> There are barriers to professional development and accessing resources in rural and underserved areas.
27	Top of Table 6.	<i>This was removed:</i> There is a need for more interactive and personalized learning for MY students.
45	3.2f	<i>This was removed and instead a survey will be conducted:</i> “establish permanent advisory groups of students, parents, and tribal leaders to help improve nutrition...”
46	3.2 h	<i>This was removed:</i> Pilot student food ambassador programs to lead peer education and provide food to economically disadvantaged families.
52	Table 10.	<i>This was removed:</i> The state should focus on optimizing funding mechanisms to support diverse educational programs- including career and technical education (CTE) and college focused activities- so that learning opportunities can be expanded.
53	Par. 1	<i>This was removed:</i> The reliance on property taxes generally favors wealthier communities, which are less likely to have the largest concentrations of MY students.
54	Core Issue #4	<i>This was removed:</i> Additionally, local communities often need assistance implementing programs that improve student outcomes.

Table 2.

**OTHER SPECIFIC ISSUES IN THE PLAN**

From this point through the top of page 22 are brief summaries of a variety of issues and shortcomings in the plan:

Page 22: It says that HQIM is [already] vetted for CLR Instruction, yet in year one it says that PED will recruit Native American, TESOL endorsed, and special education licenses teachers to collaborate on the review of HQIM determinations for math, science, language arts, and social student materials annually in the PED Summer Review Institute.

This is very problematic for several reasons. The first major problem was described above. Another problem is that for the few CLR materials in the HQIM, being CLR does not guarantee CLR instruction. Materials and instruction are distinct.

Page 27: It appears that 30 million was appropriated for the Literacy Center. Where will it be located and could the funds have been used to strengthen the RECs, which are in more advantageous locations given the large geographic area of the state? The state and the plan lack a multilingual and multicultural framework and this is translating into a reading approach that clearly places English in a status position. In the plan on page 28, at the end of subgoal 1.1e, “a

multilingual approach” is added. This is inadequate as the TENM Biliteracy Panel has explained elsewhere.

Pages 29 - 34: In terms of the math/numeracy effort, the lack of a multilingual and multicultural framework will more than likely result in a similar situation as the Science of Reading. Plus, where will the NM STEM Center be located and could the funds have been used to strengthen the RECs instead?

Pages 34 & 35: CLRI and inclusive practices appear to have been added to MLSS rather than embedded.

Page 39: How are PED and the ECECD addressing the severe shortage of PreK providers?

Page 41: Investments are being touted yet they were made without a unified vision and goals for the state, nor a multilingual and multicultural framework. Plus, no budget as to what it costs.

Page 49: Codifying the OSE will not ensure that students with disabilities are prioritized. Look at the long history of the BMEA and other state acts. Legislation is the first step among many other necessary steps.

Page 54: Subcommittees only work if expertise is respected and power is shared. This is a major problem in NM.

Page 55: The “supplemental” tools for English learners with disabilities should be core tools, not supplemental.

Page 60: Over emphasis on testing data is not an effective approach. All dashboards should measure and track inputs, resources, and capacity first.

Pages 65 & 66: There are many problems with the proposed outcomes. The first two outcomes focus on structured literacy and the science of reading, yet this doesn’t seem aligned with the community perspectives. Several outcomes seem arbitrary and lack baselines. The quality of training and courses matters yet quality is not considered. School leaders are not included and PED capacity to lead the evaluations is not addressed. A balanced evaluation and accountability approach is an equity based approach – it requires attention to the left side of the logic model: the inputs, resources, and capacity and thus, elevates the importance of competency of teachers and school leaders. The minimal attention given to how teachers and school/district leaders are evaluated throughout the plan is perplexing. There are many different ways to evaluate them with some being much more constructive than other - this is a critical missing piece.

Pages 69, 71, and 78: “Meaningful application of principles of culturally responsive and relevant Indigenous and Hispanic...” is mentioned though a MLMCPB framework is lacking.

Page 75: Do the EPPs have sufficient funding and capacity? There are faculty in NM with high levels of expertise related to the aspects identified in the lawsuit and they should be treated as the professionals and experts that they are. In alignment, PED should focus on identifying and addressing capacity gaps in the EPPs rather than forcing them to make externally imposed changes or face accreditation and/or funding consequences.

Page 82: Embracing Equity and other equity focused entities should be included in developing statewide standards for school administrator and superintendent preparation programs and in conducting the training or workshops or in facilitating embedded professional learning.

Page 87: The inclusion of Tribal Technical Assistant Centers was removed (refer to page 34 in draft 1b).

Page 91: Will the quality of the micro credential and coursework be evaluated related to CLRI licensure renewal? Making them available is only one step.

Page 92: The capacity of the IHEs and EPPs to do what is being asked of them should be addressed.

Page 93: There are many problems with the proposed outcomes. In some cases the metrics appear to be arbitrary and lack baselines. For example, the goal should be to eliminate long-term subs and at a minimum that no students in the target groups are taught by them. The metric is “fewer students” in the four groups are taught by long-term substitute teachers. Providing or receiving training is not enough – demonstration of effective teaching is the best indicator and there are several ways to measure it.

Page 94: This is new language added in the plan that is not actuated in the action steps or outcomes for the most part: Students with disabilities, English Learners, Native American students, and economically disadvantaged students experience positive learning conditions when they are part of welcoming environments in which student voice is valued and they feel encouraged to bring their individual experiences and ways of knowing and being to their learning.

Page 96: The following language was added and though it is a very important statement that reflects community input and best practice, the action steps are not aligned: Students with disabilities, English Learners, Native American students, and economically disadvantaged students should have equitable access to academic supports that recognize their strengths, engage and celebrate their families and communities, and support them in meeting and even exceeding New Mexico grade-level content standards.

Pages 96, 134, and 150: The PED does not need to conduct focus groups to identify additional student success metrics. Plenty of metrics were identified in the latest input gathering process, others have been offered previously, and many others exist in a wealth of research and best practice literature (<https://soldalliance.org/>, <https://nepc.colorado.edu/publication/research-based-options>, <https://southerneducation.org/wp-content/uploads/documents/investing-in-what-works-report.pdf>). NM experts can also offer an array of metrics.

Page 99: The following language was removed: Staffing to support behavioral interventions is inadequate (refer to page 39 in draft 1b).

Page 100: Restorative justice practices should be the norm as opposed to being used after students have been disproportionately excluded.

Page 119: The attention to Community Schools (CS) throughout the plan is severely lacking, especially given the alignment with community input and research findings. Building out and fully funding CS could address many of the 9 components cited by the judge. This is another example of a short term commitment on the part of political leaders.

Page 122: The anti-racism anti-oppression portal is terribly insufficient given all the reasons laid out in this report.

Page 126: There are many problems with the proposed outcomes. In some cases the metrics appear to be arbitrary and lack baselines. The best way to determine metrics is to identify the needs or gaps, determine the baselines, and then set targets. Where did the metric of 20% come from in terms of addressing access to updated devices annually for the target groups of students? How many of them need the devices and why only 20%? Perhaps a metric of whether Next Step Plans are developed in a truly collaborative manner with all students and families should be a metric, not just that all students in the target groups have them. What are the gaps in attendance and should the goal be to eliminate the gap? What are the suspension and expulsion rates of the target student groups compared to non-target students? Should the goals be established with input from community members and equity experts?

Page 127: Using “a 70 percent increase in funds” instead of “20% after adjusting for inflation” appears to be a very misleading change in this draft. In draft 1b, both of these statements were included. On page 51, 20% after adjusting for inflation was used and on page 56, 70% was used (no mention of adjusting for inflation). There is a very large difference between 20% and 70%.

Page 128: Whether the increased funding is enough also needs to be evaluated, not just if the funding is targeted to the groups.

Pages 129 & 138: Again, the action step is to look at whether additional factors are needed but perhaps higher weights, or a different combination of factors is needed. Another major problem

with the details on this page is that they are missing a huge swath of what makes education effective – do opportunities increase as a result of the funding and programming, are teachers and leaders better equipped to serve the four student groups effectively, is the curriculum relevant, engaging, and rigorous, etc.?

Pages 129, 134 (top and bottom of the page), and 141: Any kind of a dashboard or transparency tool that is utilized should be a balanced dashboard which is aligned with a balanced evaluation and accountability approach. It is misleading and frankly unethical to keep showing the achievement gaps between the target groups and other groups without addressing the inputs, resources, and capacity issues that result in fewer and lower quality opportunities. NEPC is well versed in data driven improvement and accountability as it relates to achieving equity and they proposed 12 recommendations to help move states in a more productive course (<https://nepc.colorado.edu/publication/data-driven-improvement-accountability>). All 12 apply to NM's context but the first two are especially salient:

1. Measure what is valued instead of valuing only what can be easily measured.
2. Create a balanced scorecard.

Amplifying cash reserve levels on a dashboard without explaining why districts engage in the practice is also misleading and a distraction from many other pressing issues.

Another issue related to new PED actions on page 29 is that the PED could probably use support in figuring out how to determine if the funding targeted to students in the four groups is actually spent on them. This seems to be a very complex challenge given the structure of the SEG and the current system of accounting. Figuring this out is long overdue.

Page 132: This is new language toward the bottom of the page and although it is positive, it is not aligned with the content in the action step tables: Research indicates that for an accountability system to be effective, a state must communicate data in an accessible way that engages interested parties. That data must be clear, relevant, and accessible for the system to serve as a lever to prompt action by other parties and systems. Community input for the Action Plan reinforced a desire for clear and actionable data.

Pages 135 & 152: Resorting to non-accreditation, taking over districts and/or schools, suspending school boards, superintendents, or principals, consolidating and/or closing schools, or taking other legal action should not even be an option until the state is meeting its obligations already in law. All pertinent state Acts including the SPED law and IDEA should be fully enacted as part of a shift to a balanced evaluation and accountability approach before the PED resorts to these types of actions.

Page 150: A triennial community review of the accountability framework is not frequent enough nor does it codify authority for community input into statute. That is what is needed as we move forward: a community-based advisory group.

Page 158: The first two outcomes are aligned with community input and best practice. The third outcome that involves providing training misses the mark as long as the assessment tool overemphasizes test scores. The outcome pertaining to cash reserves seems like a distraction and misleads the public while the final outcome that focuses on DASH plans seems to need a shift toward a balanced scorecard.

Page 159: Given the decades of under resourcing, the history of misleading the public about “dropout” rates ([https://edtrust.org/wp-content/uploads/2013/10/Getting\\_Honest.pdf](https://edtrust.org/wp-content/uploads/2013/10/Getting_Honest.pdf)) and the Yazzie Martinez lawsuit and subsequent lack of movement, it is nowhere enough for the PED to “strive to engage the public throughout the implementation of this Action Plan.” A community based advisory body tied to the litigation needs to be created in statute and sufficiently funded to allow for high quality facilitation, travel, and stipends for non-paid participants.

Questions pertaining to the newly added Glossary Table:

- Who accredits the PED and who holds LESC legislators accountable?
- There is not enough emphasis in the action steps on maintaining the home languages of the students. The positive framing and verbiage in the front end is not substantiated in the proposed actions.
- NM needs shared accountability.
- The descriptions of high-dosage/high impact tutoring and HQIM in the glossary are inaccurate and paint a picture that is not occurring.
- It is not clear if the NM instructional scopes are indeed CLR.
- MLMCPB framework and a BEAA should undergird the MLSS.
- The NM School DASH must be overhauled to align with a MLMCPB framework and a BEAA.
- The statement on page 170 that the measures in Vistas have been informed by stakeholders representing NM’s communities seems inaccurate. Measures of school quality are not easily available on the Vistas site despite the statement in the webpage that school quality measures are used. Test scores, progress for English learners, graduation rates, and attendance rates appear to dominate the mix of measures.
- The professional learning definition says nothing about CLR or effectively serving students with disabilities.
- Restorative justice is needed in all schools and even at the state level. It is not fair to hold students, teachers, and school and district leaders accountable when they have not been provided with the resources, capacity, and inputs necessary for universal student success. State leaders need to cost out what is needed and be honest moving forward.
- Social emotional learning is another element that is needed at the state level.

- The shift from over relying on typical data driven efforts to embracing equity-based data driven efforts is long overdue. The future of NM depends on it.

### **NEW LANGUAGE THAT DOESN'T ALIGN WITH THE ACTION STEP CONTENT**

The following are examples of new language in the first 16 pages that can be compared to the content in the action step tables and the proposed outcomes. A clear misalignment is evident.

#### **Page 2: Native American Students**

New Mexico honors its responsibilities to Native American students through the Indian Education Act, enacted in 2003 and amended in 2007 and 2019, which ensures:

- equitable, culturally relevant learning environments for Native American students
- maintenance of Native languages
- partnerships to increase tribal involvement and control over schools
- tribal notification of curricula development for approval and support
- collaboration among relevant organizations to improve educational opportunities for Native American students

Through the Indian Education Act, New Mexico provides for the development of systems that positively affect the academic success of Native American students, including a formal government-to-government relationship between New Mexico state agencies, districts and charter schools, and New Mexico pueblos, tribes, and nations.

**This plan reinforces New Mexico's recognition of tribal sovereignty and provides an avenue for ongoing authentic and meaningful tribal consultation and the effective implementation of the Indian Education Act.**

#### **Page 3: English Learners**

**This plan reinforces New Mexico's commitment to the success of its English Learners and includes steps that will enhance and promote effective programs, high-quality resources, and appropriate funding that will improve and support English language acquisition for New Mexico English Learners.**

#### **Page 3 and the top of page 4: Students with Disabilities**

This commitment to educating students with disabilities with their nondisabled peers is grounded in the belief that inclusive environments foster a sense of belonging, strengthen academic expectations, promote social and emotional growth, and prepare students to participate fully in school and future college and career pathways.

New Mexico remains dedicated to improving outcomes for students with disabilities by promoting inclusive practices and support for students and families. The PED is committed to ensuring every student with a disability has access to high-quality instruction and inclusive learning experiences. PED further supports districts and charter schools by providing the training, tools, and guidance needed to build these foundations within their communities.

**This plan extends PED’s unwavering commitment to improving outcomes for students with disabilities and ensuring that schools, charter schools, and districts have the knowledge, resources, and support necessary.**

**Page 4:** Disadvantaged Students

All it says is that the plan addresses systemic changes necessary to ensure that all students have what they need....

**Page 5:** Last sentence in the first paragraph.

Although every stakeholder may not see their individual feedback explicitly acknowledged, the plan reflects the collective views shared with PED.

**Page 11:** The community, Typical roles

The community serves as a partner to schools by working together to support students through shared decision-making, mentorship, financial and human resources, and experiential learning opportunities. Community involvement creates a stronger educational ecosystem that bridges the gap between school and life outside of school.

**Page 13, par. 3 under Core Issue #1**

A critical element of creating high-quality instructional materials for learning is including content that represents and reflects the rich multicultural heritage and diversity of New Mexico. PED recognizes this importance, and defines high-quality curriculum as “content-rich, fully accessible, culturally and linguistically relevant, free from bias, research-based, aligned to New Mexico content standards, and a comprehensive full course of study”.

**Page 14, top**

For instruction of New Mexico’s students to be engaging and high-quality, it must be accessible, culturally and linguistically responsive, and inclusive of the experiences and contributions of tribal, multicultural and multilingual communities, and education partners. PED has taken steps to support districts, schools, and charter schools in their adoption and implementation of high-

quality instruction and materials. The sequenced action plan demonstrates the next steps necessary to support students with disabilities, English Learners, Native American students, and economically disadvantaged students, including greater collaboration with tribal partners, families, and communities.

**Page 15, par. 2 under Core Issue #2**

New Mexico is similarly committed to ensuring that English Learners have access to quality English language education and grade-level content that ensures equity for all students throughout the Action Plan. *It is evident that the font for most of this sentence is different.*

**Page 16, par. 1**

In New Mexico, multicultural education needs to honor Native languages, cultures, and histories; integrate these Indigenous perspectives into the curriculum; and celebrate students' unique ways of knowing, learning, and experiencing the world.

**CONCLUSION**

The following shortcomings pertain to the final Action Plan:

**1. Absence of Unified Vision and Leadership**

State leaders, including the NMPED, LESC, HED, and LFC, have not fulfilled their responsibility to design a coherent, comprehensive education system. Despite repeated calls from legislative and education experts, there remains no unified vision, shared goals, or statewide framework to guide transformation.

**2. Lack of Power Sharing and Equity**

Decision-making structures remain centralized and exclusionary, with limited participation from Tribal leaders, educators, communities, NM experts, and students. This perpetuates racial equity detours and systemic barriers—further evidenced by PED's resistance to fully implement the Black Education Act.

**3. Persistent Capacity Gaps at PED**

PED lacks the infrastructure, staffing, and equity literacy to lead or adequately support statewide transformation. Although listed as a “responsible party” throughout the Action Plan, its organizational weaknesses remain unaddressed, undermining implementation capacity system wide.

**4. Missing Cost Estimates and Fiscal Transparency**

The plan omits estimated costs for proposed actions, rendering decision-making opaque and inequitable. Without knowing the true cost of program delivery, the state cannot meet its

constitutional or statutory funding obligations, nor can it ensure adequate and equitable allocation of resources.

### **5. Incomplete Measures and Evaluation Framework**

The plan lacks a full range of community-based and best practice aligned outcome and process indicators required by court mandate. A balanced evaluation and accountability framework—integrating multicultural, multilingual, and place-based measures along with necessary inputs, resources, and capacity—is absent, preventing meaningful tracking of equity and improvement.

### **6. Unrealistic Timeline and Repetitive Action Steps**

Timelines do not reflect the depth of systemic change required, and many actions are incomplete, suggesting a lack of strategic planning and coordination.

### **7. Weak Partnerships and Lack of Authentic Engagement**

References to community, Tribal, and local partnerships are superficial and do not align with the tremendous amount of input received by the PED in the previous three months. The plan fails to honor government-to-government relationships or to build authentic, ongoing collaboration with those most impacted by inequities.

### **8. Insufficient Leadership and Systemic Alignment**

Leadership at the state level continues to rely on “silver bullet” approaches, avoiding the long-term, equity-centered reforms needed. If this approach continues, the system will remain fragmented, deficit-oriented, and unaligned, rather than cohesive, strength-based, and culturally responsive.

The process to create the Martinez-Yazzie Action Plan and unproductive leadership exhibited by the PED and other state leaders are impediments in terms of moving NM from typical to transformation when it comes to public education. Leadership matters and it is going to take increased awareness and honesty to turn the situation around.

The PED approach is to assume that others (i.e. institutions of higher education, district and school leaders, teachers, etc.) are not doing what they should be doing when it is much more likely that they don't have the capacity, resources, and/or infrastructure to do what is being asked of them. The PED likewise doesn't have the capacity, resources, and/or infrastructure to accomplish much of what is being asked of it.

The PED approach has also been to add important language from the listening sessions into the front end of the plan and in spots throughout the action step tables while not making substantive changes in relationship to the very issues that have been identified.

If the PED is serious about improving teaching and learning in NM, shifts will have to occur at every level in terms of how people think about MCMLPB learning and thus, how time and resources are allocated within the PED, districts, schools, and across community and Tribal entities. Real reciprocity with Tribal communities, leaders, parents, and educators is a critical piece of the shift which is why a community based advisory council attached to the lawsuit must be enacted into law.

It is no easy task to effectively lead public education at the state level, but it is doable. The PED and LESC can begin the transformation process in earnest by stepping off the island and onto solid ground. NM students, families, teachers and administrators, Tribal leaders and educators, higher education and special education experts, and community based organizations and advocates are all poised to co-lead the effort. They simply need a seat at the table.