

Review & Analysis: Adrian Sandoval
A Report on the New Mexico Public Education Department (NMPED)
Martinez/Yazzie Action Plan

Overview

This report is intended to provide a review and analysis of the NMPED Martinez/Yazzie Action Plan submitted on November 3, 2025. The nine components in the Yazzie and Martinez Plaintiffs' Non-Compliance Motion will be used as a critical lens for this analysis.

To initiate the analysis, it is important to consider the Overarching Goals of the Action Plan listed on pp. 11-12 of the action plan document. The goals are as follows:

- 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.
- 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.
- Decrease chronic absenteeism rates for students with disabilities, English Learners, Native American students, and economically disadvantaged students by at least 25 percent.
- 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.
- 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.

As a preliminary observation, **none of the above-mentioned goals** identifies what actions will be taken to achieve the desired effect. For example:

- Goal # 1 does not identify any action(s) that will be applied to increase the **math** proficiency rate by 10%,
- Goal # 2 does not identify any action(s) that will be applied to decrease the achievement gap as measured by statewide **reading** and **math** assessments by 25%, and it appears to be redundant with Goal # 1 in regard to its reference to **math**,
- Goal # 3 does not identify any action(s) that will be applied to decrease the chronic absenteeism rates by 25%,
- Goal # 4 does not identify any action(s) that will be applied to increase the 4-year graduation rate by 5%, and

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- Goal # 5 does not identify any action(s) that will be applied to reduce steps in students’ sense of belonging as measured by the school culture survey.

Lastly, **none of the above-mentioned goals** appears to be directly related to **any** of the components outlined in the Yazzie and Martinez Plaintiffs’ Non-Compliance Motion. Indeed, the “how” that is missing in these goals is the same “how” that the Yazzie and Martinez plaintiffs are looking for in ways that are human centered and culturally sustaining.

The table below represents the nine components of the Yazzie and Martinez Plaintiffs’ Non-Compliance Motion. These are critical in that they should have considerable weight in providing the basis, structure, and overall direction of the Martinez/Yazzie Action Plan.

Table 1

Component	Description
1. Cultivating Multicultural & Multilingual Education	School districts must establish a multicultural and multilingual framework to deliver Culturally and Linguistically Responsive (CLR) education that supports at-risk students and complies with the New Mexico EA, HEA, BMEA, and BEA. This involves conducting student needs assessments, providing extensive multicultural and multilingual programming, and creating inclusive, anti-racist learning environments where students are treated equitably and free from discrimination and marginalization.
2. Ensuring Inclusive Education for Students with Disabilities	A transparent and accountable system is essential to ensure students with disabilities receive inclusive and equitable education. This includes timely identification, fully funded individualized programs, trained staff, assistive technology, and transportation. It must also ensure full parental involvement, compliance with disability laws, and standardized measures to prevent exclusionary discipline.
3. Transforming Curriculum and Instructional Approaches	A comprehensive Pre-K-12 curriculum and instructional system that is CLR and meets the needs of at-risk students. It should include English development, social-emotional learning, and individualized support, ensuring that all at-risk students graduate with academic outcomes comparable to their peers and are well-prepared for college, careers, and civic engagement.
4. Building a Diverse and Qualified Educator Workforce	A robust system to recruit, train, and retain high-quality, diverse educators—teachers, administrators and support professionals—who reflect the diversity of our students, especially Native American and Latino communities. Educators should receive training in heritage language immersion, CLR pedagogy, special education, bilingual/TESOL, literacy/bi-literacy, trauma-informed practices, and anti-racism. Ongoing support, competitive pay, and placement in classrooms serving at-risk students are essential.
5. Enhancing Technology Access for All Students	A system must be established to ensure that all at-risk students and their teachers have reliable broadband access and dedicated digital devices, both at school and home. This requires sufficient funding for IT support, teacher training, and interim solutions when broadband is unreliable.
6. Establishing Comprehensive Student & Family Support Services	A system of CLR and high-quality support services, enrichment and extracurricular programs, and community-based education must be established, especially in underserved, rural, and tribal communities. This

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	system should address students' academic, cultural, language, special education, social, and health needs, closely linking services to each student's school, family, and community to promote holistic development.
7. Implementing an Equitable Funding System	An equitable funding system must be established to ensure sufficient and consistent funding for districts and tribal communities that prioritizes the needs of at-risk students. Funding should: <ul style="list-style-type: none"> • be based on student needs rather than available resources; be provided in a timely manner to close achievement gaps; fully support the IEA, HEA, BMEA and BEA and special education; and • allocate additional resources to support targeted programs and services.
8. Developing Robust Accountability Mechanisms	An accountability and enforcement system must be established to track how districts spend state and federal funds on at-risk students. This system should ensure that funds are used effectively in schools, provide oversight and assistance to districts, reliably assess student outcomes using culturally relevant metrics, evaluate the implementation of the IEA, BMEA, HEA and BEA, and develop multi-year budgets based on student needs, equity, and transparency.
9. Strengthening the Capacity of the Public Education Department (PED):	The PED must hire high quality, culturally competent staff to fill vacancies and expand capacity, streamline funding processes and establish transparent tracking and accountability systems, create mechanisms for community input and secure tribal consent on policies affecting Native American students, and strengthen tribal consultation and develop a reliable data system to publicly monitor progress in real-time at-risk students.

Analysis of Action Plan Structure and Approach

The structure and approach of the NMPED Draft Martinez/Yazzie Action Plan reveal gaps in the review and understanding of the Martinez/Yazzie ruling and the subsequent nine components highlighted above. Additionally, significant gaps in the fundamental understanding of a systems approach and analysis of how to effect organizational change, organizational culture, and institutional practices through the input and buy-in of stakeholders was evident. Specifically, these include the following:

- The plan does not apply a systemic praxis that is committed to **organizational change, accountability, or sustainability** for the identified actions and goals.
- There is little evidence of sequence and interconnectedness between action items.
- Spanning a full year of activities with single statements does not demonstrate evidence of actions that are strategic, sequential, evidence-based, or stakeholder-informed.
- Too few community entities and stakeholder voice in general are identified and/or incorporated in the action plan. Having a blurb under each goal which then is

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followed by action items that in many instances are disconnected from the stakeholder input, serves to trivialize community voice.

- Tables found at the beginning of each goal section are intended to represent the input from in-person and online community events. Not only are these tables found in an area separate from the formal action plan, but there also is a clear misalignment between the Community Concerns/Suggestions section and the NMPED Actions highlighted in the second column. One glaring example can be found in the second row of Table 2 (p. 14) where the community demands for a “review and overhaul of existing curricula” and the NMPED identified action is a reference to the NM Literacy Center and the Multi-Layered System of Supports.
- NMPED identified actions in the second column of Tables 2-4 (pp. 14-19) propose a number of actions that will require funding, however neither clear dollar amounts nor incremental steps to fulfill these actions are identified.
- The action plan appears to be overly simplified and relies heavily on practices, actions, and projects that, in most instances, were created in the same institutional vacuum that Martinez/Yazzie is intending to change and hold accountable.
- There is an emphasis only on the “four critical needs highlighted by the court.” This completely ignores, deliberately consolidates, and over simplifies the nine components of the Yazzie and Martinez Plaintiffs' Non-Compliance Motion.
- A preliminary column dedicated to “Progress to build on 2019 through present” defends, in a disconnected and unconvincing way, what **has been** accomplished rather than focusing on what **will be** accomplished.
- In most instances, there is minimal to no clear connection made between the year one, two, or three activities and the goal these are attempting to fulfill.

Reviewer Notes on the Hispanic Education Act in Relation to the Martinez/Yazzie Action Plan

Often, the majority population in any given region is assumed to also be in a position of power and progress. For this reason, it is easy to believe that any conversation about education in New Mexico will consider the specific needs of the majority we serve in our state. With over 64% of students in our state’s public schools being Hispanic, we must assume every decision made is informed by the cultural, linguistic, economic, academic, and historical realities of this community alongside all other communities in our K-12 system. Due to the significant academic disparities of New Mexico’s Hispanic students, the [Hispanic Education Act](#) (established in 2010) was created as a promise and commitment to:

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- Provide for the study, development, and implementation of educational systems that affect the academic success of Hispanic students to increase graduation rates and ensure lifelong success;
- Protect and preserve New Mexico's heritage Spanish language and culture;
- Encourage and foster parental involvement in the education of their children; and
- Provide mechanisms for parents; community, community-based and business organizations; public schools; school districts; charter schools; public post-secondary educational institutions, the higher education department; the public education department; and state and local policymakers to work together to improve educational opportunities for Hispanic students for the purpose of increasing graduation rates, increasing post-secondary enrollment, retention and completion and ensuring lifelong success.

To be clear, the Hispanic Education Act must carry a significant role in any planning, goals, and outcomes related to the Yazzie/Martinez Ruling. As a result of representing more than three fifths of our state's students, Hispanics are represented in **each of the four groups** mentioned in Yazzie/Martinez: English learners, Native American students, students from low-income families, and students with disabilities. Specifically, 77% of identified English Learners are Hispanic, 14% of Native American students also identify as Hispanic, 51% of Hispanic students receive free and reduced lunch, and 65% of students with disabilities are Hispanic ([NMPED HEA 1-Pager, 2025](#)). Indeed, Hispanic students and the needs championed on behalf of this community must consistently and explicitly be named and elevated through honest analysis and systemic interventions as part of the NMPED Yazzie/Martinez Action Plan.

Action Plan Review

The following is an item-by-item review of the NMPED Martinez-Yazzie Action Plan. This will include specific reflections on how the action plan is inclusive of the state of New Mexico's commitment to **bilingual multicultural education**.

Analysis of Goal 1.1: Districts and schools statewide provide culturally and linguistically responsive education through culturally relevant curricula, instructional programs, and student assessment from preschool through secondary school.

- Action items **1.1a through 1.1b** alluded primarily to High Quality Instructional Materials (HQIM). Throughout the description of these action steps, it was never clearly stated as to how curricula, instructional programs, and student formative and summative assessment were layered in the proposed activities. Purchase of HQIM that is vetted for Culturally and Linguistically Responsive Instruction (CLRI) does not mean that CLRI is taking place or that all teachers understand how to both leverage and supplement these materials.

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How many HQIM can credibly state that they are aligned with NM's cultural, linguistic, community, and historical realities? Our Indigenous and Latino/Hispano/Indo-Hispano communities are not the same as those found in more populated states where such HQIM is normed. New Mexico as a state has less of a population than many large urban area cities and states for which many of these "CLRI-vetted materials" were made.

The HQIM and content instructional scopes alluded to in the action plan **are not nor can they take the place** of curriculum. At best, they may be considered as individual supplements to a curriculum, but they should not be presented as **the** curriculum. This is evident in the definition of curriculum used by the NMPED in the [New Mexico Instructional Scope](#) guidance document issued in 2022. On p. 5 of this document, the following definition is offered:

"The "Glossary of Educational Reform" states: That curriculum refers to the lessons and academic content taught in a school or a specific course or program. In dictionaries, curriculum is often defined as the courses offered by a school, but it is rarely used in such a general sense in schools. Depending on how broadly educators define or employ the term, curriculum typically refers to the knowledge and skills students are expected to learn, which includes the learning standards or learning objectives they are expected to meet; the units and lessons that teachers teach; the assignments and projects given to students; the books, materials, videos, presentations, and readings used in a course; and the tests, assessments and other methods used to evaluate student learning. An individual teacher's curriculum, for example, would be the specific learning standards, lessons, assignments, and materials used to organize and teach a particular course (2015)."

This should serve to neutralize this section of the action plan, as it does not respond sufficiently to the items identified in Goal 1.1. Technical assistance/professional development (year one), legislative action (year two), and high stakes compliance (year 3) are all identified as action items, however there is no evidence of the monetary cost or NMPED human capacity required to approach or fulfill any of these activities.

Bilingual Multicultural Education: Item 1.1a and Item 1.1b do not make any reference to bilingual multicultural education, HQIM in the language other than English, or the selection of bilingual educators as members of a diverse team of experts.

- In action items **1.1c and 1.1d**, the Science of Reading (SoR) is highlighted. However, literacy development is but one piece of the puzzle with regard to Martinez/Yazzie. Take note that requiring EPPs to integrate SoR has no immediate correlation to the language of Goal 1.1. A detailed, researched-based explanation of this correlation should be

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requested. The NMPED must demonstrate how HB 156 has requirements and accountability aligned with Goal 1.1.

Bilingual Multicultural Education: Item 1.1c and Item 1.1d do not make any reference to bilingual multicultural education or biliteracy development.

- Action item **1.1e** offers the creation of the New Mexico Literacy Center. Where are the detailed action steps highlighting how such a center will align its planning and practices with the intentions of Goal 1.1? How will a single center have the capacity to support the entire state? December 2026 is listed as the date this center will be “constructed.” How will this be possible? Have a site and architect already been determined? Has the money already been appropriated? There is **no evidence** of the monetary cost or NMPED human capacity required to approach or fulfill any of these activities.

Bilingual Multicultural Education: Item 1.1e has a single reference to “improve literacy with a multilingual approach.” There is no reference to bilingual multicultural education or biliteracy development. Keep in mind that the [NM Bilingual Multicultural Education Act](#) (22-23-1.1.B (1-2)) states:

B. the state's bilingual multicultural education program goals are for all students, including English language learners, to: (1) become bilingual and **biliterate** in English and a second language, including Spanish, a Native American language, where a written form exists and there is tribal approval, or another language; and (2) meet state academic content standards and benchmarks in all subject areas; ...

- Action item **1.1f to 1.1i** focused on the improvement of mathematics instruction and the creation of a STEM Center. Once again, numeracy is but one of many ingredients necessary to improve education in our state. Nothing is shared here as to how Goal 1.1 is aligned with numeracy development or the creation of a STEM Center. A detailed, researched-based explanation of this correlation should be requested. The NMPED must demonstrate how these efforts at improving mathematics and STEM will be inclusive of the necessary requirements and accountability intended in Goal 1.1. There is **no evidence** of the monetary cost or NMPED human capacity required to approach or fulfill any of these activities.

It is not evident if the NM Assessment of Science Readiness (NM-ASR) will be accessible in languages other than English. **1.1i** is devoted to Multi-Layered System of Supports (MLSS): Accelerated Learning for All. Although there are some MLSS action items that can provide some support for Goal 1.1, it is not clear how these practices will evolve and grow to fulfill Goal 1.1. These action items do not appear to be sequential or to build upon each other. By year three, there is no reference to anything related to Goal 1.1.

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This appears to assume that organizational culture and practice will be shifted within two years across the NMPED and the 121 school districts in our state.

Although MLSS interventions are defined to include CLR instruction and inclusive practices, this does not ensure that implementation will support broad and deep shifts in organizational culture and practice. Instead of the responsibility for knowledge building and practice being shared by the educational community as a whole, the responsibility here appears to fall only on instructional coaches. What about leadership, caregivers, community, and student voice and responsibility?

A detailed, researched-based explanation of how these activities correlate to the fulfillment of Goal 1.1 should be requested. The NMPED must demonstrate how these efforts at improving mathematics will be inclusive of the requirements and accountability aligned with Goal 1.1.

Bilingual Multicultural Education: Item **1.1f** to **1.1i** do not reference bilingual multicultural education or biliteracy development (across content areas).

- Action item **1.1j** and **1.1k** focus on assessments and a survey. It is not clear if the New Mexico Measures of Student Success and Achievement (MSSA) will be made available in languages other than English. What will be the cost of the development of new test items (science, math, and literacy) and their subsequent statistical evaluation for validity, reliability, and alignment? What assurances will be made that **all** students in grades 3-8 will receive equitable instruction related to these additional questions? How is the simple addition of questions sufficient and equitable? Has the NMPED interacted with educational statisticians around this effort? How is the Kindergarten Readiness Resource Survey aligned with the intentions of Goal 1.1?

It is not clear if the Early Development Instrument (EDI) is available in languages other than English. It is also not clear if surveys intended for parent input will be available in languages other than English. Will immigrant or refugee families be invited to provide survey feedback as well?

Bilingual Multicultural Education: Item **1.1j** to **1.1k** do not reference bilingual multicultural education, bilingual multicultural education teachers, or biliteracy development across the content areas.

- Action item **1.1l** focuses on Universal Pre-K programs. What systems of support and accountability have been put into place to ensure CLR systems and practices at the Pre-K

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level? Will immigrant or refugee families be invited to provide input and feedback as well?

Bilingual Multicultural Education: Item **1.1I** does not reference bilingual multicultural education, bilingual multicultural education Pre-K teachers, or preliteracy development in the language other than English.

Analysis of Goal 1.2: Every community has access to high-quality programming that leads to biliteracy, including in heritage and native languages.

- To begin the analysis of this goal’s action items, it behooves us to reflect on whether the inclusion of “native languages” considers the fact that many of the state’s Indigenous languages are not written and therefore this statement requires further clarity.

Also, please note the limited number of partners (only one) listed in the first column dedicated to “progress to build on.”

- Actions items **1.2a** and **1.2b** do not demonstrate a sequential and interconnected development of capacity from year to year. How are these actions items taking a systemic approach in order to ensure sustainability with their intended efforts? **1.2a** applies a needs assessment in year three. Also, **1.2a** year three appears to take on a [subtractive](#) approach to bilingual education where it states, “...determine whether additional heritage language programs or BMEPs are necessary to meet the needs of students.” It is not clear as to why heritage language programs are highlighted in this section when it is only one of the five bilingual program models available in our state. Year three states that, “the NMPED will conduct annual evaluations of heritage language and BMEPs to determine the impact of the programs on student outcomes.” This is already a requirement for all program models. These action items might as well simply state the NMPED will proceed as usual. **1.2.b** specifically mentions “virtual classes” for heritage language and culture classes. How is this equitable? What data does NMPED have on the effectiveness of virtual classes Pre-K to 12?

Bilingual Multicultural Education: This item focuses on Bilingual Multicultural Education.

- Action item **1.2c** focuses on the Seal of Bilingualism Biliteracy. Why are we starting here with what is intended as a summative ceremony? What about what leads up to this: systemically, sequentially, and with and commitment to sustainability. Since this appears to be focused on tribal languages only, the NMPED is not in a position to provide guidance regarding the languages of sovereign nations.

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Bilingual Multicultural Education: This item focuses on Bilingual Multicultural Education.

- Action item **1.2d** seeks to provide information, technical assistance, and monitoring for schools serving English learners. This is already a required practice. If the NMPED did not have the capacity to do this effectively prior to Martinez/Yazzie, what is the point of placing it in this action plan?

Bilingual Multicultural Education: This item does not include references to Bilingual Multicultural Education, biliteracy, or bilingual multicultural education teachers.

Analysis of Goal 1.3: *Students with disabilities receive a high-quality, inclusive education with sufficient supports.*

- Action items **1.3a, 1.3b, and 1.3c** have no reference to the overlap of services and supports when English learners, Native American students, or students from low-income families are also students with disabilities.
- Action item **1.3e** suggests to amend the NM special education advisory panel bylaws to include Native American representation. What about immigrant and refugee parents who do not speak English as their primary language? How do we make sure that these individuals are selected through a fair process that eliminates the potential for biased selections by the NMPED?

Bilingual Multicultural Education: Items under Goal 1.3 do not include references to Bilingual Multicultural Education, biliteracy, or bilingual multicultural education teachers.

Analysis of Goal 1.4: *Students with disabilities, Native American students, English Learners, and economically disadvantaged students and families have equitable access to opportunities outside of traditional academic experiences.*

- Action items **1.4a to 1.4c** refer to a targeted intervention dashboard and career-connected learning. **1.4b and 1.4c** demonstrate significant redundancy in their action items.

Bilingual Multicultural Education: Items under Goal 1.4 do not include references to Bilingual Multicultural Education, biliteracy, or bilingual multicultural education teachers.

Goal 2.1: *New Mexico has highly effective teachers, administrators, and support professionals who serve students with disabilities, English Learners, Native American students, and economically disadvantaged students.*

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- Action item **2.1a** requires institutions of higher education (IHEs) to work with “partners” in the recruitment of Hispanic and Native American students in Educator Preparation Programs (EPPs). Why is the bulk of this work placed on IHEs? There is no evidence here of a systemic approach to this challenge with at least a landscape analysis of the current status of recruitment across New Mexico’s IHEs. There is not much being accomplished here over three years.
- Action item **2.1b** does not exist for year one. It is not clear why the year two action item is reserved for the second year.
- Action item **2.1c** refers to partnership with Educators Rising. What kind of infrastructure is required to support this effort? Are there any other stakeholders beyond Educators Rising that must be folded into thought partnership and decision making (tribal leadership, teachers, parents, students)? Much is being assumed in these action items.
- Action item **2.1d** recruits students with Seal of Bilingualism and Biliteracy. Is there any data related to the career interests of students receiving the seal? Does it not seem odd that just because you receive a Seal of Bilingualism and Biliteracy you will then be recruited to become a teacher? Why would we want students or schools to assume that?
- Action item **2.1e** speaks to the creation of a mentorship program for first-year teachers. Does not such a mentorship program already exist? Will this alone retain early career teachers? What do current research and evidence-based practices suggest beyond mentoring? How are the teacher mentors vetted for evidence of supporting Martinez/Yazzie? Are our current residency programs prepared to receive, support, and nurture Indigenous aspiring teachers in the way the Martinez/Yazzie is requiring? Could it be that our current IHEs are part of the system responsible for creating the disconnects outlined in Martinez/Yazzie? Year one does not appear to be Native American specific, whereas year two is. Why the inconsistency?
- Action item **2.1f** wishes to increase salaries for educators. The action plan must demonstrate a link here to Martinez/Yazzie training, practice, and growth.
- Action item **2.1g** alludes to creating standards for NM’s school administrator and superintendent preparation programs (HB157 from 2025). This does not make sense, as HB 157 had no connections or references to Martinez/Yazzie. The first year emphasizes compliance with the Indian Education Act. What about the Bilingual Multicultural Education Act, Hispanic Education Act, and Black Education Act?

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- Action item **2.1h** seeks to develop an innovative school staffing model to improve the quality of instruction for Martinez/Yazzie students. The action item does not demonstrate evidence of being inclusive of any stakeholder input or assessing the readiness of a school district. Is this action item research-based? All teachers are responsible for Martinez/Yazzie students. The timeline for these action items is overly optimistic, as it does not take into account the needed shifts in perspective, knowledge, and practice.

Bilingual Multicultural Education: Items under Goal 2.1 do not consistently reference Bilingual Multicultural Education, biliteracy, or bilingual multicultural education teachers.

Analysis of Goal 2.2: All schools serving students with disabilities, English Learners, Native American students, and economically disadvantaged students have enough teachers certified in bilingual education and special education, and all teachers are trained to support English Learners and students with disabilities.

- Action item **2.2a** intends to amend state licensure rules to align bilingual educator preparation programs with national best practice standards. Where is the stakeholder input and buy-in? These action items jump from Bilingual Education to TESOL and then to support. Such action items are disjointed. How long would it take to make the desired changes in the bilingual teacher education programs? Is the TESOL requirement really what the Yazzie/Martinez Ruling is requiring?
- Action item **2.2b** refers to special educator preparation and licensure, administrator preparation programs, and monitoring EPP implementation of statutes and rules. This is assuming a lot of nimbleness on behalf of our EPPs. Stakeholder input across the board is not evident. More specifics aligned with Goal 2.2 must be listed as part of these action items.
- Action item **2.2c** focuses on NALC 520 certified teachers. Besides Native American faculty, where is the effort to include tribal consultation and input? Why is classroom management singled out as an action item? How will the professional learning be monitored by tribal leadership and be inclusive of their input? Action steps are being listed without a reflection on systems and the need to generate ideas and stakeholder ownership.
- Action item **2.2d** requires EPPs to expand bilingual and heritage language faculty. The second of these two areas is more complex than what is revealed in this action item. What research and data is the NMPED using to guide the expansion of heritage language faculty? It is not clear what steps will be taken to find bilingual and heritage language faculty related to NM? Sequentially and systemically, what else must be enacted to move this effort forward? Where is the stakeholder input? A landscape analysis related

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to recruitment and existing pathways could be helpful. Perhaps it would be valuable to explore why these were never replaced upon retiring.

- Action item **2.2e** suggests creating a competitive salary structure for EPP faculty. The action plan does not mention conducting a cost analysis, involving stakeholder input, considering any union representation of other faculty members outside of EPP while keeping in mind that other faculty affect the knowledge building of educators as part of their general education programming. Systemic and sequential thinking around the action plan items is lacking. Many of the action items are overly simplified.
- Action item **2.2f** offers special education teacher retention stipends. A preliminary cost analysis and stakeholder input must be included as part of the next steps. Year two is assuming a lot about year one.

Bilingual Multicultural Education: This goal is inclusive of Bilingual Multicultural Education topics. Some areas such as the recruitment of special education teachers with a bilingual endorsement were not included.

Analysis of Goal 2.3: *All New Mexico educators are proficient in using culturally and linguistically responsive approaches and strategies with evidence-based instructional materials.*

- Action item **2.3a** requires educators to complete a micro-credential or course in CLRI for licensure advancement and renewal. The action plan should include an evaluation of the success rate and effectiveness of microcredentialing in the areas outlined by Goal 2.3. A single course will not suffice for this type of knowledge building. This sounds like a quick fix rather than something that is long term, sustainable, and has the ability to alter and continuously improve on practices in the classroom. How are educators defined here? Is this inclusive of senior and site-level leadership? Stakeholder input must be sought out.
- Action item **2.3b** requires EPPs to embed CLRI and Universal Design for Learning (UDL) strategies across their programs. It is not just EPPs when it comes to the CLRI, as the general education coursework must be aligned as well. Besides feeling like required “top down” action items, these items do not appear to be truly sequential and therefore may not incrementally fulfill the intentions of these actions.

Bilingual Multicultural Education: Item 2.3a does not indicate whether microcredentialing would be offered in the language other than English.

Analysis of Goal 3.1: *Students with disabilities, English Learners, Native American students, and economically disadvantaged students have sufficient access to transportation and*

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technology in order to implement a whole-child learning approach with access to academic, health, and well-being supports.

- Action item **3.1a** asserts to determine the cost of before- and after-school programming for all schools and pass legislation to fund and implement transportation for before- and after-school programs. This appears to be overly simplified. How does this consider the accessibility of transportation and personnel required to manage transportation in rural areas? These action items illustrate decision making in a vacuum rather than being inclusive of stakeholder input.
- Action item **3.1b** provides for annual professional development for transportation workers. There is no evidence of stakeholder input and partnering to inform what needs to be learned. This is more action in a vacuum.
- Action item **3.1c to 3.1e** provide for internet connectivity. This action item does not consider support for receiving and accessing information in languages other than English. How will students and families be informed of where to access apps that are culturally responsive? Some families may be considered middle income but at the bottom end of the spectrum. These families may have similar needs. The action plan must move beyond having access to a device and internet toward supporting effective, ethical, and informed use together with families. How are these action items aligned with the input derived from the public to inform this draft action plan?
- Action item **3.1f** offers to refurbish and replace educational devices. How will the NMPED measure the effectiveness of its efforts and refurbishing and replacing? An internal accountability loop must become a part of this action item.
- Action item **3.1g** focuses on the effective use of classroom technology. How will the NMPED measure the effectiveness of its trainings? An internal accountability loop must become a part of this action item.

Bilingual Multicultural Education: Items in this goal do not consistently consider language-other-than-English challenges related to the proposed action items.

Analysis of Goal 3.2: Families and communities of MY students have access to educational and health supports.

- Action item **3.2a** focuses on wraparound services for students experiencing homelessness. There is no evidence of stakeholder input (student and parent) or consideration of the needs of English learners, Native American students, and students with disabilities in this action item. What about parents that are not yet experiencing the threat of homelessness?
- Action item **3.2b** creates a behavioral health program model. There is no evidence of stakeholder input (student and parent) or consideration of the needs of English learners, Native American students, and students with disabilities in this action item. Why middle and high only?

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- Action items **3.2c to 3.2e** inform access to nutrition programs. It is not clear as to why only Native American farmers are listed in the first two action items. There is no evidence of stakeholder input (student, parent, and community).
- Action item **3.2f** focuses on support for students in postsecondary programs. To begin, this topic area is misleading. It should focus on the transition to career and/or college. There is no evidence of an intent to gather stakeholder input (student, parent, and community). Considerations for the specific needs of English learners, Native American students, and students from low-income families are not outlined here. Specific partners doing similar work are not identified. This begs for a landscape analysis of potential partners.
- Action item **3.2g** intends to revise the Next Steps Plan. This remains an unfunded mandate. It is not evident as to how deliberate supports for this area will be extended to English learners, Native American students, and students from low-income families (e.g., information in the language other than English, family/cultural perceptions, financial need in the home, first generation challenges, peer pressure, etc.).
- Action item **3.2h** highlights the idea of increasing schools that implement Community Schools practices. How effective has this been in schools? What has been learned? How will stakeholders inform this from the beginning, or will this be a top/down requirement? All schools have Martinez/Yazzie students. What will be the initial steps to roll this out in communities where nothing has ever really existed?

Bilingual Multicultural Education: Items in this goal do not consistently consider cultural and language-other-than-English challenges related to the proposed action items.

Analysis of Goal 3.3: Social, behavioral, and well-being supports reflect the cultural and linguistic needs of MY students and communities.

- Action item **3.3a** commits to administering the annual NMPED-approved school culture survey. Being required to administer the survey does not equate to knowing how to interpret and effect change based on the results. Is the NMPED-approved survey available in the language other than English? How user friendly is it? Is it culturally informed?
- Action item **3.2b** focuses on publishing an online discipline dashboard that summarizes school and district discipline data. Recording and posting this information does not equate to knowing how to interpret and effect change based on the results. Are there other models that will be visited besides the Indigenous Justice model? How will this be culturally informed for all students in the school and district?
- Action item **3.2c** intends to amend the attendance for success act. There are systemic practices related to the intentions of this action item that are not being included here. Why? This is overly simplistic.

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Bilingual Multicultural Education: Items in this goal do not consistently consider cultural and language-other-than-English challenges related to the proposed action items.

Analysis of Goal 4.1: *New Mexico has an equitable school finance system that provides coherent, recurring, and responsive funding that prioritizes and targets the needs of students with disabilities, English Learners, Native American students, and economically disadvantaged students.*

- Action item **4.1a** intends to evaluate the special education, English Learner, and at-risk factors in the state equalization guarantee. Is there a reason bilingual education was left out of this?
- Action item **4.1b** intends to evaluate the impact of Indian Education funding. How do you do this effectively in a vacuum without considering the years of conditioned behavior or the lack of systems regarding the effective and efficient use of these funds? Surely this information is available.
- Action item **4.1c** wishes to develop a tool for accountability and transparency. This action item does not describe how this will be accomplished, who will be involved, what the cost analysis results are, or how the Martinez/Yazzie lens will be maintained throughout. How can we make sure this tool will be used to offer support instead of punishment?
- Action item **4.1d** updates NM Vistas. This is redundant and/or should be included with **4.1.c**.
- Action item **4.1e** focuses on new adequacy standards for building schools. An effort to be inclusive of stakeholder input (tribal community, teacher, educator, caregiver, student) is not evident. It is not clear how this considers the realities and challenges of existing schools and spaces.

Bilingual Multicultural Education: Is there a reason bilingual education was left out of the list for review?

Analysis of Goal 4.2: *New Mexico has an accountability and enforcement system that tracks local district expenditure of state and federal funds to ensure funds are spent in schools on students with disabilities, English Learners, Native American students, and economically disadvantaged students.*

- Action item **4.2a** intends to align fiscal data systems. This action item does not clearly align with Goal 4.2.
- Action item **4.2b** implements the school accreditation process. This does not support districts and individual school sites to build capacity in the areas intended for scrutiny under accreditation. This creates spaces for districts and school sites to fail. The punitive system described here between the NMPED and the school districts is one of the

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reasons for the dysfunctionality that Martinez/Yazzie is attempting to change for students and teachers. It is a system created to find fault instead of building capacity.

- Action item **4.2c** intends to increase financial transparency. These action steps are not sequential and actually appear to be redundant. Other than transparency, what is the intention here? Without further thought, this can become a point of tension and conflict. Is that what Goal 4.2 is attempting to accomplish here?

Bilingual Multicultural Education: Bilingual multicultural education is not specifically mentioned here.

Analysis of Goal 4.3: Accountability systems reliably assess student outcomes by using culturally relevant metrics, and these systems ensure the assessments drive improvements.

- Action item **4.3a** expands outcome metrics.
- Action item **4.3b** intends to improve the connection between accountability and improvement. Why does 4.3b begin in year two?
- Action item **4.3c** identifies policies and processes for supporting schools in need of improvement. The schools and communities being served should develop these policies and processes. How will assurances be made that this is accomplished through a Martinez/Yazzie lens? Capacity building is not evident in this action item. This action item does not appear to be aligned with Goal 4.3. Action item **4.3c** year two intends to implement interventions that are more rigorous. How is this a constructive process? How does this penalty-driven process support schools to collaborate with their communities to build capacity? How is this aligned with Goal 4.3?
- Action item **4.3d** intends to better incorporate school improvement plans. We must first determine how preliminary growth is going to be defined in relation to the areas highlighted in Martinez/Yazzie. This still seems to be focused on the “what” and not the “how.” Improvement plans should focus on the “how” in relation to Martinez/Yazzie.

Bilingual Multicultural Education: Bilingual multicultural education is not specifically mentioned here.

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Analysis of Goal 4.4: New Mexico identifies clear roles and responsibilities across various educational agencies and partners and provides the necessary support to ensure coordinated planning and high-quality implementation.

- Action item **4.4a** evaluates the impact of additional instructional hours. An effort to be inclusive of stakeholder input (tribal community, teacher, educator, caregiver, student) is not evident. This action item is not aligned with Goal 4.4.
- Action item **4.4b** intends to implement a statewide student information system. We already have the Multi-Layered System of Supports (MLSS). This does not seem to be different from the actions listed in year three.
- Action item **4.4c** commits to data sharing with pueblos, tribes, and nations. It is not clear as to why this should take a total of three years.

Bilingual Multicultural Education: Is there any data on the amount of additional instructional hours in the language other than English?

Conclusion

Although changes were evident between NMPED’s draft and the final Martinez/Yazzie Action Plan, it remains a project in progress. A plan that is intended to foster broad and significant changes in educational practice from an organizational level to the classroom level requires a rare combination of simplicity together with bold and broad strokes. A plan that must be inclusive of parent, student, community, and educator voice requires thoughtful attention to detail. The Martinez/Yazzie Action Plan requires an approach that is servant-oriented and committed to the highest levels of ethical practice that we can muster on behalf of our most vulnerable, our state’s children. Such an action plan must ensure that stakeholder voice continues to be actively cultivated, not only to be part of the “who” but to also further inform the “what” and “how” of the proposed actions.

Regardless of the many actions that were offered, the plan ignores the importance of considering the historical and systemic challenges that have impeded access to an equitable education in our state for generations. As evidenced in the goals at the beginning of this review, much of what was proposed remains rooted in the rhetoric of the early 2000s and none is directly related to the components outlined in the Yazzie and Martinez Plaintiffs’ Non-Compliance Motion. Indeed, the “how” that is missing in these goals is the same “how” that the Yazzie and Martinez plaintiffs are requesting in ways that are human centered and culturally sustaining.