

An Assessment of the New Mexico Public Education Department's  
Final Action Plan  
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This evaluation of the NM PED Final Action Plan assessed the adequacy, completeness and compliance with the applicable court orders associated with the Yazzie/Martinez lawsuit, statutory requirements and best practices in systemic education transformation. In particular, the Critical Need areas and Core Issues identified in the Plan were reviewed for their relevancy to Native American bilingual education, Native literacy issues, Native American bilingual and Native language teacher preparation and professional development. The following Critical Needs originally identified in the Draft Plan were retained in the Final Action Plan:

- 1) Equitable Access to High Quality Instruction
- 2) Equitable Access to Well-Prepared, Culturally, and Linguistically Responsive Educators
- 3) Equitable Access to Academic, Social, Well-Being, and Behavioral Services
- 4) Effective Funding, Support and Accountability to Drive Systemic Improvement

The aforementioned Critical Needs 1 and 2, in the 3-year Draft Action Plan, were reviewed and compared to the Final Action Plan for their adequacy, completeness, and underlying approach.

**Critical Need 1: Equitable Access to High-Quality Instruction**  
**Core Issue #1 High-Quality Instruction and Curricula**

- There is still no information about what *kind* of High-Quality Instructional Materials (HQIM) that are “culturally and linguistically responsive” across four content areas will be made available to bilingual or Native American English Language learners. There is no indication if these materials are locally produced, authored or representative of regional publishers or if these are a continuation of instructional and curricular materials only authorized by NM PED . The only new addition to this area of need and action in the Final Plan is that PED will recruit Native American, TESOL-endorsed, and special education-licensed teachers to review HQIM materials for 4 content areas during a summer institute. (P. 15)
- There continues to be an absence of and no mention of any instructional material needs for Native language programs or Native bilingual education. There is no acknowledgement that Native language instruction often requires different types of visual instructional materials because many of these languages are taught orally. For written languages, such as Navajo, there is no mention of Native literacy or curricular materials that are necessary for both Native oral and Native literacy development. There is no mention of how such materials will be made available, or how they will be produced locally to support “high-quality” instruction in Native languages.
- The Final Plan added language that PED will develop culturally and linguistically relevant assessment items for the *NM Measures of Student Success and Achievement* for grades 3-8, in literacy and math to “ensure the state assessments reflect the diverse experiences, languages,

and cultures, of New Mexico students.” (Pp.14 and 36). The Final Plan says they will do this with “expert partners,” but does not specify who these partners are. They also propose developing culturally relevant questions for the *NM Assessment of Science Readiness* (P. 37) and mention here that “Pueblos, tribes and nations” will be included along with PED, Teachers, School Districts and Charter Schools.

- It’s important to note that the Final Plan focuses only on developing selected *ITEMS* in the literacy (English) and math assessments. The Final Plan does not specify on what basis this protocol is normed. The Plan also does not consider that there may be more appropriate or wholistic ways of determining student success and achievement, besides just English literacy and math. There does not appear to be any deviation from use of protocols that have been previously used or are currently in place, hence no transformative actions will be done. There is an absence of any consideration that **other** newer protocols might be researched to determine if they are better suited or if development of **new** protocols might need to be developed to reflect the student success of Native American students, Native bilingual or dual language learners more accurately. The Final Plan says PED will merely “leverage the expertise of this diverse group of educators **to inform the appropriateness of HQIM for students**” from various groups.
- The proposal to construct a New Mexico Literacy Center focused on literacy remains, however “structured literacy programming” contained in the draft plan has been removed and replaced with “literacy tutoring” for students.
- In spite of these surface changes, the focus remains the same i.e. English literacy. This continues to perpetuate the hegemony of English despite the diversity of languages represented among New Mexico students, including Native American students, whose heritage languages also need to be supported and maintained.
- There is no indication that a similar investment of financial resources will be made available to support the development of a Center that will provide instructional materials, and resources for Native language programs, educators, families, or community partners. The Final Plan merely states that the Center will improve literacy “with a multilingual approach.”

**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. (Page 24)**

Three-Year Action Plan

- The language in the draft action plans was changed from “Improve Literacy Outcomes” to “Literacy Learning Preparation for Educators” in the Final Plan. Regardless, the emphasis remains on Structured Literacy and the Science of Reading as the sole mandated approach that Colleges and Universities are required to implement into their coursework for teacher preparation. The Final Plan has moved “Literacy Learning Outcomes” into a Year 1 Action Plan, proposing legislation that will mandate the implementation of structured literacy instruction in all elementary schools. As in the draft plan, there is no mention of how the Science of Reading intersects with literacy development for bilingual students, Native American students who come from oral language backgrounds, or dual language learners.
- These Action Plans are inadequate in their approach which focuses on only one mandated methodology for teaching literacy when bilingual research has shown the efficacy of using culturally and linguistically relevant materials and teaching strategies in teaching English literacy to bilingual and dual language learners.
- The Final Plan also fails to address how similar sources of financial investment will be made to construct a similar Center dedicated to the development of **bilingual** materials and resources

accessible to Native American bilingual students and their families and communities. The Final Plan merely states that PED “will expand the instructional materials resource library to provide comprehensive, standards-aligned resources that support heritage language and bilingual multicultural education programs statewide;” (P.43) This is included in Year 1 of the PED Action plan addressing “Access to Native Language Instruction) (ibid.). “Standards-aligned resources” implies that resources that meet only PED’s criteria will be included for teaching purposes with no mention of resources identified by Native language communities as appropriate for their use in teaching language. The Final Plan continues to miss the mark of Improving Literacy Learning in its failure to address the instructional needs of Native American bilingual or emergent bilingual students who come from oral-based language traditions and the omission of research on developing bilingual literacy.

#### Improved Mathematics Instruction (Page 29)

- There is no additional information in the Final Plan regarding how instructional praxis in the *Numeros* program for elementary schools will address bilingual or Native American students who are emergent bilingual learners or dual language learners. There is no acknowledgement of bilingual mathematics instruction or current bilingual research in this area.
- The proposal in the Final Plan, to plan and design a STEM Center (page 31), has added language that says it will “provide Indigenous place-based learning,” by Year 3, but provides no details as to what or how this is to be developed, implemented and evaluated in partnership with “Pueblos, Tribes, and Nations,” another addition to this action plan.

#### **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.**

#### Kindergarten Readiness Assessments (Page 38)

- Use of the Early Development Indicator (EDI) to assess children’s readiness for school is maintained in the Final Plan but has added that the results of these protocols will be used “to identify resources needed to support kindergarten and 1<sup>st</sup> grade students” including Native American children and those from other groups. The Final Plan proposes to solicit feedback in Year 1 on the survey questions in this protocol from “Native educators, tribal education departments, and families within tribal communities.” They also propose this for Year 2.
- The Final Plan now includes added language that part of the EDI process in Year 1, will “solicit feedback on survey questions for families from Native educators, tribal education departments, and families within tribal communities.” (Page 38). In Year 2, the “ECED is to report to the Legislature on identified resources needed for preschool transition.. and that they will update the kindergarten readiness resource survey.
- There continues to be no research information provided in the Final Plan about the cultural and linguistic appropriateness of the Early Development Indicator (EDI) with Native American children to assess their readiness for school. There is no clear indication of how this protocol aligns with the pre-school experiences of Native children in Native language immersion schools or Head Start programs.
- While the Final Plan lists 10 intergovernmental tribal agreements for providing PreK using tribal standards, language, and curricula, there are no action plans listed for any of the Three Year Action Plans. There is no mention of how NM ECED will support these efforts to maintain and sustain Native languages and culture and grounding children in their social and culture identities.

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

### Access to Native Language Instruction (page 43)

- Much of the same language for action plans in the draft plan is maintained in the Final Plan, including the expansion of an “instructional materials resource library to provide comprehensive, standards-aligned resources that support heritage language and bilingual multicultural education programs (BMEPs) statewide.” The Final Plan contains added language that states the library will include “increasing resources to support oral language proficiency in languages without written form.” However, there are no details as to what the latter resources will consist of or what the source of these materials will be.
- The Final Plan indicates that **by Year 3** they will “**address barriers to access** and determine whether additional heritage language programs are necessary to meet the needs of students.” Shouldn’t this be done in every year, beginning in Year 1?

### Bilingual Teacher Incentives (page 44)

In this action plan, for Year 2, it is unclear why Bilingual Teacher Incentives includes a proposal that “PED will facilitate the offering of virtual classes to improve K-12 student access to heritage language and culture classes.” There are no details as to how this will be done, considering that virtual access is still limited in most Native American homes and that broadband access on most tribal reservations is still unavailable. There is also no information provided as to how this will involve Native language teachers, either in their preparation for use of virtual technologies to teach language, nor any research about the efficacy of teaching Native oral language by virtual means. These omissions convey little knowledge of the current needs for teaching Native languages. There should be a consideration of native language programs provided through community-based efforts and how these could effectively partner with school based programs or include stand-alone programs in the community for Native students.

### Expand Seal of Bilingual Literacy (page 46).

- The Final Plan continues to state the goal of increasing the number of bilingual biliteracy programs in Year 1, with no specific identification of New Mexico’s Native languages; only adding new language that states “partnerships with tribal language boards and education departments” will provide guidance and technical assistance. (page 46).
- Clarification is needed in PED’s definition of biliteracy as it applies to New Mexico’s Native languages. A key consideration in the development of the *NM 520 Alternative Certificate* and later the *NM Bilingual/Biliteracy Seal* was to allow New Mexico tribes to determine how their languages were to be taught in schools. This includes matters of assessment, curriculum, resource materials, instructional time, and professional development for Native language 520 teachers.
- Where Native literacy exists as a component of Native language instruction, key aspects related to program planning, Native language teacher preparation, instructional materials and assessments are all factors that need to be thoroughly researched and examined. This should be clearly articulated in the Plan as a critical step in expanding “high-quality programming.”
- In Year 2 of the Action Plan, they add new language that states “school districts and charter schools will work with tribal language boards and education departments to develop grade-level language curriculum and assessments to be used in schools to support student language proficiency.” PED is to provide guidance and technical assistance. As noted earlier regarding tribal early childhood programs that provide language and education services based on tribal standards, the same needs to be considered for Native language programs for elementary,

middle and high school students. The FINAL Plan fails to address the need for ensuring that Native students have access to learning their heritage languages throughout their school years and that there is consistency in ensuring that local school districts support these efforts in order for students to build Native language proficiency by the time they exit high school.

- There is no information provided about the current status of Native language programs available in New Mexico public schools (Kindergarten, Elementary, Middle and High School) for Tiwa, Tewa, Towa, Keres, Zuni, Navajo, Jicarilla Apache and Mescalero Apache languages. There is nothing in these Action plans that addresses the need to work with tribes in determining the type of program that will best support their goals and standards for language teaching and what it will take to meet the adequacy of opportunities for students to learn these languages while in school.
- Assessment of existing barriers to the implementation of Native language programs and how to address them at the local level needs to start in Year 1, not in Years 2 and 3. No details were provided regarding the needed transformation of existing school system structures (scheduling, instructional time, course credits for high school, etc.) that create barriers and prevent student opportunities to learn their heritage language.
- No details are provided about how local district superintendents and school principals (often one source of barriers when they are not from the community nor understanding the critical role of Native languages in tribal communities) will be better trained to develop effective partnerships with tribes designing, planning, implementing and evaluating their own Native language initiatives in and outside of school settings. These

## **Critical Need 2: Equitable Access to Well-prepared, Culturally, and Linguistically Responsive Educators**

### **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.**

Increased Number of Bilingual teachers (page 78)

- In Year 1, there is no mention of what type of preparation or training programs Native American high school students would receive after obtaining their NM Bilingual/Biliteracy Seal in order to become future Native language teachers. There is also no mention of how Native Nations and their designated language boards, committees or tribal education departments would be involved in this process.
- This is a critical area of building a Native language teacher workforce, but there are no plans or envisioning of how this will be done. There is also no mention of how an early childhood Native teacher workforce will be increased, given the fact that the Final Plan identifies a total of 10 tribal intergovernmental agreements to provide EC services using Native languages and based on tribal standards. There is no mention of creating preparation pathways linking existing EC preparation programs such as with tribal colleges offering AA degrees and leading to future Bachelor's degrees.

### **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. (Page 87)**

Supports for NALC 520 Certified Teachers

- In Year 1 of the FINAL Plan, PED proposes to partner with Native American faculty and EPPs to “create classroom management, instructional practice, and professional learning resources to support NALC 520 certified teachers in delivering meaningful culturally responsive pedagogy.” In Year 2 the Final Plan proposes that professional learning developed in Year 1, be implemented by tribal education departments, school districts and charter schools. There is no details where Native American faculty will come from or what their qualifications will be in order to provide this training. It also does not identify existing Educator Preparation Programs that have the resources necessary for working with Native languages and Native language teachers.
- Other critical factors supporting Native language teachers are absent in these proposals including how Native language instruction must be first aligned with tribal language goals; the instructional approaches they identify that will best support either/or both oral language and Native literacy development. There is no mention especially for written languages, how language teachers are to be prepared to teach Native literacy or where instructional supports are available for teachers.

The PED Final Plan contains some added language as noted above, mainly referring to the inclusion of tribal partners, such as language boards and tribal departments of education as entities, that can provide guidance and input review. These are surface changes that still do not meet a key requirement of the 2025 Court Order which was to establish an *overall* multicultural and multilingual framework for a New Mexico education system that is sufficient for Native American students. The Final Plan added a brief one-page summary of six Outcomes for Critical Need 2 (Page 92). Most are general statements, however, with no specific metrics linked to each year of the Sequenced Three-Year Action Plan. In particular, two statements stand out in terms of their proposed outcomes:

#### Outcome Statement #1

“All teachers who teach students with disabilities, English Learners, Native American students, and economically disadvantaged students and have fewer than 4 years of experience have mentors.”

There is nothing in the Final Plan that details who the mentors will be (EPP faculty? Retired teachers?) or how they will be recruited and vetted; how mentors will be compensated if at all; or how many total mentors will be needed across the state. Lastly, will mentorships include bilingual teachers, Native language teachers, and other specialists who work with diverse groups of students? How will the impact of mentorships on teacher retainment be monitored? These are not addressed in the Final Plan.

#### Outcome Statement #2

“All teachers who complete an educator preparation program after 2028 have been trained to implement inclusive practices, CLRI, and trauma-informed practices.”

The question here is why 2028 has been set for the target date? Why or what prevents these trainings from being implemented in Year1 (2026), or even by Year 2 (2027), especially when the need is so critical now? There is no overarching plan that outlines a timeline for offering professional development using PED resources in these areas which affect all students groups in the state including Native American students.

Regarding language issues, the Final Plan continues to lack any detailed information that supports culturally and linguistically responsive education. Moreover, the action plans represent a disjointed list of proposed activities with no indication of how each of these actions will be monitored for their impact on

improving education for Native American students as well as other plaintiff groups represented in the Martinez/Yazzie case.

Because there is no overarching Multicultural Framework in this Final Plan that encompasses and provides the foundation for needed improvements in instruction, instructional resources, assessments, and other wrap around services and supports that Native American students need, it fails to show any extensive research or knowledge about the learning needs of Native American students.

The Final Plan fails to provide a comprehensive approach that will transform current practices and address current limitations, barriers, and student access to increased opportunities to learn Native languages while in school. The Science of Reading and Structured Literacy mandated in this Final Plan does not account for bilingual or dual language research that shows how English language and literacy development for students can be achieved using the cultural and linguistic assets that students from diverse language and cultural backgrounds bring to school.

The Final Plan is limited in its approach towards building a diverse and qualified educator workforce, especially Native language teachers and Native early childhood educators. It is limited in its vision as to how current Educator Preparation Programs must also change or new pathways created for bilingual and Native American language teachers. The Final Plan fails to recognize the critical linkages that IHEs, PED, and NM ECED play in this area and the funding sources needed to support new students.

The Final Plan should provide a series of benchmarks each year of the Sequenced 3-Year Action Plan that show the status of systemic changes and transformations taking place and the community's engagement in assessing the efficacy of those changes and improvements. Accountability measures that reflect the impact of funding on language programs, instructional supports, and professional development for Native language teachers are missing in this plan.

The Final Plan is therefore unacceptable as written in my estimation. It lacks details and action steps that could be linked to specific remedies and solutions that have been previously identified and offered by New Mexico tribal nations and communities. The Final Plan remains inadequate however, and my recommendation is that it needs revision and more work before it is acceptable and in alignment with the key components of an Action Plan referenced by the 2025 Court Order.

Respectfully submitted:

A handwritten signature in blue ink that reads "Christine Sui".