

TO: New Mexico Center on Law and Poverty
FROM: Disability Rights New Mexico (Laurel Nesbitt, Senior Attorney)
RE: Evaluation of the State's 11-3-25 Final Remedial Action Plan
DATE: November 13, 2025

The New Mexico Center on Law and Poverty (NMCLP) has asked Disability Rights New Mexico (DRNM) to evaluate “how, and to what extent, PED’s Final Remedial Action Plan (“Final Plan”) addresses special education and the needs of students with disabilities (SWD), through an equity lens, assessing its approach, policies, programs, its use and quality of data and accountability measures.” Thank you for the extension to November 13, 2025 to submit this report.

On October 13, 2025, DRNM previously submitted an evaluation of the State’s Draft Remedial Action Plan. I am resubmitting as **Attachment 1** an annotated version of that earlier report, along with this final report, which is meant to be a reference document. The annotations reflect my analysis and observations on how the Final Plan improves, worsens, or maintains the status quo with respect to the various specific elements and language I evaluated previously. For ease of identification, I use green font to reflect even slight improvements (often qualified), and red font where my observations are the same or more critical than they previously were, or for qualifying language following a recognition of improvement.

In this final report, however, I focus on larger themes and focus on key examples.

Generally speaking, this iteration of the State’s Plan is, in several ways, improved. It would have been a much more solid draft plan, had it been what was filed in October. But it is certainly not a **Final** Plan. Despite added length and greater explanation and description, it still lacks specific objectives and measures. And it still suffers from an inability to envision equity for

SWD consistently throughout, including but not limited to deficiencies listed in DRNM’s initial report:

(a) failure to address the need for HQI/HQIM, including evidence-based interventions, materials, and instructional methods; (b) failure to address specifics of teacher preparation (in EPPs) for preparation of both special education and regular education teachers, to serve SWD, (c) failure to recognize consistently in the plan the SWD specific need (among behavioral supports) for positive behavioral interventions and supports, (d) failure to address “school culture” considerations specific to SWD, (e) failure to plan for accountability systems using measures relevant to the needs and projected outcomes of SWD.

I. OBSERVATIONS ON NEW SECTIONS AND STRUCTURE

In the Final Plan, there are attempts (with varying success) to provide greater detail, clarity, and cohesiveness. This does result in some improvement in what DRNM’s previous report referred to as “nexus”—providing some better explanation of the relationship between the elements/actions in the plan and: (1) community perspectives/themes, (2) goals or critical needs, and (3) other elements/actions. New sections or structure that contribute somewhat to this improvement follow, with brief analysis of each:

A. Glossary Section

The Final Plan adds a new Glossary Section (pages 160-175), which does in fact help clarify (for good or for bad) the State’s understanding and use of a number of terms. In my previous comments, I observed generally that the absence of a definitions section was concerning, and listed some specific definitions that are needed for vague or confusing terms. Of these terms (“Individualized Academic Plans”) seemingly no longer appears in the plan. *See* Section III, *infra*. Two other, more fundamental, terms (“equity” and “equitable education”) the State makes no attempt to define. Another (“diverse learning needs”) is still not defined, though some of the language in the plan does seem to suggest that it is a term distinct from “special

education.” See, e.g., “Community Perspectives” language under Goal 2.1, p. 74. And three others were given definitions, as follows:

- **“Culturally and linguistically responsive”** (p. 162): “Validating and affirming an individual’s home culture and language to create connections with other cultures and languages in various social contexts.”
 - Analysis: Putting aside for a moment whether this is an accurate and helpful definition of CLR (and I suspect other experts would say it is not), it also fails to explain how, if at all, students with disabilities (SWD) are included in the definition. Seemingly, they are not, which is at least helpful information.
- **“Inclusive practices”** (p. 167): “The intentional design and delivery of instruction, supports and environments that enable all students, regardless of ability, background, language, or circumstances, to access learning, engage meaningfully, and develop a genuine sense of belonging alongside their peers.”
 - Analysis: I had hoped for definitions of both “inclusion” and “inclusive practices,” but only the latter is provided. Although the word “ability” appears in the definition of “inclusive practices,” there is still no attempt to grapple with how the term relates to the least restrictive environment (LRE) requirement under IDEA, as I explained in my analysis of the Draft Plan. Are “inclusive practices” intended to be used even in settings (like self-contained special education classrooms and programs) which are not the regular education classroom?
- **“Career-connected learning:”** “Integrates real-world work experiences into students’ education to provide them with the knowledge, skills, and connections needed for future success in college, credentials, or in the workplace.”
 - Analysis: I had hoped for definitions of both “career-connected learning” and “career-connected learning transition programs,” but only the former was provided. The latter term, “career-connected learning transition programs,” seems to have been abandoned in the transition services elements, which helps to address some previous confusion. See discussion of Elements 1.3g and 1.3h, *infra*. The definition of “career-connected learning,” though marginally helpful, is also very general, and does not try to connect in any way to transition services for SWD. (The only reference to transition services in the definitions section is under “Transitions” on p. 174: “Special education students have specific requirements for transition planning within their IEPs.”)

B. Roles and Responsibilities Section

The Final Plan includes a new section (pages 7-11) which delineates roles and responsibilities of responsible partners, including the Legislature, NMPED, LEA Boards, LEA Leaders, Principals, Teachers, Tribal Partners, and the Community. The various entities are listed in the first column, with “What they do” and their “Typical roles” set out in columns 2 and 3,

respectively. Reviewing this list, it is telling that the Legislature, not NMPED, is listed first. Even more telling is how NMPED envisions its own role, particularly since there is very little in there about monitoring and ensuring accountability, aside from “providing help” when schools are not “meeting expectations.” There is no mention of corrective action at all, even though it is referenced elsewhere in the plan.

Finally, although this list sheds light on how the State views the various roles in a general sense, it provides no clarity on how, for each entity, “what they do” and their “typical roles” will relate to any specific element/action in the plan. Accordingly, my previous comments about lack of clear accountability structures stands in most instances. **Please note that in Attachment 2, and discussion of Attachment 2 in Section IV, *infra*, I have tried to model a more clear and precise way of identifying the roles of responsible entities for specific elements/actions.**

C. Mapping around Community Input/Themes

Within the Final Plan, each Core Issue now includes language which attempts to map PED Actions on Community Input/Themes (*See, e.g.*, pages 14-15), and relatedly, a description of “Community perspectives” is inserted directly below each Goal in the Sequenced 3-Year Action Plan (*See, e.g.*, page 20).

The mapping of Community Input/Themes with PED Actions piece is sometimes helpful. For example, one of the themes I found difficult to understand in the Draft Plan was in Critical Need 4, Core Issue #4 (pp. 134-135 in Final Plan): “There is a need for a unified approach among various educational agencies to develop a shared vision and goal-oriented plans for education in New Mexico, integrating resources and capacity with equity considerations.” The PED actions described (listening sessions and focus groups involving students and families, tribal leaders, educators and school leaders, civil rights and community advocacy groups and

workforce/higher ed/early learning partners) give at least some insight into that theme.

Similarly, with respect to the theme, “The state should focus on the need for support, paired with accountability, ensuring that schools and districts have the necessary support to improve student outcomes” (p. 135 in Final Plan), I had wondered whether the word “accountability” signaled State oversight, monitoring, enforcement, and correction. The PED actions listed suggest not, since they have to do with data collection around accreditation indicators (4.2b) and evaluation of current school improvement process (4.3 b).

There are also many instances, though, where the PED actions mapped to particular themes appear not to fit, or are incomplete. For example, on page 18, how are creation of the Office of Special Education and adoption of the IEP template related to the theme, “Students with disabilities lack the same access to activities and resources as their peers”? Likewise, for Critical Need 2, Core Issue #1 (Educator Quality), there list on page 69 of PED actions mapped to “Adequate resources and training for teachers are not available to effectively support special education and diverse learning needs,” but that list seems fairly incomplete, and omits the behavior training piece completely. Also, I note that community members’ contribution that “[t]here are barriers to professional development and accessing resources in rural and underserved areas” which was present in the Draft Plan has now been eliminated from what community members shared. Limited special education capacity in rural districts is a very real problem, and it is unfortunate the State chose not to include this issue and make some attempt to map actions to it.

D. “Student Groups Served”

The Final Plan tries to identify “Student Groups Served” for each year’s actions for each Element in the Sequenced 3-Year Action Plan. While this could be helpful if done more

thoughtfully and precisely, it seems that the State has mostly just named all four student groups for each action, regardless of whether it is clear from the description of the action that each group is included. **Please note that in Attachment 2, and discussion of Attachment 2 in Section IV, *infra*, I have suggested a more intentional, precise, and transparent way of identifying Martinez Yazzie student groups addressed by specific elements/actions.**

There are also two additions to the Final Plan that were clearly meant to be improvements, but are not particularly successful—namely, Resources Reference [sic] in the Development of the Action Plan (pp. 178-185) and Outcomes listed at the conclusion of each Critical Need Section (e.g., pp. 65-66). A discussion of each of these follows.

E. Resources Referenced in the Development of the Action Plan

The Final Plan at pages 178-185 lists resources which were reportedly “referenced in the development of the Action Plan.” This is in addition to the resources actually cited in the Action Plan, which are listed on pages 176-177. The list of resources seems to be provided simply to appease the Court and possibly some stakeholders and community members like myself, who keep referring to the failure to acknowledge key documents generated in the Martinez/Yazzie work since 2018. Moreover, some of the sources I’ve pointed to are still not acknowledged in these lists, particularly (1) information gleaned from NMPED’s 2019 special education listening sessions, (2) LESC Report—2023 Special Education Listening Sessions, and (3) Senate Memorial 68 Working Group conclusions and recommendations regarding Restraint and Seclusion. Finally, it is not clear how the resources which are listed provided substance for the various pieces of the plan.

F. Outcomes

A list of general outcomes concludes each Critical Need section. In all four sections, the State describes these as “concrete, measurable targets that will guide New Mexico’s investments, policy decisions, and collaborative efforts across the state to ensure students with disabilities, English Learners, Native American students, and economically disadvantaged students have equitable access to opportunities outside of traditional academic experiences.”

First, it is puzzling that the phrase “outside of traditional academic experiences” is included, though I may be misunderstanding the intent there.

More to the point, though, the outcomes listed are normally not particularly “concrete,” “measurable,” or even realistic. For example, is it realistic to project that by December 31, 2028, “All students with disabilities [will] have IEP services that support grade-level or essential standards”? (p. 66) And what in fact are the “essential standards” that are referenced here, for purpose of being measurable?

Moreover, most of these “outcomes” are focused on services students will receive (such as “structured literacy interventions” in the first bullet point on page 66) rather than on measurable educational progress or success actually experienced by students.

An example of a better articulated outcome is one of the Critical Need 3 outcomes on page 126: “The number of students with disabilities, English Learners, Native American Students, and economically disadvantaged students who are suspended or expelled is reduced by 50 percent.” This is a good start, but it omits other exclusionary practices like informal removal, law enforcement involvement, and restraint and seclusion.

Finally, it hardly bears mentioning that these general outcomes are normally not linked in any clear way with the specific Elements/Actions in the Final Plan.

Please note that in Attachment 2, and discussion of Attachment 2 in Section IV, *infra*, I have tried to model tracking measurable outcomes (as well as evaluation measures) to specific Elements/Actions.

II. SOME IMPROVEMENTS TO SPECIFIC SWD-SPECIFIC ELEMENTS

There are modest improvements in language in most of the Elements supporting Goal 1.3 (“Students with disabilities receive a high-quality, inclusive education with sufficient supports.”) However, a few of the previous elements (Behavioral Intervention Support Element 1.3c and Postsecondary Transition Elements 1.3g and 1.3h) have seen some fairly thoughtful improvements that now show real promise, with further development. This is also true of an element that is new to the Final Plan (Element 1.3d, Reduced Restraint and Seclusion.) **Please note that in Attachment 2 I have used these four elements as examples to show what further development is needed to better realize the promise of these elements.**

A. Element 1.3c (Behavioral Intervention Support)

Generally, the intention behind this element and its supporting actions is much clearer than it was previously (particularly the intended subjects of the training as set out in Year 1), and the nexus with the goal better developed. There is also good language added into Year 3: “Monitor special education improvement plans and incorporate the results of behavior goals, functional behavior assessments, and BIPs compliance into school district and charter school accountability reviews and annual determination letters.” However, my criticism of the “monitoring” from the last draft remains the same--it is still too exclusively focused on IEPs/BIPs, with no real focus on district capacity. I continue to have recommendations for improvement of this element, as set out in Section IV, *infra*, and **Attachment 2**.

B. Post-Secondary Transition for SWD: Element 1.3g (Educator Supports for Transition”) and 1.3h (Student Supports for Transition)

Element 1.3g (Educator Supports for Transition) better clarifies the subjects of the training which will be “provided” to “general and special educators, counselors, and school leaders,” namely: “increasing graduation rates and ensuring a coordinated set of meaningful services in education, work-based learning, and independent living that prepare students for postsecondary success.” It is also positive that PED plans to “collect data on family experiences with postsecondary transition planning” to inform these trainings.

Additionally, and thankfully, the element discards mention of “diploma pathway and transition plan components” which was previously unclear. Eliminating mention of “career-connected learning transition programs” in these elements is also helpful, as that was confusing. Both elements now use more identifiable, familiar transition services language, which seems to have been drafted by people who understand transition services for SWD and were thoughtful in articulating the values at stake.

Finally, there are some half decent accountability pieces in these two elements. For example, in Element 1.3g, Year 2, the “cross-agency transition framework that describes the coordinated set of state agency supports available to students” (which could be a big help in clarifying and defining the partner agencies’ respective roles) and in Year 3, the audit activity and “implement[ation of] targeted improvement plans for districts in need of improvement.”

Moreover, Element 1.3h has an evaluation piece in Year 3 that is promising: “PED will evaluate and expand the regional college- and career- connected transition program pilots into a statewide model. Building on lessons from communities of practice, PED will refine implementation tools, establish consistent quality indicators, and integrate successful practices—

such as capstone projects—into district postsecondary transition planning.” (As an aside, capstone projects—which are interesting, and I believe are the focus of one of the TENM “What Works” proposals—need to be explained.) I still find that the survey and pilot activities in Element 1.3h (Years 1 and 2, respectively) are promising, with Year 2 building on Year 1 well.

On the downside, there is now no reference to the “Transition Resource Hub” previously included in the Draft Plan. Though I realize I was critical of this action before (with no detail provided that would hint at what was intended), I have since learned that what they have in mind for the “Transition Resource Hub” could in fact be helpful in centralizing and clarifying transition resources for students, families, and school personnel. However, it seems NMPED is still planning on working on that hub outside the scope of this Final Plan, so I am not making recommendations specific to that.

Finally, despite the promise of these transition elements, there are no outcomes (even general outcomes listed at the end of the Critical Need 1) associated with them. Again, please see my suggestions for development of these elements in **Attachment 2** and Section IV, *infra*.

C. Element 1.3d (Reduced Restraint and Seclusion)

This new element does address (to some degree) the need for legislation further limiting and clarifying restraint and seclusion practices. The pieces in Year 2 involving “statewide guidance to school districts and charter schools to ensure consistent policies and procedures related to the use of restraint and seclusion” and “mandatory training on the use and reporting of restraint and seclusion” are good, as are the pieces in Year 3 about incorporating monitoring/potential corrective action around “restraint and seclusion use, training, and reporting requirements” and implementation of “a system for parents to report incidence of restraint or seclusion directly to PED and to confirm reporting by school districts and charter schools.

However, it is important to remember this bill has been run several times (different iterations) and there is always tremendous push-back. Moreover, this entire new element again suffers from a lack of measurable outcomes and evaluation structures. *See* Section IV, *infra*, and **Attachment 2**.

III. REGRESSION, AND CONCERNING ADDITIONS

In DRNM’s first report, I observed that the Draft Plan contained stray actions that, with more development, could lead to more successful and equitable outcomes for SWD. Among those were:

- Instructional/Structured Literacy Coaches (Elements 1.11 and 1.1m in Draft Plan)
- Annual Professional Development for Transportation Workers, de-escalation and student behavior supports (Element 3.1b)
- Monitoring of “Instructional Plans” if those plans include IEPs (Elements 1.4a and 1.4b)

Of these, the Instructional/Structured Literacy Coach piece has been eliminated entirely from the Final Plan.

The Final Plan now clarifies that what is now called “Training for Behavior Management on Buses” is an online course (no longer with an annual requirement) which appears watered down from what I had imagined and hoped it would be. Assuming this is simply a recorded presentation that bus drivers would be required to view—rather than a more intensive training with modeling, etc.—I have less confidence than before in its promise.

Finally, the “Instructional Plans” seem to have been rebranded as “Academic Improvement Plans” and moved to more appropriate (academic) sections of the plan--Elements 1.1d (Literacy Learning Outcomes) and 1.1f (Improved Mathematics Instruction). However, in those sections, these “Academic Improvement Plans” distinguish themselves from and explicitly

state they do not supersede IEPs without clarifying whether students with IEPs will be included in schools' and PED's monitoring with respect to reading and math interventions in Year 2 of Elements 1.1d and 1.1f. Although SWD are listed as "student groups served" by both of these elements, it remains unclear how IEPs will be brought into the monitoring efforts described.

All of these are, in my estimations, steps backward from the Draft Plan.

Also counterproductive is the addition of a new Element 1.3e (Support for Native American Students with Disabilities). This entire element is concerning because it shifts responsibility for "supporting" Native American Students with Disabilities to the IDEA Advisory Panel and a subcommittee the Panel apparently would be required to create specific to "address[ing] policy and budget issues specific to Native American students with disabilities." As a member of the IDEA Panel, I definitely agree that we should (and do, through EPICS) have representation by Native American panel members/advocates. More Native American voices on the Panel would also be wonderful. However, the State is not empowered to order the Panel to amend its bylaws, nor to establish particular subcommittees. While it is a good suggestion that advisory panel subcommittees could focus particular recommendations for Native American SWD toward PED/OSE, there is nothing included in this action item showing what PED itself plans to do, either with respect to or in addition to such recommendations. The element has no targets/outcomes, no accountability structures aside from an advisory panel, and no evaluation structure. The Final Plan then adds insult to injury by listing this advisory panel element as the only "PED action" mapped to "More oversight and accountability are needed in special education, with leadership that prioritizes student needs and inclusivity" under Core Issue #3 (page 72). Someone really needed to think harder about that one.

IV. RECOMMENDATIONS FOR STRUCTURING SPECIFIC ELEMENTS

In **Attachment 2**, I have presented recommendations for providing appropriate structure and metrics for any given Element in the plan. I sketched out a template that would sort actions for each element by year, but then for each year's action(s) provide: (a) a detailed description of the action(s), with any related plan elements clearly cross-referenced, (b) responsible entities, clarifying the role of each, (c) student groups served (ensuring that the description of action(s) clearly includes any groups listed), (d) measurable outcome/target (specific to **student** progress or success), evaluation measures (i.e., How will the State know the action was successful?), and (e) cost estimate. Above each Element would be listed: (a) the name of the Element, (b) the Goal which the Element supports, (c) **relevant** community perspectives, and (d) Progress to build on, 2019 to Present (including only what is relevant to the Element, and if this is a continued action, noting in the description of action how it expands, improves, or relies on current efforts.)

All of this information would add a level of precision and concreteness that is currently lacking throughout the plan.

In addition to the blank template, I have used four Elements (the four addressed in Section II, *supra*) which illustrate how various actions could be detailed more precisely. I chose these four Elements as examples because they are ones I think hold some real promise, with greater development.

V. CONTINUED RECOMMENDATIONS (AS AMENDED) FROM PREVIOUS EVALUATION

DRNM continues to prioritize recommendations going to (1) Capacity Building (both at the PED and District levels)—including expanded expertise, oversight and technical assistance capacity at PED, and in Districts, greater numbers and better trained teachers, EAs, related

service providers, etc.; (2) the Importance of Evidence-Based Practices, Curriculum, and Materials for SWD, and (3) Positive Behavioral Supports and Interventions for SWD.

What follows are the SWD-specific recommendations I made earlier (with a couple of new recommendations added in), amended or eliminated as appropriate, in response to revisions in the Final Plan. Recommendations going to **Capacity (PED or District)** are in blue font, those going to **Evidence-Based Practices (etc.)** are in purple font, and those going to **Behavior supports** are in orange font.

Recommendations: General Observations About the Draft Plan as it Relates to SWD:

- The State needs to demonstrate understanding of “least restrictive environment” (LRE) and how its vision of “inclusion” comports with this core tenet of IDEA. It needs to provide explicit description of the “inclusive practices” it envisions. **Same.**
- **ELIMINATE [GLOSSARY ADDED, ALBEIT WITH SOME DEFINITIONS STILL NEEDED]** ~~The State should include in the final plan a Definitions section, which includes these [“equity,” “equitable education,” “culturally and linguistically responsive,” “inclusion,” “inclusive,” “inclusive practices,” “diverse learning needs,” “career-connected learning,” “Individualized Academic Plans”] and other terms which are critically important to all four MY student groups.~~

Recommendations: Elements of the State’s Draft Remedial Action Plan Related to SWD:

A. Critical Need 1: Equitable Access to High-Quality Education

1. Comments on Introductory Sections

- The State should incorporate both “evidence-based” and “appropriate in light of students’ individualized needs” to requirements for HQI and HQIM. **Same**
- The State should demonstrate in the final plan that it understands equity for SWD through both Section 504 (providing access and preventing discrimination) and IDEA (ensuring FAPE in LRE) lenses. **Same.**¹

¹ There are only minimal improvements to the plan with respect to this recommendation.

2. Analysis of Individual Elements

- Elements 1.1c-1.1e: (Structured Literacy/Science of Reading Elements), and 1.1f (Improved Mathematics Instruction) :
 - The State should capacity building of reading experts, specifically Certified Academic Language Therapists (CALTs), *see* <https://www.altaread.org/about/what-is-calt/> , to provide appropriately intensive reading interventions for students with dyslexia, at all school levels—secondary as well as elementary. **Same.**
 - The State should ensure that its New Mexico Literacy Center centers programs that are designed, staffed, and overseen by CALTs (including ones with experience teaching reading to English Learners), and that it is able to provide and support direct, intensive dyslexia-specific interventions for students with dyslexia. **Same.**²
 - The State should consider strategies used successfully with English Learners, for example, by experts in Texas, as described in the following: *See* Schwartz, Sarah, “How the ‘Science of Reading’ Can Support English Learners,” *EdWeek* (Sept. 22, 2025,” *available*, <https://www.edweek.org/teaching-learning/how-the-science-of-reading-can-support-english-learners/2025/09> **Same.**
 - The State should broaden Goal 1.1 to more explicitly include SWD. **Same.**³
 - **NEW RECOMMENDATION (REPLACING RECOMMENDATION ON Element 1.4b):** The State should monitor IEPs for students below grade level in reading and math, as it plans to do for implementation of academic improvements plans, in Year 2 actions for both Element 1.1d (literacy) and 1.1f (mathematics).
- Elements 1.1k-1.1m: MLSS Accelerated Learning for All [**now just 1.1i**]:
 - **AMENDED:** The State should ~~ensure that the~~ reincorporate MLSS and/or Structured Literacy Coaches in the Final Plan, and to the extent they are supporting

² The Final Plan in 1.1e, Year 2, does specify, “The center will include dedicated expertise in dyslexia and evidence-based reading interventions.” This is an improvement, but it is not clear that it meets the recommendation I’m making here, regarding CALT certification.

³ Again, there is some language thrown in here and there in some of the elements/actions referencing “fully accessible to SWD,” but this doesn’t mean much, particularly since “accessibility” is not the full picture.

structured literacy instruction, the State should ensure the coaches are CALT certified and have substantial expertise in dyslexia specific instruction.⁴

- Goal 1.3: Students with disabilities receive a high-quality, inclusive education with sufficient supports.
 - Element 1.3a: Office of Special Education
 - The State should build out all elements of proposed actions (training, technical assistance, monitoring, and enforcement of corrective action plans to ensure compliance with IDEA)” beginning in Year 1, with at least one element for each of these. **Same.**⁵
 - **AMENDED:** As it has for “Reduced Restraint and Seclusion” and (1.3d) and Supports for [Post-Secondary] Transition (1.3g and 1.3h), the State should build out an element for each of the issues acknowledged in Year 2 1, (timely identification and evaluation of SWD, adequate provision of services, ~~reduction of restraint and seclusion and~~ disciplinary removals, parent participation and engagement in the IEP process, and early childhood and high school to college or career transitions) and should broaden this list to include other concerns important to stakeholders, including but not limited to inadequate transportation services, and informal removals or shortened day for SWD.
 - Element 1.3b: Statewide IEP Template to Improve Student Services
 - **ELIMINATE:** ~~The State should accelerate the timeline for implementation of the Universal IEP template, especially the monitoring and technical assistance pieces. It should add in a corrective action piece as well, for districts which are failing to implement the Universal IEP or implementing it in ways which fail to “improve Student Services.”~~⁶

⁴ As discussed above, these coaches have now seemingly been eliminated entirely from the plan, which is unfortunate.

⁵ The language was moved to Year 1 in the Final Plan, but the different actions are not built into separate elements. There are still far too many moving parts in this element, with minimal explanation.

⁶ This is actually fairly well addressed in the Final Plan.

o Element 1.3c: Behavioral Intervention Support

- **AMENDED:** The State should specifically require school personnel statewide to receive Uniform Baseline Behavior Training., ~~implementing TENM “What Works Proposal: Uniform Baseline Behavior Training.” See Attachment 5.~~⁷
- The State should ensure that training is focused not just on de-escalation of student behavior (the primary focus of Crisis Prevention Institute (CPI) training), but also on implementing appropriate, effective behavior supports to SWD *proactively* to understand, anticipate, and prevent target behaviors. **Same.**
- The State should incorporate into the final plan an action ensuring sufficient school staffing—such as behavior experts like Board Certified Behavior Analysts (BCBAs) and Registered Behavior Technicians (RBTs), as well as Educational Assistants (especially behavior-trained 1:1 EAs), Social Workers, Speech Language Pathologists—necessary to support the behavior needs of SWD. **Same.**
- **ELIMINATE**⁸: ~~The State should more precisely address in the Final Plan the relationship between lack of appropriate, effective behavior interventions and supports and punitive, exclusionary measures like long-term suspension, expulsion, informal removal, shortened school day, restraint, seclusion, and involvement of law enforcement.~~
- The State should carefully review and consider including in the Final Plan all recommendations made in LESC Reports addressing: the 2023 Special Education Listening Sessions (Attachment 2), as well as the work of the Senate Memorial 68 Working Group on Restraint and Seclusion in 2024 (Attachments 3 and 4) **Same, even though there is a new Element 1.3d (Reduced Restraint and Seclusion).**

⁷ We have issues with the specific TENM proposal now because folks within my community of experts have thrown a bit of a wrench into what was already designed. We might need to start over, unfortunately, on the particular training(s) to be used. Please let me know if you would like to discuss.

⁸ This actually is incorporated into Year 2, and is a positive development: “Require LEAs with disproportionate rates of suspension, expulsion, restraint, seclusion, or informal removals of students with disabilities to develop and implement targeted improvement plans supported by the OSE.”

- The State should carefully review and consider including in the Final Plan all recommendations made by the Behavioral Needs Committee of the Special Education Transformation Team. (Attachment 6) **Same.**
 - The state should carefully review and consider including in the Final Plan all recommendations made by stakeholders throughout the stakeholder input process, addressing behavioral needs of SWD. **Same.**
 - Element 1.3f: Support for English Learners with Disabilities
 - The State should ensure that in providing training on the manual, it also provides training sufficient to prevent *underidentification* for special education services of SWD who are ELs. **Same.**
 - **AMENDED.** The State should plan for more meaningful, detailed interventions following Year 2 monitoring than simply creating and disseminating supplemental tools like checklists, templates, and guides. ~~“supplemental tools, including checklists and family engagement guides.”~~ It should articulate tangible ways that the training in Year 1 and monitoring in Year 2 will “ensure equity, ~~improved~~ strengthen instructional practices, maintain and compliance with state and federal requirements, and support appropriate identification.”
 - Please also see recommendations specific to Structured Literacy/Science of Reading, Elements 1.1c-1.1e.
 - Elements 1.3g-1.3h: Postsecondary Transition Supports
 - The State should ensure that transition services, already required to be provided to SWD beginning at age 14, are more robust and successful, with measurable post-graduation outcomes. **Same.**
 - **AMENDED:** The State should ensure that work-based transition opportunities for SWD (~~whether through “career-connected learning transition programs” or otherwise~~) involve appropriately challenging, diverse, and integrated experiences, designed to lead to post-secondary education or competitive integrated employment.
- Goal 1.4: Students with disabilities, Native American students, English Learners, and economically disadvantaged students and their families have equitable access to opportunities outside of the traditional academic experiences.

- Elements 1.4a and 1.4b: Individualized Academic Plans
 - **ELIMINATED. (RECOMMENDATIONS MADE TO ELEMENTS 1.d and 1.1f, *supra*)** ~~The State to the extent it proposes in Element 1.4b to implement “technical assistance and guidance for interventions and individualized academic plans” (Year 2) upon identification of students who “do not meet goals in individualized academic plans or are not on grade level by end of the school year for math or reading...” should certainly include SWD and their IEPs in such TA and guidance.~~
- Element 1.4b: Enhanced Internship Programs:
 - The State should design and fund summer programming specifically and appropriately designed and staffed to meet the educational, social, and behavioral needs of SWD. **Same.**

B. Critical Need 2: Equitable Access to Well-Prepared, Culturally and Linguistically Responsive Educators

1. Comments on Introductory Sections

- The State should add language into the final plan which clarifies that professional competence must include deep knowledge about disability and evidence-based strategies for providing challenging, meaningful instruction to students with disabilities. **Same.**
- The State should add the following italicized language into the last sentence of the introductory paragraph on Page 71: “Schools need educators who are trained in trauma-informed practices, collaborative learning models, and instructional practices that support social interactions, *including positive behavior interventions and supports.*” **Same.**

2. Analysis of Individual Elements

- 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.
 - Element 2.1e: Mentorship for New Teachers:
 - The State should clarify how Element 2.1e impacts, expands, improves, monitors, and evaluates the Special Education Teacher Mentor Program already being implemented. **Same.**

- Element 2.1g: Statewide Standards for School and District Leadership Preparation
 - The State should ensure that individuals with deep expertise regarding the academic and behavioral needs of SWD be involved in designing standards for NM’s school administrator and superintendent programs, to ensure school administrators and superintendents are prepared to meet the academic and behavioral needs of SWD, and to prevent disproportionate use of exclusionary practices like long-term suspension, expulsion, informal removal, shortened day, restraint, seclusion, and involvement of law enforcement.

- Element 2.1h: Innovative School Staffing Models
 - The State should identify and explain any “innovative school staffing model(s)” being considered, and ensure that any model(s) adopted prioritize the needs for well-prepared special educators, educational assistants (including and especially 1:1 EAs with behavior training), diagnosticians (including but not limited to bilingual diagnosticians), school nurses, related service providers (including but not limited to Speech and Language Pathologists, Occupational Therapists, Social Workers, Behavior Specialists (such as BCBAs, RBTs), Physical Therapists) and professionals like CALTs with specialized expertise in reading instruction for students with reading disability. Same.⁹

- 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 all teachers are trained to support English Learners and students with disabilities.
 - Element 2.2b Teacher Preparation for Students with Disabilities
 - The State should research, identify and implement best practices for *all* educator (regular education as well as special education) preparation and licensure to effectively meet the needs of SWD. Same.

⁹ Although the Final Plan includes some limited explanation of the “Innovative Staffing Models” the State is envisioning, there is nothing in there about particular staffing concerns, including related service providers and other “skilled adults” who are critical to the success of SWD. There is also a related element I seem to have missed in the Draft Plan, now Element 2.1f (Increased Compensation Efforts for all School Staff) which might include related service providers, but it is unclear from the very general language describing Element 2.1f. It would depend on who is considered “support staff.” Besides, much more is likely needed than just compensation improvements to expand the pool of teachers, administrators, and related service providers.

- Element 2.2f: Increased Special Educator Teacher Compensation
 - The State should report with transparency the success of its previous or current special education retention stipends, and should clarify in the Final Plan the relationship of this proposed stipend program with the previous one. **Same.**
 - The State should research and implement national best practices for providing effective non-monetary supports for all teachers serving SWD toward improving retention. **Same.**
- Goal 2.3: All New Mexico educators are proficient in using culturally and linguistically responsive approaches and strategies with evidence-based instructional materials.)
 - The State should include in the Final Plan a goal, much like Goal 2.3 as to CLR, with supporting elements, which reads, “All New Mexico educators are proficient in using evidence-based instructional materials and strategies to teach students with disabilities.” **Same.**
 - The State should include in the Final Plan an element, much like 2.3a for CLRI, that requires all educators to complete a micro-credentialed course specific to the needs of SWD, particularly addressing behavioral characteristics and needs of certain high incidence disabilities like ASD, ADHD, and FASD. **Same.**

C. Critical Need 3: Equitable Access to Academic, Social, Well-being and Behavioral Services

1. Comments on Introductory Sections

- The State should specifically name positive behavioral intervention and supports in all areas of the introductory section of Critical Need 3 which list the requirements for “Positive Conditions for Learning” (Core Issue #1), “Academic Supports” (Core Issue #2) and “Social, Well-Being, and Behavioral Supports” (Core Issue #3). **Same.**
- The State should include in the Final Plan elements that ensure staffing and appropriate behavior training necessary to support successful behavior interventions for SWD. **Same.**
- The State should explain clearly why Academic Supports addressed in Critical Need 3 are not addressed instead in Critical Need 1. **Same.**

2. Analysis of Individual Elements

- Goal 3.1: MY students have sufficient access to transportation and technology in order to implement a whole-child learning approach with access to academic, health, and well-being supports.
 - The State should include actions under Goal 3.1 addressing the need to provide funding and capacity in school districts to provide necessary assistive technology (AT) required by SWD, including expanded access to AT evaluations and training for educators and staff on using the technology to meet the needs of SWD. **Same.**
 - Element 3.1b: Training for Behavior Management on Buses
 - ~~ELIMINATE: The State should accelerate its timeline for Element 3.1c [3.1b], beginning Year 1 with, “Provide annual professional development to transportation workers on positive behavioral interventions and supports and de-escalation strategies to appropriately support student behavior needs.”~~
 - ~~ELIMINATE: The State should further specify the training, excluding CPI, that will be used, and should consider the use of the Relias training received by Registered Behavior Technicians (RBTs), offered at under \$100 per trainee. See Attachment 5, Uniform Baseline Behavior Training.¹⁰~~
 - **NEW RECOMMENDATION: The State should require all transportation workers to receive Universal Baseline Behavior Training, as proposed with in connection with Element 1.3c.**
- Goal 3.2: Families and communities of students with disabilities, English Learners, Native American students, and economically disadvantaged students have access to educational and health supports.)
 - Element 3.2a Wraparound Services for Students Experiencing Homelessness)
 - The State should include in its list of supports in Year 1 “evaluation, where appropriate or parentally requested, for special education and related services, and IEP supports for SWD and their families.” **Same.**

¹⁰ As I mentioned above, we may be switching gears on this specific Relias recommendation, so I am stepping back from this a bit.

- Element 3.2f: Support for Students in Postsecondary Programs
 - The State should expand the list of transitional supports in Year 2 of Element 3.2f to include the following italicized language: “...including skill development, for self-advocacy (*including requesting, where necessary, reasonable accommodations and modifications*) and study habits.” **Same.**
- Goal 3.3: Social, behavioral, and well-being supports reflect the cultural and linguistic needs of students with disabilities [???], English Learners, Native American students, and economically disadvantaged students and communities.
 - **AMENDED:** The State should rephrase the Goal 3.3 to include the needs of SWD by adding the italicized language: “Social, behavioral, and well-being supports reflect the cultural, linguistic, *and disability-based needs* of ~~MY~~ students with disabilities, English Learners, Native American students and economically disadvantaged students and communities.”
 - Element 3.3a: Student Engagement Through Inclusive and Culturally Relevant Programs: The State should, in the annual school culture survey described in Element 3.3a, include questions specifically addressing the experience of SWD, including questions about acceptance and understanding of disability and behavioral difference. **Same.**
 - Element 3.3b: Restorative Justice Practices in All Schools:
 - The State should provide specific guidance to districts and schools that implementation of restorative justice practices must appropriately consider for neurodivergent SWD their level of behavioral skill, target behaviors and the functions of those behaviors as addressed in any functional behavioral analysis (FBA) and Behavior Intervention Plan (BIP), and any behavior supports and services required by their IEP and/or BIP, in deciding whether restorative justice practices are appropriate for individual SWD. **Same.**
 - The State should expand the activities in Years 2 and 3 of Element 3.3b to include more active involvement of the State than training and requirement of “action plans” to address identified disproportionality. **Same.**
 - The State should add Elements supporting Goal 3.3 (as rewritten) to include additional PED interventions for schools with disproportionately high exclusionary practices as to SWD, including: (a) Uniform Baseline Behavior Training (positive behavioral interventions and supports), (b) training on positive, neurodiversity-affirming school culture which

acknowledges and supports a broad spectrum of student behavior, and (c) technical assistance and training on providing appropriate, effective behavior supports for individual SWD who have been subjected to exclusionary practices because of their behaviors. Same.

- *See also* Recommendations made with respect to Element 1.3c: Behavioral Intervention Support.

D. Critical Need 4: Effective Funding, Support, and Accountability to Drive Systemic Improvement

1. Comments on Introductory Sections

- **AMENDED:** The State should include, with reference to community input in Table 132, page 133 ~~54~~, language in italics as follows: “Accountability structures within the state must be transparent and ensure compliance with relevant educational acts in *federal and* state statutes.” Same.

2. Analysis of Individual Elements

- Goal 4.3: Accountability systems reliably assess student outcomes by using culturally relevant metrics, and these systems ensure the assessments drive improvements.)
 - The State should ensure that “culturally relevant metrics” include those which measure outcomes for SWD, and if not, add language to the goal which includes SWD. Same.
 - The State should incorporate in the final plan an element, similar to Element 4.3a, which identifies additional measures of outcomes for SWD, beyond (for instance) the indicators of basic compliance with IDEA. Same.

VI. CONCLUSION

This report is an effort to note developments and improvements in the plan and to point up the need for substantial additional development, all with reference to DRNM’s previous, more detailed, evaluation. We appreciate the volume of information you are absorbing, as well as the complexity of the issues we are highlighting, and invite any and all questions you may have about our evaluation. Most importantly, we thank you for involving DRNM in this important work.