



**TRANSFORM**  
**EDUCATION**  
— **NM** —

*The Honorable Matthew J. Wilson  
First Judicial District Court  
Santa Fe, New Mexico*

## **Transform Education New Mexico’s Coalition Statement Regarding Objections to the State’s Final Martinez/Yazzie Action Plan**

Our coalition, representing students, families, tribal and community partners, and education advocates across New Mexico, respectfully submits this letter in support of the legal team’s forthcoming objections to the State’s final Martinez/Yazzie Action Plan. While we appreciate the State’s efforts to articulate a framework for compliance, the plan fails to meet the constitutional obligations identified by this Court—leaving persistent inequities unaddressed and continuing to fall short of the mandates intended to ensure that Native American students, English learners, students with disabilities, and low-income students receive the comprehensive educational opportunities to which they are entitled.

### **Ongoing Barriers to Teacher Effectiveness For At-Risk Students**

The Court emphasized in its initial ruling that highly effective teachers must be allocated to schools serving the most at-risk students. Yet, the current approach taken by the New Mexico Public Education Department (NMPED) to implement the Science of Reading—focused narrowly on Structured Literacy methods and a prescribed set of “high quality instructional materials”—is narrowing the definition of effective teaching to compliance with instructional frameworks, rather than the ability to meet students’ linguistic, cultural, and developmental needs as the Court intended. The record is clear that effectiveness for multilingual learners requires specialized preparation beyond monolingual teacher training — including expertise in second language acquisition, native language literacy, and culturally responsive pedagogy — and that stronger, more rigorous preparation is directly linked to improved reading and learning outcomes for all students, particularly the four named student groups.

### **English-Dominant Literacy Mandates and Their Impact on the Teaching Profession**

Pre-service programs at institutions of higher education are increasingly being legislatively directed to prepare teachers primarily in Structured Literacy, or the “Science of Reading.” The implementation of a single-method literacy approach is not fulfilling the Court’s mandate. By equating teacher effectiveness primarily with adherence to the State’s prescribed Science of Reading approach, the plan risks evaluating “highly effective” teachers only in relation to compliance with this narrow framework, rather than ensuring that all students identified in the

lawsuit have access to instruction that meets their diverse academic, cultural, and linguistic needs.

### **HQIM Implementation Does Not Ensure Culturally and Linguistically Responsive Instruction**

In the Final edition of the State’s plan, Goal 1.1 claims to ensure that districts and schools provide culturally and linguistically responsive education through curricula, instructional programs, and assessment. We take issue with the actions outlined in this section that rely heavily on the implementation of High-Quality Instructional Materials (HQIM) as the primary mechanism for achieving this goal. The plan indicates that guidance has been provided and that technical assistance and professional development will continue to support HQIM implementation aligned to culturally and linguistically responsive instruction.

However, this framing reflects a fundamental misalignment with the Court’s findings. The Court’s ruling emphasized the State’s obligation to ensure that culturally and linguistically responsive instruction and materials are developed and provided in a manner that reflects the languages, cultures, and lived experiences of the student groups identified in this case. The plan does not demonstrate how HQIM, as currently defined or approved, fulfills this obligation.

By positioning HQIM implementation as the central strategy, the State substitutes a materials adoption and implementation process for the deeper systemic work required by the Court — namely, the development, support, and provision of instruction that is grounded in the cultural and linguistic assets of New Mexico’s diverse communities. The plan does not establish that the instructional materials being promoted were designed with or for the specific student populations named in this case, nor does it provide evidence that their implementation results in instruction that is culturally and linguistically responsive in practice.

Moreover, the reliance on guidance, technical assistance, and professional development does not address whether educators are being supported to develop the professional knowledge and pedagogical expertise necessary to deliver culturally and linguistically responsive instruction beyond adherence to prescribed materials. In this way, the plan risks narrowing instructional practice rather than expanding the capacity of educators to meet the full range of student needs identified by this Court.

Taken together, this approach reflects a redirection of effort toward compliance with instructional frameworks rather than toward fulfillment of the Court’s mandate to ensure that culturally and linguistically responsive instruction and materials are meaningfully available to students across the state.

### **State Data Reveals Misalignment Between HQIM Implementation and Court Mandate**

While the State emphasizes guidance, professional development, and HQIM adoption as key strategies for delivering culturally and linguistically responsive instruction, the underlying data reveal that these measures are insufficient to provide districts with meaningful options for meeting students’ diverse needs. Out of 14,000 materials in the state adopted multiple subjects

database, only 768 are officially recommended, which means they are HQIM. Out of the 768 HQIM, only 472 are designated as culturally and linguistically responsive. Despite PED's stated multi-year rollout of guidance, professional development, and monitoring, the scarcity of approved culturally and linguistically responsive materials demonstrates that districts have extremely limited, if any, meaningful options for providing instruction that reflects the backgrounds and needs of their students.

The practical impact is clear: students who are Native, English learners, or from other historically marginalized communities cannot reliably access HQIM that is culturally and linguistically relevant, even with PED's professional development and guidance. While the plan presents a framework of implementation, it effectively misleads the Court by suggesting that districts can meaningfully choose culturally and linguistically responsive materials that meet these standards when, in reality, the majority of materials fail to satisfy both the recommended and culturally responsive criteria as determined by the PED. In fact, out of 165 indicators used to assess whether adoption materials are recommended as HQIM, only 11 of the indicators are directly related to evaluating the quality of cultural and linguistic responsiveness of the materials under review.

We respectfully ask the Court to recognize that the State's plan overstates the availability and accessibility of culturally and linguistically responsive HQIM, masking persistent inequities and leaving districts without the tools needed to provide equitable instruction to all students.

### **Equity Indicators Necessary for Legal Compliance**

The State's compliance with the Yazzie/Martinez ruling cannot rely primarily on testing metrics and student outcomes. The Court made clear that the State must identify and provide the necessary inputs to ensure students receive a sufficient education. To meet its constitutional and legal obligations, the State must address longstanding shortcomings in foundational inputs, including the quality and quantity of educators, equitable and sufficient funding, access to culturally and linguistically responsive materials, and the broader conditions necessary to support effective teaching and learning. Actionable measures must therefore focus on education practices, cultures, policies, and systems. Without addressing these inputs, the State risks perpetuating inequities under the guise of "progress" or "implementation." As reflected in the nine components outlined in the Motion for a Remedial Action Plan, the indicators must be clearly named and defined. Without this clarity, those involved in education decision-making will continue to operate in isolation rather than in meaningful collaboration with experts, scholars, community leaders, and — most importantly — educators, students, and families.

For these reasons, Transform Education New Mexico's coalition urges the Court to carefully consider the State's final Martinez/Yazzie Action Plan in light of the evidence that persistent inequities remain unaddressed. Meaningful compliance requires more than adoption of instructional materials or generalized professional development; it requires systemic attention to culturally and linguistically responsive practices, robust support for educators, and concrete equity indicators that ensure all students receive the educational opportunities to which they are constitutionally entitled. We respectfully submit this statement in support of the legal team's

forthcoming objections and urge the Court to reject the plan as written, requiring the New Mexico Public Education Department to revise it in meaningful collaboration with local subject matter experts. Transform Education New Mexico stands ready to continue partnering in the development of solutions that meet the Court's mandate and the needs of New Mexico's students.

Respectfully submitted,

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Transform Education New Mexico

On behalf of the Transform Education New Mexico Coalition