

Yazzie/Martinez Remedial Action Plan Comprehensive Evaluation

Teacher Preparation, Curricula, and Community Schools Through an Equity Lens

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Submitted to: Yazzie Plaintiffs' Legal Team

Attention: Alisa Diehl & Melissa Candelaria

Date: November 10, 2025

Re: Analysis of PED's Status Report to the Court and Final Action Plan (November 3, 2025)

Executive Summary

As a life-long educator in New Mexico specializing in culturally responsive curricula and highly qualified in secondary and special education as well as a management level professional within the association that represents the very educators tasked with implementing any remedial plan, I have conducted a comprehensive evaluation of the Public Education Department's Final Action Plan filed with the Court on November 3, 2025. Applying a transformational equity framework, I find the Plan **constitutionally insufficient** to remedy the violations identified in Martinez/Yazzie.

Key Documented Findings:

1. The Plan creates **unfunded mandates** through repeated use of conditional language such as "request an appropriation" and "pass legislation" without guaranteed funding commitments
2. The Plan **lacks comprehensive accountability mechanisms** - PED admits having "no additional follow-up" on waiver compliance (Flanagan Dep., p. 125)
3. The Plan provides **minimal treatment of community schools** despite peer-reviewed evidence documenting 10:1 to 15:1 return on investment and proven effectiveness for Martinez/Yazzie students
4. The Plan **completely omits the Tribal Remedy Framework's Indigenous Curriculum Development Centers**, specifically requested by all New Mexico Pueblos, Nations, and Tribes

5. The Plan **fails to address documented retention issues** - 751 teacher vacancies persist (SOAR Report 2023), and over 50% of new teachers leave within five years

Conclusion: The Plan repackages the status quo without implementing the transformational changes required to secure the constitutional rights of the 70% of New Mexico students who are Martinez/Yazzie students.

I. INTRODUCTION AND BACKGROUND

A. Scope of Review

This report analyzes the Final Action Plan (beginning on page 7 of Defendant's Status Report) against:

- The Court's 2018 Findings of Fact and Conclusions of Law
 - The Court's May 20, 2025 Order Requiring Remedial Action Plan
 - Plaintiffs' Joint Non-Compliance Motion (September 2024)
 - Peer-reviewed evidence-based practices for educational equity
 - The Tribal Remedy Framework endorsed by all New Mexico Pueblos, Nations, and Tribes
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II. METHODOLOGY

This analysis employed a **transformational equity framework** examining whether the Plan:

1. **Redistributes resources** to historically underserved populations
2. **Removes systemic barriers** rather than adding requirements
3. **Centers marginalized voices** in decision-making
4. **Addresses root causes** of educational inequity
5. **Integrates supports** through evidence-based strategies
6. **Ensures sustainability** through adequate, recurring funding

Additionally, the following were conducted:

- Line-by-line analysis of proposed actions and timelines
- Review of funding language and commitments
- Assessment of accountability mechanisms

- Comparison with peer-reviewed evidence-based practices
 - Analysis of community schools research (143 rigorous studies reviewed)
 - Review against Tribal Remedy Framework recommendations
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III. DETAILED FINDINGS

A. Unfunded Mandates Without Guaranteed Resources

1. Documented Funding Gaps

The Plan repeatedly uses conditional funding language without binding commitments:

- **Goal 1.1a:** "Pass legislation to require that districts and charter schools purchase HQIM (High Quality Instructional Materials)" - mandate without confirmed funding
- **Goal 1.2b:** "Request an appropriation for targeted incentives" - not guaranteed
- **Goal 3.1a:** "Request an appropriation for out-of-school-time programs" - conditional language
- **Throughout:** Multiple instances of "pass legislation" and "request" without secured funding

Court Context: The Court found that "the finance system must provide sufficient recurring funds" (Plaintiffs' Motion, p. 112). The Plan's reliance on requested appropriations fails to meet this standard.

2. Added Requirements Without Removal of Existing Obligations

The Plan mandates:

- New HQIM implementation across all districts
- Additional professional development requirements
- Expanded assessment and monitoring systems
- New data collection and reporting requirements

No documented removal of existing requirements to offset these additions, contradicting testimony that "greater funding alone is not going to solve the workforce challenge" (Gonzales Dep., p. 167).

B. Absence of Meaningful Accountability Systems

1. Documented Accountability Gaps

PED's own testimony reveals systemic accountability failures:

- **"There is no additional follow-up"** after waiver approval "except to see if a Waiver is submitted again" (Flanagan Dep., p. 125)
- **"PED does nothing to ensure that districts are complying with those plans"** (Flanagan Dep., p. 125)
- PED does not track annual teacher turnover rates, recruitment rates, or numbers of new teachers hired (Flanagan Dep., pp. 139-141)

2. Exclusion of Essential Stakeholders

The Plan fails to establish:

- Formal educator representation in oversight
- Parent or student governance roles beyond surveys
- Community-based monitoring structures
- Tribal consent mechanisms as required by the Court

Court Requirement: The Court ordered that PED "obtain tribal consent when making significant policy decisions affecting Native American students" (Plaintiffs' Motion, p. 112). The Plan provides no such mechanism.

C. Failure to Leverage Community Schools Despite Evidence

1. Documented Evidence Ignored

Peer-reviewed research demonstrates community schools provide:

- **10:1 to 15:1 return on investment** (Children's Aid Society SROI analyses)
- **10-26% academic achievement gains** (RAND, LPI, MDRC studies)
- **50% reduction in chronic absenteeism** (New Mexico case studies)
- **78% decrease in suspensions** (Roswell ISD data)
- **Near-universal teacher retention** (Los Padillas Elementary)

The Plan's bibliography cites but fails to incorporate these findings.

2. Minimal Treatment

The Plan includes limited references to community schools (Goal 3.2h) without:

- Dedicated funding streams
- Implementation timelines beyond "provide training"
- Partnership with existing transformational infrastructure ((NEA-NM, SWIFT-CS)
- Recognition as core strategy for Martinez/Yazzie compliance

Context: The Plan states there are "150 schools in NM that implement the community schools framework's key practices" but fails to expand or adequately support this proven approach.

D. Complete Omission of Tribal Remedy Framework Components

1. Documented Omissions

The All Pueblo Council of Governors letter (July 2022) specifically requested, and the Plan omits:

- **Indigenous Curriculum Development Centers** "operated by Native-led higher education institutions/programs in partnership with Tribes"
- **Indigenous Technical Assistance Centers** to "guide districts, schools, Tribes, and NMPED"
- **Permanent, predictable funding** rather than "competitive grants"
- **Shared governance responsibility** for Native student education

2. Violation of Legal Requirements

The Indian Education Act requires PED to "ensure that tribes are notified of all curricula development for their approval and support" (NMSA 1978 §22-23A-2). The Plan lacks mechanisms for this requirement.

E. Failure to Address Documented Educator Shortage Crisis

1. Persistent Vacancies and Attrition

According to cited documents:

- **751 teacher vacancies** in 2023, increased from 740 in 2018 (SOAR Report 2023)
- **Over 50% of new teachers leave within five years**
- Teachers paid **26.8% less** than similarly educated professionals in New Mexico (Economic Policy Institute, 2023)

2. Root Causes Unaddressed

The Plan focuses on recruitment while failing to address documented retention issues including unsustainable workload, lack of support systems, and inadequate working conditions.

IV. ANALYSIS OF CONSTITUTIONAL SUFFICIENCY

A. Measured Against Court's Requirements

The Plan fails to meet specific Court requirements:

1. **"Sufficient recurring funds"** - Plan relies on conditional appropriation requests
2. **"Accountability and enforcement system"** - PED admits no follow-up on compliance
3. **"Obtain tribal consent"** - No consent mechanisms established
4. **"Fill all vacancies"** - 751 teacher vacancies persist
5. **"Culturally relevant education"** - Tribal Remedy Framework omitted

B. Community Schools: Evidence-Based Investment Framework

Based on comprehensive peer-reviewed research analysis (143 rigorous studies), we present the following evidence-based investment framework for community schools as the cornerstone strategy for Martinez/Yazzie compliance:

Table 1: Evidence-Based Per-School Investment Requirements

Component	Annual Cost	Research Documentation
Community School Coordinator	\$65,000-\$85,000	National average \$62,602; NM average \$65,137 (Glassdoor, 2025)
Wraparound Services	\$100,000-\$150,000	School-based health, mental health, case management
Extended Learning	\$75,000-\$100,000	Before/after school, summer programming
Family Engagement	\$25,000-\$35,000	Parent programs, community partnerships
Professional Development	\$15,000-\$20,000	Collaborative leadership training

Total Per School	\$280,000-\$390,000	Aligned with documented implementations
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Sources: *Elev8 Oakland* (\$515,201/school); *NYC Community Schools* (\$500,000/school); *New Mexico grants* (\$150,000/school currently underfunded)

Table 2: Documented Return on Investment

Study	ROI Ratio	Key Findings
PS 5 Elementary (NYC)	10.3:1	\$10.30 social value per \$1 invested
Salomé Ureña MS/HS	14.8:1	\$14.80 return per \$1 invested
Elev8 Oakland	9.96:1	\$25.67M lifetime savings from \$2.58M investment
Communities In Schools	11.6:1	National economic modeling study

Source: *The Finance Project SROI analyses (2013)*; *EMSI economic impact study (2012)*

Table 3: New Mexico-Specific Outcomes

School/District	Outcome	Impact
Los Padillas Elementary	Chronic absenteeism	65.5% → 31.3% (52% reduction)
	4th grade ELA proficiency	13% → 34%
	Teacher retention	Near 100% over 5 years
Peñasco ISD	Chronic absenteeism	45.2% → 31.6% (30% reduction)

	Graduation rate	78% → 90%+
	State designation	"Excellence" rating
Roswell University HS	Suspensions	274 → 61 (78% decrease)
	Graduation rate	36% → 55%
	Student fights	10+/semester → 1/year

Source: Learning Policy Institute New Mexico case studies (2024)

Table 4: Recommended Three-Year Implementation Plan

Phase	Schools	Annual Investment	Cost Per Student	Evidence Base
Year 1	50 high-need schools	\$18.5 million	\$1,850	Targets highest MY concentration
Year 2	+75 schools (125 total)	\$26.3 million	\$1,750	Expansion to moderate-need
Year 3	+100 schools (225 total)	\$33.7 million	\$1,675	Approaching scale
Total	225 schools	\$78.5 million	Avg: \$1,750	Serving 45,000+ MY students

Based on documented per-student costs of \$1,500-\$2,900 from Children's Aid Society and Elev8 Oakland analyses

Critical Context: Why Community Schools Are Essential

The peer-reviewed evidence demonstrates that community schools:

- Address multiple Martinez/Yazzie requirements simultaneously
- Cost less than fragmented interventions while achieving better outcomes
- Improve educator retention through collaborative leadership structures
- Provide culturally responsive education through community partnerships
- Generate long-term societal savings exceeding initial investments

The Plan's failure to prioritize this evidence-based strategy with dedicated funding represents a fundamental flaw in achieving constitutional sufficiency.

V. RECOMMENDATIONS

A. Immediate Actions Required

1. **Reject the Plan as constitutionally insufficient** pending fundamental revision
2. **Secure guaranteed funding** of at least \$78.5 million for community schools implementation over three years - move from "request" to "shall fund"
3. **Establish accountability systems** that address PED's admitted lack of compliance monitoring, including educator and community oversight
4. **Incorporate Tribal Remedy Framework** components as specifically requested by tribal nations
5. **Create educator retention strategy** addressing documented 26.8% pay gap and working conditions

B. Structural Reforms Based on Evidence

1. **Implement community schools as cornerstone strategy:**
 - Dedicate \$18.5 million in Year 1 for 50 highest-need schools
 - Establish formal partnership with NEA-NM Center
 - Use proven implementation models with documented ROI
2. **Address documented accountability gaps:**

- Create compliance monitoring systems (currently absent per Flanagan testimony)
- Establish fund tracking to classroom level
- Implement tribal consent mechanisms

3. **Respond to educator crisis data:**

- Remove existing requirements before adding new ones
- Close documented 26.8% pay gap
- Address cost of living issues identified in testimony

C. Stakeholder Inclusion Requirements

Based on Court mandates and documented gaps:

- Formal educator representation (8,000 NEA-NM members)
- Tribal consent mechanisms (per Court order)
- Parent and student oversight structures
- Community-based monitoring systems

VI. CONCLUSION

Based on documented evidence and peer-reviewed research, the PED's Final Action Plan fails to remedy the constitutional violations identified in Martinez/Yazzie. The Plan:

- Creates unfunded mandates through conditional appropriation language
- Lacks accountability mechanisms (PED admits "no additional follow-up" on compliance)
- Minimally addresses community schools despite 10:1 to 15:1 documented ROI
- Omits Tribal Remedy Framework components specifically requested by all Pueblos, Nations, and Tribes
- Fails to address documented educator shortage (751 vacancies, 26.8% pay gap, 50%+ attrition)

The Plan ignores evidence-based solutions with proven effectiveness. Community schools research involving 143 rigorous studies demonstrates clear pathways to constitutional compliance with quantified returns on investment. New Mexico's own implementation data shows dramatic improvements in the very metrics the Court identified as deficient.

Without fundamental revision incorporating guaranteed funding, accountability systems, tribal partnership, and evidence-based strategies centered on community schools, this Plan

cannot achieve constitutional sufficiency for the 70% of New Mexico students whose rights remain violated.

Educators possess the expertise essential to successful implementation and have longstanding connections with community, families, and their students. The Court should require substantial revision with meaningful stakeholder participation and guaranteed resources before approving any remedial plan.

Respectfully submitted,

Andrew Montoya- Director, NEA-New Mexico Center for Community Schools

APPENDIX A: Document Citations

All findings in this report are drawn from:

1. Defendant PED's Status Report and Final Action Plan (November 3, 2025)
 2. Plaintiffs' Joint Non-Compliance Motion and exhibits (September 2024)
 3. Court's Findings of Fact and Conclusions of Law (December 20, 2018)
 4. Court's Order Requiring Remedial Action Plan (May 20, 2025)
 5. Deposition transcripts (Flanagan, Gonzales, 2022)
 6. All Pueblo Council of Governors letter and Tribal Remedy Framework
 7. Peer-reviewed research (see Appendix B)
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APPENDIX B: Community Schools Research Compendium

Executive Summary of Research Base

This compendium synthesizes findings from 143 rigorous research studies meeting Every Student Succeeds Act (ESSA) evidence standards, including:

- 5 randomized control trials (Tier 1 evidence)
- 12 quasi-experimental studies (Tier 2 evidence)
- Multiple longitudinal evaluations (Tier 3 evidence)
- 3 social return on investment analyses using established SROI methodology

1. Cost Documentation

Per-School Implementation Costs

Multiple implementations confirm annual costs of \$250,000-\$515,000 per school:

- **Elev8 Oakland:** \$515,201 per school annually (Atlantic Philanthropies funding)
- **New York State:** \$500,000 per school over three years
- **North Carolina:** \$200,000 per school at scale
- **New Mexico:** Currently \$150,000 per school (documented as insufficient)

Source: DeNike, M., & Ohlson, B. (2013). Elev8 Oakland community school costs and benefits. Bright Research Group.

Per-Student Comprehensive Support

Documented costs range from \$1,500-\$2,900 per student annually:

- **PS 5 Elementary:** \$2,878 per student enhancement cost
- **Salomé Ureña Campus:** \$1,573 per student
- **Elev8 Oakland:** \$1,500-\$2,000 per student

Source: Martinez, L., & Hayes, C.D. (2013). Measuring social return on investment for community schools. The Finance Project & Children's Aid Society.

2. Return on Investment Analyses

Rigorous SROI Studies Document 10:1 to 15:1 Returns

- **PS 5 Elementary School (NYC):** 10.3:1 return (\$103.8M benefits from \$10.1M investment)
- **Salomé Ureña Middle/High School:** 14.8:1 return (\$87M benefits from \$5.9M investment)
- **Elev8 Oakland:** 9.96:1 overall ROI with \$25.67M lifetime societal savings
- **Communities In Schools:** 11.6:1 return (independent economic modeling)

Benefits quantified include: improved educational attainment, reduced juvenile justice involvement, better health outcomes, increased lifetime earnings, and reduced social service costs.

Sources: The Finance Project (2013); EMSI Economic Impact Study (2012)

3. Academic Achievement Evidence

Meta-Analysis of 143 Studies (Learning Policy Institute, 2017)

Systematic review found community schools meet ESSA standards with documented improvements in:

- Math achievement: 0.15-0.26 standard deviation gains (10-26% improvement)
- Reading achievement: 0.13-0.16 standard deviation gains
- Equivalent to 36-43 extra days of learning annually

New York City Randomized Control Trial Equivalent (RAND, 2020)

- Math scores increased 0.26 standard deviations by year three
- ELA scores increased 0.16 standard deviations
- Effects strongest for grades K-2 and 4-6

California Quasi-Experimental Study (LPI, 2024)

2,500 schools showed:

- 43 extra days of math learning
- 36 extra days of ELA learning
- Black students: 130 extra days in math, 151 in ELA
- English learners: 58 extra days in math, 72 in ELA

Sources: Maier et al. (2017); Johnston et al. (2020); Swain et al. (2024)

4. Attendance and Engagement Outcomes

Consistent Evidence Across Multiple Studies

- **Chronic absenteeism:** 5-8 percentage point reduction (NYC study)
- **Daily attendance:** 1-2% improvement overall
- **Family participation:** 40% improvement when families engaged in services
- **Suspension rates:** 15-78% reduction across implementations

New Mexico Specific Results

- Los Padillas Elementary: 65.5% → 31.3% chronic absence (52% reduction)
- Peñasco ISD: 45.2% → 31.6% chronic absence (30% reduction)
- Roswell University HS: 274 → 61 suspensions (78% decrease)

Sources: Germain, Maier, & Espinoza (2024); Learning Policy Institute case studies

5. Teacher Retention and Working Conditions

Research on Collaborative Leadership Impact

- AFT research: "increased teacher satisfaction" and "more positive school environment"
- NEA studies: working conditions critical to retention in high-poverty schools
- New Mexico evidence: Near 100% retention at Los Padillas over 5 years

Community schools address retention through:

- Collaborative decision-making structures
- Reduced individual teacher burden via coordinator support
- Integrated support teams
- Professional learning communities

Sources: American Federation of Teachers (2023); National Education Association (2022)

6. New Mexico Implementation Data

Current Status (2025)

- 150 schools implementing community schools framework
- \$36.9 million invested since 2019
- 91 schools receiving grants or pilot designation in 2024-25

Documented Outcomes by District

Los Padillas Elementary (Albuquerque):

- Chronic absenteeism: 65.5% → 31.3%
- 4th grade ELA proficiency: 13% → 34%
- Sense of belonging: 66% vs. 44% district average
- Zero suspensions in 2023-24

Peñasco ISD (Rural):

- Graduation rate: 78% → 90%+
- K-2 reading near grade level: 59.2% vs. 44% statewide
- State designation: "Excellence" rating

Roswell ISD:

- University HS graduation rate: 36% → 55%
- Student fights: 10+/semester → 1/year
- Substance abuse infractions: 80% reduction

7. Martinez/Yazzie Alignment

The November 3, 2025 Final Action Plan acknowledges community schools in Goal 3.2 but fails to provide:

- Dedicated funding streams
- Expansion beyond current 150 schools
- Partnership with existing infrastructure
- Recognition as core strategy

This minimal treatment contradicts the evidence base and plaintiffs' recommendations for comprehensive student support services as essential to constitutional compliance.

8. Methodological Rigor

ESSA Evidence Tiers Represented:

- Tier 1 (Strong): Harlem Children's Zone lottery study, CIS RCTs
- Tier 2 (Moderate): NYC RAND study, California evaluation, City Connects
- Tier 3 (Promising): Multiple correlational studies with controls

Research Institutions: RAND Corporation, Learning Policy Institute, MDRC, Boston College, Columbia University, The Finance Project, American Institutes for Research

Sample Sizes and Duration:

- Studies include thousands of students across multiple years
 - Longitudinal tracking up to 10 years post-intervention
 - Multi-site implementations across urban and rural contexts
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Conclusion

This peer-reviewed evidence base, comprising 143 rigorous studies, provides compelling documentation that community schools represent the most cost-effective, evidence-based strategy for achieving Martinez/Yazzie compliance. The documented return on investment, academic gains, attendance improvements, and teacher retention benefits far exceed those of fragmented interventions. The Plan's failure to prioritize this strategy with adequate funding represents a fundamental flaw in achieving constitutional sufficiency.