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MICHELLE LUJAN GRISHAM  
GOVERNOR

October 22, 2019

Via Email and First-Class Mail

**Re:** *Martinez* and *Yazzie* Consolidated Lawsuit

Dear Colleagues:

We are excited to connect with you at this time regarding our collective work to address the needs of New Mexico's students, families and communities. We recognize that there is a lot of energy and commitment to the transformation of our education system which begins with shared leadership and focus.

The purpose of this letter is to provide information about select changes that will be required as a result of the recent school funding lawsuits, *Martinez v. State of New Mexico* and *Yazzie v. State of New Mexico*<sup>1</sup>. The New Mexico Constitution instructs the State to develop a uniform system of public schools sufficient for the education of New Mexico students. The Court's decision and order in the *Martinez* and *Yazzie* consolidated lawsuit held that New Mexico has not met its duty to provide an education to the state's "at-risk" students, including those who are economically disadvantaged, Native American, English learners, or students with disabilities. The Court further found the Indian Education Act (IEA), the Hispanic Education Act (HEA), and the Bilingual Multicultural Education Act (BMEA), which were enacted to help many of these students succeed, were not being fully implemented.

The New Mexico Public Education Department (NMPED) agrees with the Court that "no education system can be sufficient for the education of all children unless it is founded on the

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<sup>1</sup> No. D-101-CV-2014-00793

sound principle that every child can learn and succeed[.]”<sup>2</sup> Similarly, the New Mexico Legislature found that the key to success is having a multicultural education system<sup>3</sup> that:

1. attracts and retains quality and diverse teachers to teach New Mexico’s multicultural student population;
2. holds teachers, students, schools, districts, and the state accountable;
3. integrates the cultural strengths of its diverse student population into the curriculum with high expectations for all students;
4. recognizes that cultural diversity in the state presents special challenges for policymakers, administrators, teachers, and students;
5. provides students with a rigorous and relevant high school curriculum that prepares them to succeed in college and the workplace; and
6. elevates the importance of public education in the state by clarifying the governance structure at different levels.

#### District and Charter School Implementation of *Martinez* and *Yazzie*

Under the leadership of Governor Michelle Lujan Grisham, the state has decided the best path forward for our students is to accept the Court’s ruling, rather than appeal, and work to address the Court’s concerns. Remediating the identified deficiencies, adhering to the requirements applicable legal directives, and creating positive educational experiences and improved outcomes for all of our students will require effort and cooperation from all parties, including the NMPED, districts, charter schools, higher education institutions, Tribes, families, and other education stakeholders.

The NMPED will be pursuing a four-part strategy that will create an effective and equitable system of supports for all students focused on root-cause analysis, equity-focused leadership and continuous improvement, and culturally and linguistically responsive curriculum and pedagogy. To help achieve the goals listed above, districts and charter schools must initially concentrate on the development of the following:

- establishment of equity councils at each district and charter school;
- completion of a *Martinez* and *Yazzie* readiness assessment to support schools;
- implementation of a culturally and linguistically responsive (CLR) framework for every school; and
- submission and implementation of 90-day plans through the New Mexico Data, Accountability, Sustainability, and High Achievement tool (NMDASH) with specific focus on economically disadvantaged students, Native American students, English learners, and students with disabilities.

More information on each component of the strategy is described below.

#### Establishment of District and Charter School Equity Councils

The opportunity to lead with equity-focused leadership and through continuous improvement is at the forefront of this work. NMPED will work with each district and charter school to establish a Superintendent’s/Executive Director’s equity council, with members who are selected from the

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<sup>2</sup> See, *Martinez and Yazzie, et al. v. State of New Mexico et al.*, Decision and Order, p.17. See also, Section 22-1-1.2 NMSA 1978.

<sup>3</sup> Section 22-1-1.2(B) NMSA 1978

district and charter school community. These councils will provide leadership to create an equity plan based on a *Martinez* and *Yazzie* readiness assessment at the district level or at each charter school, specific to the needs of economically disadvantaged students, Native American students, English learners, and students with disabilities. Further guidance regarding the establishment of the equity councils and the content and administration of the readiness assessments will be forthcoming. The members of the equity councils must be named by December 9, 2019.

#### Culturally and Linguistically Responsive Framework

Holding students' identity, culture, and language at the center of our work as a strength is key in the design of our schools and every aspect of our educational system. Districts and charter schools must implement a culturally and linguistically responsive framework to prepare students for college, career, and life by supporting their identity and holistic development, including social, emotional, and physical wellness, in addition to rigorous academic standards. Through the work of the equity councils, districts and charter schools will engage in the development of their framework. The framework will be used to guide the allocation of district and charter school resources, professional learning, staffing, culturally and linguistically responsive curriculum development, and assessment of progress towards implementation to support improved student outcomes, adherence to the IEA, HEA, BMEA, and the students' needs identified in the order. The final framework is due on June 30, 2020 and early submissions are strongly suggested. The school community should be engaged in the process of the development of the framework and align with the criteria provided by the NMPED. We will provide a timeline that allows for effective and authentic community engagement and development of the framework. It is expected that districts and charter schools will engage students, families, tribes, and key community stakeholders in a series of community-led conversations about the creation of the framework aimed at student outcomes that ensure wellbeing, academic achievement, and success. The NMPED will provide guidance and training for the creation and implementation of the framework.

#### NMDASH: Progress Monitoring and School Transformation Online Planning Tool

The PED's core value of reflection and continuous improvement is a driver for the systemic shift to ensure that diversity, equity and inclusion are further incorporated into our cycles of improvement and practices. NMDASH, the state's online school planning tool, will include a functionality for addressing the needs of at-risk students, including those who are economically disadvantaged, Native American, English learners, or students with disabilities through root-cause analysis. NMPED initially has selected certain schools currently implementing the Principals Pursuing Excellence program to implement this new NMDASH function, with full implementation in all schools planned for the 2020-2021 school year. Through submission of one annual and two 90-day plans, districts and charter schools must build leadership capacity to implement and sustain effective evidence-based practices to serve at-risk students with resource allocation aligned to programmatic practices.

#### Readiness Assessment and Review of Judge Singleton's Decision and Order:

In order to best prepare ourselves to serve our students we are excited to begin to assess relevant policies and identify what works for students. Districts, charter schools and equity councils would benefit from reviewing the Court's [Decision and Order](#), as well as the attendant [Findings of Fact and Conclusions of Law](#), when completing the readiness assessment, formulating their frameworks and 90-day plans, and assessing implementation. Those documents are available on the NMPED

website. Progress in addressing the Court's concerns are the responsibility of the district and school equity councils, and will be supported by the NMPED through the 90-day plans. The NMPED will work with schools districts and charter schools to ensure successful implementation of IEA, HEA, BMEA and district plans for serving English learners and students with disabilities and will monitor and review district and charter school progress toward those goals.

### Support and Accountability

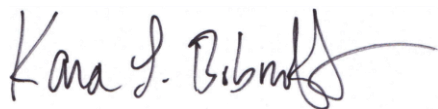
The NMPED will continue to monitor various programs and outcomes for each school, district, and charter school. The Court's order called for increased oversight by the Department. To that end, the NMPED will provide support to districts and charter schools and will implement the New Mexico Spotlight system to track annual progress.

Districts and charter schools will receive further guidance from the NMPED for each area identified as guidance as it is developed with early adopter districts and charter schools. Regional trainings and webinars will also be provided.

If a district or charter school is making insufficient progress in implementing its framework and addressing the learning needs of all students, NMPED will initiate a progressive action plan to assist. First, NMPED will help the district or charter school determine specific areas in need of improvement. Next, if the district or charter school is still unable to make needed progress, NMPED will undertake on-site monitoring with the district and school leadership to directly address areas of insufficient progress or noncompliance. If, after this focused support, the district or charter school continues to inadequately address deficiencies, NMPED may take further action [under Section 22-2-14 NMSA 1978] to ensure that funds, staff, and resources are appropriately directed to address areas of noncompliance in the most severe and extreme circumstances.

All of us must work together to fulfill the requirements of the Court's decision and order. We look forward to working with all of you to enhance the educational experience of our students, so that they are healthy, secure in their identity, and holistically prepared for college, career, and life. If you have any questions or recommendations please contact Mayra Valtierrez, Director of Language and Culture/Hispanic Education Liaison, at [mayra.valtierrez@state.nm.us](mailto:mayra.valtierrez@state.nm.us) or (505) 827-6667.

Sincerely,



Kara Bobroff, M.A., ED.S.  
Deputy Secretary of Identity, Equity, and Transformation

cc: Ryan Stewart, Ed.L.D., Secretary-Designate of Education