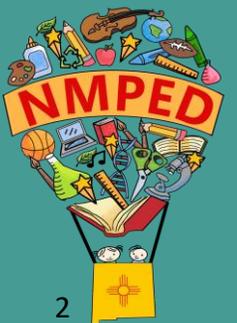


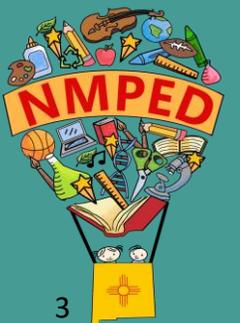
Shared Language

- Martinez and Yazzie Consolidated Lawsuit—*Martinez/Yazzie*
- Superintendent's/[Charter School] Executive Director's Equity Councils—*The local-level team that will help inform the district/charter school's actions and solutions in response to Martinez/Yazzie*
- Culturally and Linguistically Responsive (CLR)—*Validating and affirming an individual's home culture and language to create connections with other cultures and languages in various social contexts.*



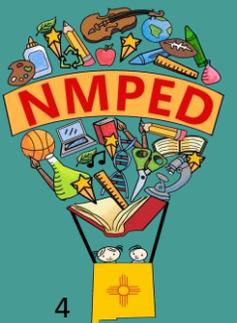
Shared Language

- Indian Education Act (IEA) of 2003 — *All American Indian students become proficient in academic, cultural, and leadership standards and productive and contributing members of their Nation/Tribe/Pueblo and State.*
- Hispanic Education Act (HEA) of 2010 — *improving the educational success and postsecondary attainment of Hispanic Students*
- Bilingual Multicultural Education Act (BMEA) of 1978 (re-authorized 2004) — *ensuring that students become bilingual and biliterate in English and a second language and meet challenging academic standards and benchmarks.*



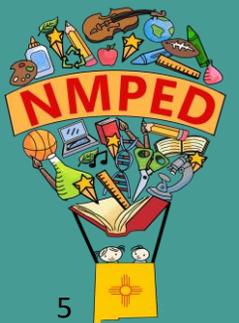
Shared Language

- Individuals with Disabilities Education Act (IDEA)—*A four-part (A-D) piece of federal legislation signed into law in 1975 that ensures students with a disability are provided with Free Appropriate Public Education (FAPE) that is tailored to their individual needs.*
- Office for Civil Rights (OCR) Requirements for English Learners—*Title VI of the Civil Rights Act of 1964 is an obligation not to discriminate based on race, color, or national origin. It requires public schools to take affirmative steps to ensure that English learners (ELs) can meaningfully participate in educational programs and services, and to communicate information to parents in a language they can understand.*



Shared Language

- **Martinez/Yazzie Readiness Assessment**—*The readiness assessment ALL districts and charter schools must complete to determine how they are serving and leveraging funds for the students named in Martinez/Yazzie, as well as the implementation of the IEA, HEA, BMEA, IDEA and OCR requirements for ELs.*
- **[District/Charter School] Equity Plan**—*The educational plan to support school transformation to align with the NMPED’s goals in implementing the court’s decision on Martinez/Yazzie*
- **NMPED Equity Team**—*The state-level team that will inform the NMPED’s response to Martinez/Yazzie and use a scorecard to track progress*





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RYAN STEWART, Ed.L.D.
 SECRETARY-DESIGNATE OF EDUCATION

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*¹. 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

¹ No. D-101-CV-2014-00793



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RYAN STEWART, Ed.L.D.
 SECRETARY DESIGNATE OF EDUCATION

MICHELLE LUJAN GRISHAM
 GOVERNOR

November 22, 2019

MEMORANDUM

TO: District and Charter School Leaders

FROM: Kara Bobroff, Deputy Secretary of Identity, Equity, and Transformation

RE: **DISTRICT-AND CHARTER-LEVEL SUPERINTENDENT’S/EXECUTIVE DIRECTOR’S EQUITY COUNCILS & THE *MARTINEZ* and *YAZZIE* CONSOLIDATED LAWSUIT**

Thank you to all of the district and charter school leaders that have provided input into and asked thought-provoking questions about establishing an equity council; we know this is important and complex work that raises many questions. The purpose of this Memorandum is to provide guidance to school districts and charter schools on the establishment and work of equity councils and information about upcoming webinars that offer an opportunity to dive deeper into the process. As stated in our October 22, 2019 letter and as further discussed in the “NMPED CLR FRAMEWORK ROADMAP” (attached), equity councils will help inform the districts’ and charter schools’ actions in response to the *Martinez* and *Yazzie* consolidated lawsuit (*Martinez/Yazzie*). We are embracing a great opportunity to work toward serving New Mexico’s students by building an equitable, excellent, and relevant educational system that draws upon the experiences and strengths of our communities. We are excited to engage families and stakeholders across the state in the first phase of this process: establishing district- and charter-level Superintendent’s/Executive Director’s equity councils.

Below are guidelines for creating and conducting a Superintendent’s/Executive Director’s Equity Council for the remainder of the 2019–2020 school year. Please note that the window for naming members to a Superintendent’s/Executive Director’s Equity Council is December 9, 2019 – December 16, 2019.



NMPED CLR FRAMEWORK ROADMAP

All Students in New Mexico are engaged in a culturally and linguistically responsive education system that meets their social, emotional, and academic needs.

IMPLEMENTATION CALENDAR 2019-2020

OCT	Districts and charter schools receive the Martinez and Yazzie consolidated lawsuit (Martinez/Yazzie) letter from the New Mexico Public Education Department (NMPED) regarding the culturally and linguistically responsive (CLR) framework and equity expectations for economically disadvantaged students, English learners, Native American students, and students with disabilities.
NOV	The NMPED and the Identity, Equity, and Transformation (IET) team provide guidance on Martinez/Yazzie and the role of the equity councils.
DEC	The NMPED IET hosts round tables for school boards, charter school governing bodies, superintendents, charter school executive directors, and Tribal Department of Education Directors. Districts and charter schools establish equity councils by December 9-16, 2019.
JAN	The NMPED IET offers support to equity councils on the Martinez/Yazzie Readiness Assessment. The NMPED IET offers training on identity and the CLR framework to NMPED staff, school boards, charter school governing bodies, superintendents, charter school executive directors, and Tribal Department of Education Directors.
FEB-MAR	Equity councils complete the Martinez/Yazzie Readiness Assessment by February 3, 2020. The NMPED IET provides regional trainings to equity councils with a primary focus on the Martinez/Yazzie Readiness Assessment and submitting an equity plan.
APR-MAY	The NMPED IET hosts round tables for school boards, charter school governing bodies, superintendents, charter school executive directors, and Tribal Department of Education Directors. Equity councils complete the equity plan by April 1, 2020. The NMPED IET provides regional trainings to equity councils on supporting with the establishment of school equity teams and the creation of school-level CLR frameworks.
MAY-JUN	The annual NMPED Teacher Conference offers strands focused on economically disadvantaged students, English learners, Native American students, students with disabilities, school-level CLR frameworks, the NMDASH, and the New Mexico Spotlight system.
JUN	The school-level CLR frameworks are submitted to the NMPED by June 30, 2020, and adopted and implemented by districts, charter schools, and schools.
JUL	The NMPED IET provides technical assistance to districts, charter schools, and schools that do not have school-level CLR frameworks established, with a timeline for completion within 90 days.

NMPED Equity Team

Completes the Martinez/Yazzie Readiness Assessment tool and **Designs** a scorecard to track progress.
Integrates Martinez/Yazzie into each bureau and division; *doing the work of operationalizing the CLR framework.*
Ensures the NMDASH includes CLR framework components in all aspects of reporting, and launch with early-adopter schools.
Supports districts, charter schools, and schools through feedback in the NMDASH, the New Mexico Spotlight system, regional trainings, webinars, and guidance handbooks to ensure co-creation with parents, families, Tribes and community stakeholders.
Collaborate with the Higher Education, Indian Affairs, and Finance and Administration departments on key aspects of Martinez/Yazzie.

School Boards and Charter School Governing Bodies

Continue to provide support and leadership for districts and charter schools.

Superintendent's/Charter School Executive Director's Equity Councils

Conduct a Martinez/Yazzie Readiness Assessment provided by the NMPED—with a focus on economically disadvantaged students, English learners, Native American students, and students with disabilities—to support schools.
Analyze the Martinez/Yazzie Readiness Assessment data at regional trainings hosted by the NMPED, and **establish** an equity plan.
Support the adoption, creation, or revision of school-level CLR frameworks.

School-level CLR Frameworks

Adopt, create, or revise the school-level CLR framework integrating learnings from parents, families, Tribes, and community stakeholders.
Submit and implement 90-day plans to the NMDASH and use data from the New Mexico Spotlight system to track annual progress with specific focus on economically disadvantaged students, English learners, Native American students, and students with disabilities.
Empower teachers and the school community to implement the school-level CLR framework.

Students

Inform the equity council, readiness assessment, equity plan, and the school-level CLR Framework.
Engaged and supported culturally, linguistically, socially, emotionally, and academically.

Parents, Families, Tribes, and Community Stakeholders

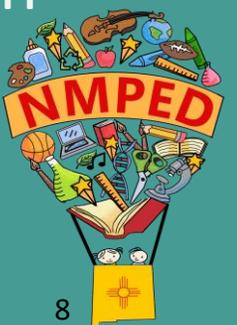
Engaged, connected, and consulted through sharing what is important and necessary to ensure students are culturally, linguistically, socially, emotionally, and academically supported.



Roadmap

Roles in Transforming Education

- Superintendent's/[Charter School]Executive Director's Equity Councils— Responsible for addressing key areas related to Martinez/Yazzie and the four deliverables (readiness assessment, equity plan, CLR frameworks, and funding report). The Equity Councils will provide updates to and collaborate with school boards and charter school governing bodies.
- School Boards/Charter School Governing Bodies—School board and charter school governing body members may sit on the Superintendent's/[Charter School] Executive Director's Equity Council, but their primary role as board members and governing body members in the district and charter school remains the same.

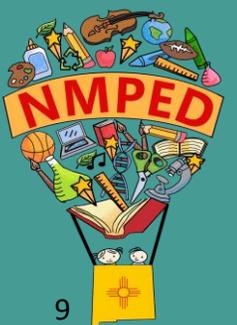


The Superintendent's/Executive Director's Equity Councils

Composed of a number of members sufficient to meet the requirements, but no more than 15 members, serving staggered terms.

NO MORE THAN:

15



Even-numbered Membership:

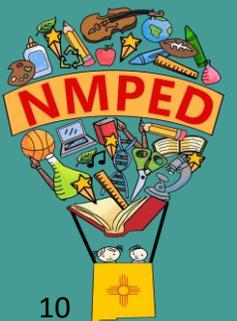
For an even-numbered membership, **such as 14 members**: half of the total membership, plus one member, shall be appointed to serve 3-year terms and the remaining members shall be appointed to serve 4-year terms.

3-YEAR TERM

$$7+1=8$$

4-YEAR TERM

6



Odd-numbered Membership:

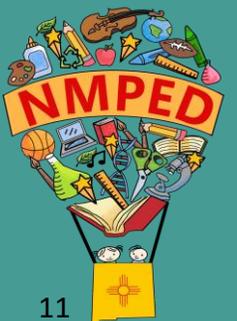
For an odd-numbered membership, **such as 15 members**, a bare majority shall be appointed to serve 3-year terms and the remaining members shall be appointed to serve 4-year terms.

3-YEAR TERM

8

4-YEAR TERM

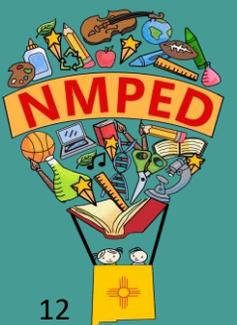
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Superintendent's/Executive Director's Equity Council

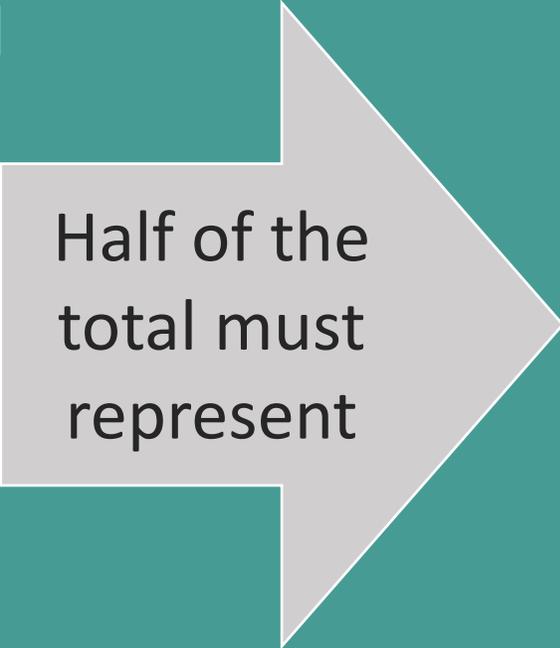
Membership Shall Include:

- ✓ representatives of the school district or charter school leadership
- ✓ school staff
- ✓ students
- ✓ parents and family members
- ✓ community members
- ✓ and members of Nations, Tribes or Pueblos.



At least half of the total membership must represent the student groups identified in the Court's ruling in the Martinez/Yazzie case.

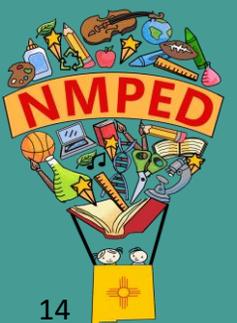
- ✓ representatives of the school district or charter school leadership
- ✓ school staff
- ✓ students
- ✓ parents and family members
- ✓ community members
- ✓ members of Nations, Tribes or Pueblos.



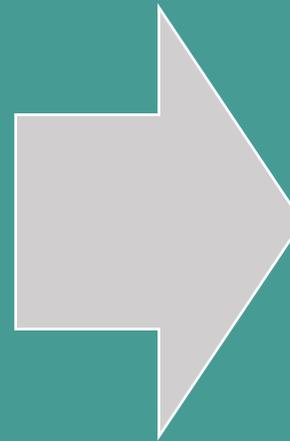
Half of the total must represent

1. STUDENTS WITH DISABILITIES
2. NATIVE AMERICAN STUDENTS
3. STUDENTS WHO ARE ENGLISH LEARNERS
4. ECONOMICALLY DISADVANTAGED STUDENTS

If a school district or charter school is identified as serving a significant population of Native American students, the *Superintendent's/Executive Director's Equity Council shall include at least one member from each Nation, Tribe or Pueblo* represented in that population.



School districts and charter schools will name Equity Council members by December 9-16, 2019 and must establish a fair and transparent process for the selection and *shall post an explanation of that process on the school district's or charter school's website by **December 20, 2019**, along with the names of the selected council members.*



EXAMPLES:

- *Nomination process*
- *Published on website / social media*
- *Published in local paper*
- *Application process*
- *Rubric*
- *Process explained clearly*



Important Deadlines

2/3/20
READINESS
ASSESSMENT

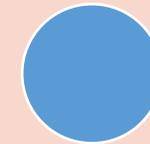
6/30/20 CLR
FRAMEWORKS

February



April

June

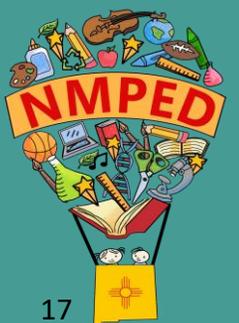


July

4/1/20 EQUITY
PLAN

7/15/20
FUNDING
REPORT

2020 TIMELINE



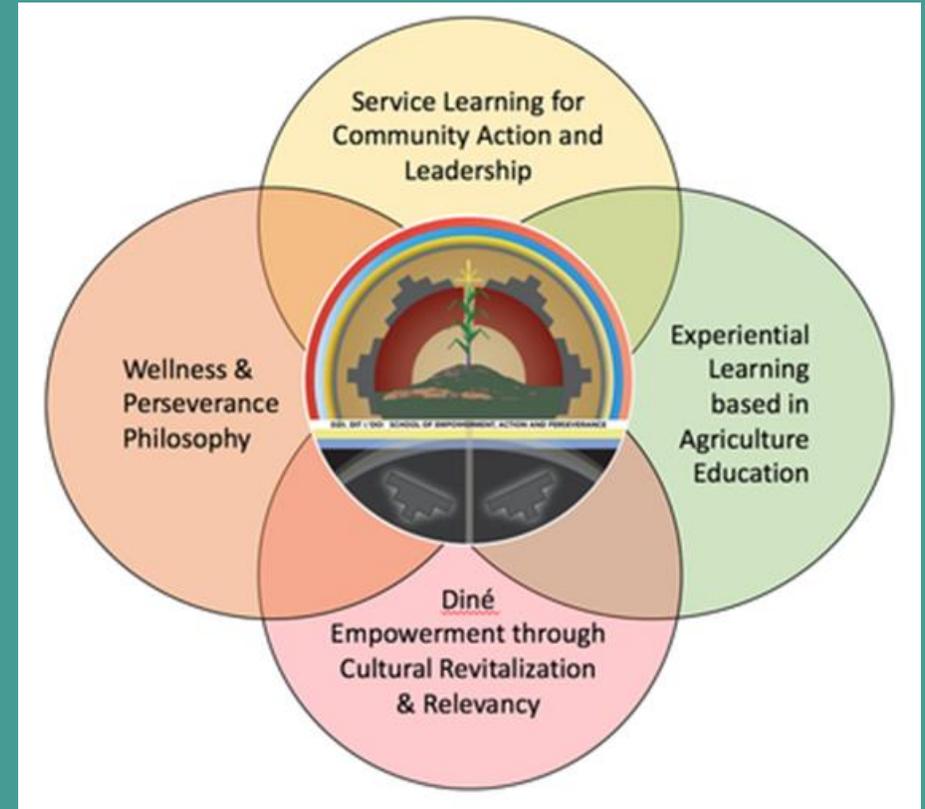


By February 3, 2020, the Equity Councils will complete the required Martinez/Yazzie Readiness Assessment. The template for the Readiness Assessment will be provided to school districts and charter schools by early January 2020.



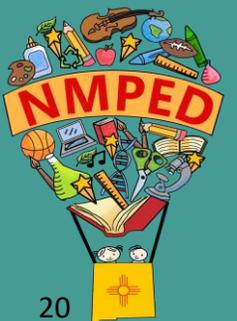
By April 1, 2020, based on the completed Martinez/Yazzie Readiness Assessment, districts and charter schools will create an Equity Plan aligned with the NMPED's goals in implementing the court's decision and to support school transformation. A template for the Equity Plan will be provided to school districts and charter schools in early 2020

By June 30, 2020, schools will focus on school transformation and create CLR frameworks. Additional information will be provided to school districts and charter schools in early 2020.

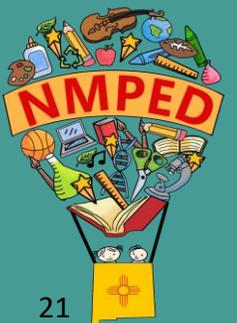




By **July 15, 2020**, districts and charter schools must provide a report describing their system for tracking of funding and uses of funding, to improve outcomes for Native American students, students with disabilities, students who are English learners, and economically disadvantaged students.

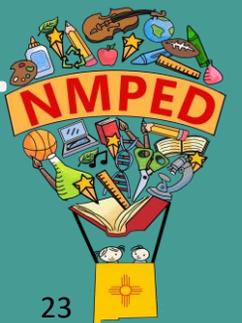


FAQ



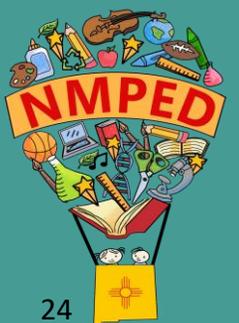
Why do we need to complete this work?

Judge Singleton's decision in the Martinez/Yazzie cases highlighted that New Mexico has failed to meet the legal provisions of the IEA, the HEA, the BMEA, and the federal Individuals with Disabilities Education Act as well as OCR requirements for English Learners under Title VI of the Civil Rights Act of 1964. As such, the NMPED, school districts and schools must come into compliance with these laws.



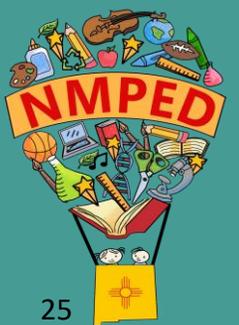
What funding is available for this work?

State and federal funding sources may be leveraged. Districts and charter schools, through their Equity Councils, should undertake a review of resources to determine needs as this should be decided locally.



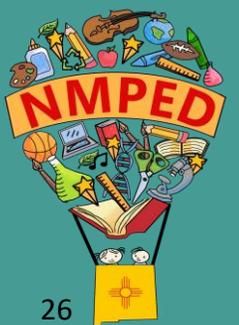
Why is this happening now and not at start of the 2020-2021 school year?

Judge Singleton's ruling requires immediate implementation and the need to support the development of systems and key strategies for full implementation.



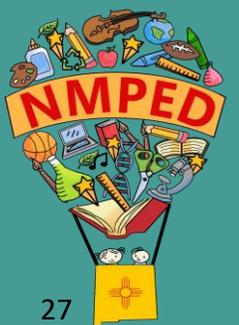
Who is responsible for this work at the district or charter school?

The Superintendent's or Executive Director's Equity Council is responsible for informing the district/charter school's actions and solutions in response to Martinez/Yazzie. Ultimately, implementation is a collective effort .



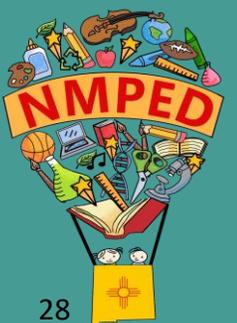
Can districts and charter schools work together?

Yes. Districts and charter schools may form consortia to better leverage resources, share best practices, and meet the needs of students. Such consortia must be formalized through Memorandum of Understanding.



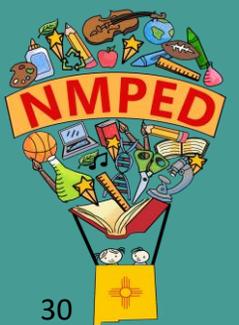
Who do we ask at PED if we have on-going questions or suggestions or model programs to share?

Please reach out to the NMPED Identity, Equity and Transformation team at YazzieM.Inquiry@state.nm.us for questions specific to the four part strategy, a model program, or resource to share.



Is the district or charter contact person a position will also be rotated out after 3-4 years?

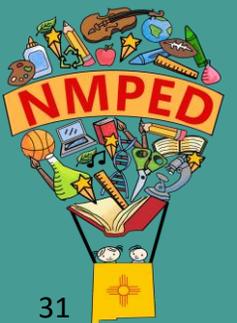
No, the decision on a contact person or the individual coordinating the Equity Council is local.



Will the NMPED provide a template for the application/rubric etc.?

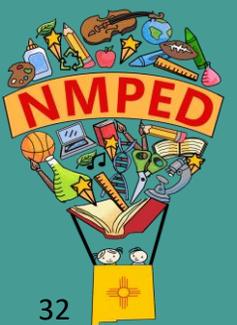
Yes, please check the Martinez/Yazzie webpage.

<https://webnew.ped.state.nm.us/yazzie-martinez-updates/>



What does “represents” mean in terms of the required equity council membership?

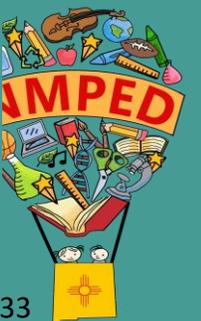
- A member can be an advocate or community member that works in an organization that advocates for one of the four student groups named in Martinez/Yazzie
- In terms of a Nation, Tribe, or Pueblo, it would need to be a member of the Nation, Tribe, or Pueblo with a significant population of students in the district or charter school.



What if our school population does not include one of the membership categories?

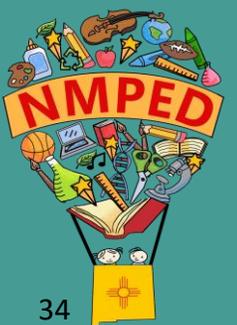
Districts and charters must ensure that all four of the student groups are represented.

1. STUDENTS WITH DISABILITIES
2. NATIVE AMERICAN STUDENTS
3. STUDENTS WHO ARE ENGLISH LEARNERS
4. ECONOMICALLY DISADVANTAGED STUDENTS



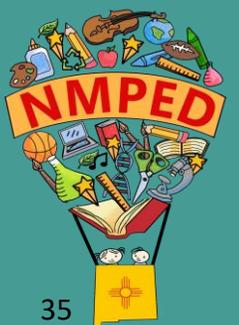
Are there facilitation guidelines for developing and nurturing the councils?

The NMPED will provide guidance on how to develop and nurture equity councils. Please check the Martinez/Yazzie webpage periodically. It is important that a lead for the work is identified by December 9-16, 2019 so that we may coordinate with districts and charter schools.



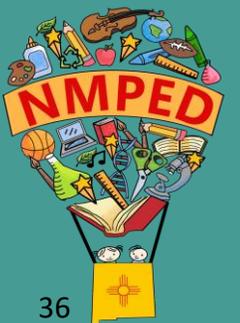
What happens when equity council members move on?

Please fill seats as soon as possible using the same, original, transparent process.



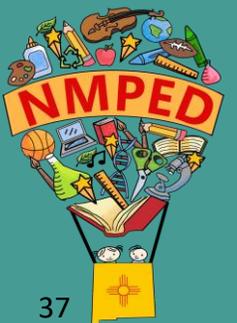
Will the NMPED share an example of a CLR framework?

Yes. Please check the Martinez/Yazzie webpage for resources.



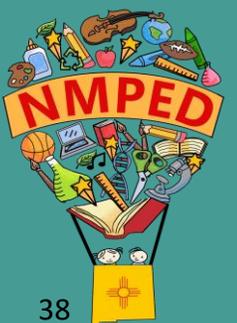
Membership requirements seem to be a challenge...is there a way to get input through more of a participatory process?

The Equity Council is at the core of the work, but districts and charters can engage as many voices as needed.



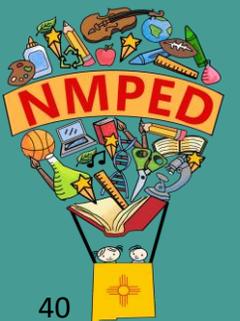
What is the age requirement of the student representatives on the Equity Council?

This is a local decision that should be focused on the local district and charter school context.



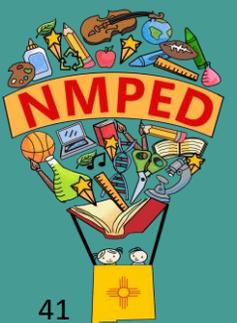
Can one member represent more than 1 required group?

All of the required members must be represented and may represent more than one of the students groups



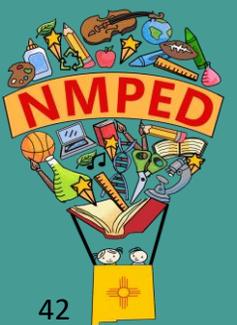
If we work with another charter school, do we create one equity council, or two councils that work together?

This is a local decision and if the decision is to form one council, it must be formalized through a consortium agreement.



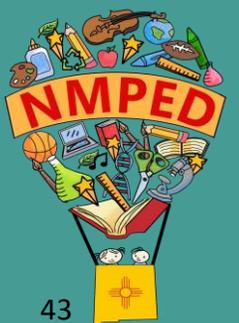
How will the State ensure that all districts are accurately represented on the NMPED Equity Team?

Equity Councils are only at the local level. The NMPED equity team is made up of internal, State of New Mexico employees working together to include Martinez/Yazzie into each bureau and division.



How do districts and charters provide a main contact for the Equity Council work to the NMPED?

The NMPED will provide the link in SharePoint. The form will ask who the contact is, who the equity council members are, and how the council was chosen/created.



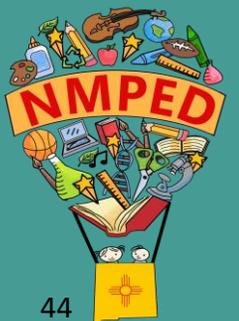
Please reach out to NMPED, as needed, for additional guidance on:

Measures necessary to align with the Department's Martinez/Yazzie initiatives,

- *including the school district's or charter school's ongoing implementation of and compliance with the IEA, HEA, BMEA, IDEA and OCR requirements for ELs.*

For questions, concerns or suggestions, email:

YazzieM.Inquiry@state.nm.us



Martinez/Yazzie Webpage

NEW MEXICO
Public Education Department

HOME STUDENTS ▾ EDUCATORS ▾ FAMILIES/COMMUNITY ▾

MARTINEZ AND YAZZIE CONSOLIDATED LAWSUIT UPDATES

Home / Martinez and Yazzie Consolidated Lawsuit Updates

The New Mexico Public Education Department (NMPED) acknowledges the Court's ruling that "no education system can be sufficient for the education of all children unless it is founded on the sound principle that every child can learn and succeed[.]2" Similarly, the New Mexico Legislature found that the key to success is having a multicultural education system 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. Remedying 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:

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