

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

FILED 1st JUDICIAL DISTRICT COURT
Santa Fe County
4/22/2026 8:42 PM
KATHLEEN VIGIL CLERK OF THE COURT
Shana Stewart

LOUISE MARTINEZ, *et al.*,

Plaintiffs,

v.

D-101-CV-2014-00793

Judge Matthew Wilson

THE STATE OF NEW MEXICO, *et al.*,

Defendants.

Consolidated with

WILHELMINA YAZZIE, *et al.*,

Plaintiffs,

v.

D-101-CV-2014-02224

Judge Matthew Wilson

THE STATE OF NEW MEXICO, *et al.*,

Defendant

**YAZZIE PLAINTIFFS' REPLY CONCERNING THEIR OBJECTIONS TO
DEFENDANT NM PUBLIC EDUCATION DEPARTMENT'S
FINAL REMEDIAL ACTION PLAN**

I. INTRODUCTION

PED's Response to the Yazzie Plaintiffs' Objections rests on a fundamental mischaracterization of this proceeding. The Court is not reviewing a policy proposal entitled to deference; it is enforcing constitutional rights after finding systemic violations. The question is whether the State has demonstrated that its Final Remedial Action Plan ("Plan") will cure those violations. It has not and the Plan will not.

Following a full trial and extensive factual findings, this Court determined that the State

of New Mexico has failed to provide Native American students, English learners, students with disabilities, and students from low-income families with the programs, services, and resources necessary to achieve constitutional adequacy. *See* [07-20-18 Decision and Ord. at 70]. The Court further found that these failures are systemic, longstanding, and rooted in deficiencies in funding, implementation, and accountability. *See Id.* at 70-71, 74; [12-20-18 FFCL ## 3188-3189, 3208]. Those findings were grounded in evidence, and they remain binding. The Court did not merely identify these violations and step aside; it expressly retained jurisdiction to ensure that the constitutional deficiencies it identified are actually remedied. *See* [02-14-19 Final Judgment and Ord. at 75].

After years of continued noncompliance, the Court again found that Defendants “continue to violate” the constitutional rights of at-risk students and directed the State to develop a comprehensive remedial action plan capable of bringing the system into compliance. *See* [05-20-25 Ord. at 2]. That directive was not an invitation to catalog existing initiatives or outline vague aspirations. It required a real remedy, one that is concrete, targeted, funded, and enforceable. *See Id.*

The Plan is none of those things. As explained fully in Yazzie Plaintiffs’ Objections, it relies on generalities, postpones critical decisions, and omits enforceable commitments. It does not show how the State will cure the violations already found by this Court. PED’s Response to Plaintiffs’ Objections wrongly attempts to substitute process for substance. It emphasizes the number of contributors to its draft, the length of the drafting process, and the existence of stakeholder meetings. But none of those answers the only question that matters: whether the Plan, as written, provides a workable, enforceable pathway to constitutional compliance. It does not. The Plan must stand or fall on its ability to remedy the violations already found, and produce a constitutionally sufficient public education system. On that measure, it fails.

Nor does “deference” save the Plan. Deference does not excuse the absence of an effective remedy. Where the State has repeatedly failed to deliver constitutionally required programs, funding, and outcomes, continued deference would abdicate the Court’s role and assure many more years of noncompliance. And contrary to PED’s attempt to label Plaintiffs’ Objections as merely Plaintiffs’ “preference,” Plaintiffs’ Objections are focussed on enforcement of what the Constitution and this Court require: defined actions, assigned responsibilities, adequate funding, measurable benchmarks, and enforceable mechanisms. Their absence is the Plan’s central defect.

PED asks the Court to accept assurances in place of commitments. But the status quo has already been found unconstitutional, and a plan that repackages existing efforts while deferring action does not remedy those conditions; it perpetuates them. Because the Plan is generalized, unfunded, and unenforceable, it cannot satisfy the Court’s directive. PED’s attacks on Plaintiffs’ experts and counsel do not alter that conclusion; they underscore the absence of any substantive response to the Plan’s deficiencies set forth in the Yazzie Objections.

II. PED’S ATTACK ON PLAINTIFFS’ EXPERTS IS LEGALLY BASELESS, AVOIDS THE MERITS, AND FAILS TO REBUT THEIR ANALYSIS

PED’s attack on Plaintiffs’ expert submissions is not a serious evidentiary argument. It is a transparent effort to discredit the very analyses that demonstrate the inadequacy of PED’s Plan. *See* PED Rsp. at 2-5. The argument fails as a matter of law, misstates both the governing standards and the record, and ultimately avoids the central question before the Court: whether the Plan remedies the constitutional violations already found. This Court has already relied on expert analysis of precisely this kind to identify systemic constitutional failures. PED cannot now dismiss similar expertise as “unreliable” simply because it is unfavorable.

A. Rule 11-702 does not bar consideration of Plaintiffs’ expert submissions in this equitable, non-jury proceeding.

PED's invocation of Rule 11-702 NMRA reflects a fundamental misunderstanding of this proceeding. *See* PED Rsp. at 3-4. Rule 11-702 governs the admissibility of expert testimony at trial, where the court performs a gatekeeping function to protect a jury from unreliable evidence. That concern is materially different in a bench proceeding, particularly one, like this, in which liability has already been adjudicated and the Court is exercising its equitable authority to assess the adequacy of a proposed remedy.

New Mexico law does not require the rigid application of Rule 11-702 in this posture. To the contrary, trial courts retain discretion to consider and weigh expert evidence in assessing whether Defendants' proposed remedy cures the constitutional violation. PED's reliance on *State v. Torrez* is misplaced. *See* PED's Rsp. at 4. Although *Torrez* recognizes the court's gatekeeping role under Rule 11-702, it also emphasizes the district court's discretion in determining reliability under a flexible standard. *State v. Torrez*, 2009-NMSC-029, ¶¶ 20–23, 146 N.M. 331, 210 P.3d 228. In a non-jury, equitable setting, that discretion supports considering expert submissions and assigning them appropriate weight, rather than excluding them wholesale.

PED's reliance on *Trujillo v. Treat* is equally misguided. *See* PED Rsp. at 5, note 3. That case addresses the sufficiency of expert affidavits at the summary judgment stage, an entirely different procedural context in which a party must establish a prima facie case through admissible evidence. *See Trujillo v. Treat*, 1988-NMCA-017, ¶¶ 8–10, 107 N.M. 58, 752 P.2d 250. Plaintiffs are not attempting to meet a prima facie burden here; the Court has already found constitutional violations. The question now is whether Defendants' proposed remedy is adequate. In this context, expert analyses identifying systemic deficiencies are not only relevant, they are directly relevant to the Court's inquiry.

PED's attempt to recast those analyses as "ignorant" or no more than observations "any literate person" could make is not only unsupported; it is improper. *See* PED Rsp. at 4. Courts rely on expert testimony not to restate what a document says, but to interpret complex systems,

synthesize extensive records, and evaluate whether institutional reforms are capable of producing required outcomes. What PED dismisses as “obvious” reflects the application of specialized knowledge to identify systemic deficiencies, situate them within established research and practice, and assess their implications for educational adequacy. That certain shortcomings are apparent does not render expert analysis unnecessary. To the contrary, it underscores the severity of the Plan’s deficiencies. Plaintiffs’ experts did not simply read the Plan; they evaluated it. That evaluation necessarily includes identifying the absence of critical elements, such as specificity, implementation mechanisms, and alignment with established frameworks, which are not self-evident conclusions but discipline-specific judgments about whether the Plan is adequate as a remedy. That a document references aspirational legislation, lacks defined actions, and fails to articulate measurable outcomes would not be meaningful without expert analyses explaining that those deficiencies are built into the Plan and that they render the Plan insufficient to cure the constitutional violations at issue. Courts do not rely on experts to read documents; they rely on them to explain what those documents mean in practice. Accordingly, PED’s attacks on the experts are not only misplaced; they are baseless. Plaintiffs’ experts are deeply experienced in the subject matters at issue, all work daily on the methods for providing a sufficient quality education, and all but one have direct experience in New Mexico’s education system.¹ Finally, PED’s invocation of cases prohibiting “legal conclusions,” including *Mikeska*, *Flagstar Bank*, *Elliott*, and *G & G Services*, fares no better.² See PED Rsp. at 4-5. Those cases stand for the uncontroversial principle that experts may not instruct the court on the law. Plaintiffs’ experts do

¹ Dr. Matthew Gardner Kelly is an Associate Professor of Education Policy and a nationally recognized expert in school finance and educational inequity, with extensive experience as an expert witness and author of multiple peer-reviewed studies on funding systems. See *infra* Pltfs’ Ex. 1 at 22-31.

² *Mikeska v. Las Cruces Reg’l Med. Ctr., LLC*, 2016-NMCA-068, 388 P.3d 266; *Flagstar Bank, FSB v. Licha*, 2015-NMCA-086, 356 P.3d 1102; *State v. Elliott*, 2001-NMCA-108, 131 N.M. 390, 37 P.3d 107; *G & G Servs. Inc. v. Agora Syndicate, Inc.*, 2000-NMCA-003, 128 N.M. 434, 993 P.2d 751.

no such thing. They do not purport to define constitutional standards or opine on ultimate legal questions. They apply specialized knowledge - rooted in decades of experience, research, and professional practice - to assess whether the Plan contains the elements necessary to deliver adequate educational services and achieve its stated outcomes. Identifying a plan as vague, unsupported, or incapable of implementation is not a legal conclusion; it is precisely the type of expert analysis Rule 11-702 permits and will assist the Court in evaluating the adequacy of a proposed remedy. *See Mikeska*, 2016-NMCA-068, ¶¶ 12, 17, (explaining that Rule 11-702 permits expert opinion based on specialized knowledge, but not testimony that states a legal conclusion or interprets the law). Plaintiffs' experts, whose qualifications are set forth in the accompanying curriculum vitae, include recognized specialists in educational policy, school finance, literacy, bilingual education, teacher preparation, student supports and program implementation, each with decades of experience applying research and practice to the very issues presented here, including in New Mexico education systems. *See* the next section of this Reply.

At bottom, PED's Rule 11-702 argument is not a genuine admissibility challenge. It is an attempt to narrow the evidentiary lens through which the Court evaluates the Plan. That effort should be rejected. The Court may, and should, consider Plaintiffs' expert analyses as part of its equitable assessment of whether the Plan remedies the constitutional violations at issue.

B. Plaintiffs' experts provide rigorous, un rebutted, analysis; PED attacks form, to avoid substance.

Once PED's evidentiary objections are set aside, what remains in their attack on Plaintiffs' experts completely lacks substance. PED's treatment of Plaintiffs' experts is therefore not merely legally flawed; it is dismissive of highly qualified professionals whose work is directly grounded in the record of this case and the Court's prior findings. The experts retained by Plaintiffs are leaders in their respective fields, with decades of experience in educational

policy, school finance, literacy, bilingual education, teacher preparation, student supports and program implementation. Collectively, they bring well over 300 years of relevant professional experience, as reflected in their curriculum vitae submitted as Plaintiffs' Exhibit 1.³ Their analyses reflect precisely the type of specialized knowledge courts depend upon in evaluating systemic reform.

PED does not meaningfully engage with that analysis. It does not offer competing expert testimony demonstrating that the Plan is adequate. It does not refute the specific deficiencies identified - lack of enforceable commitments, absence of funding discussion, failure to disaggregate strategies for at-risk students, and omission of required programmatic elements. Instead, it resorts to generalized assertions that Plaintiffs' expert analyses are "conclusory" or insufficiently explained. Those assertions are belied by the record.⁴ Plaintiffs' experts reviewed the Plan, applied established research and professional standards, and identified concrete ways in which the Plan fails to meet those standards. That is not conclusory; it is disciplined, methodical analysis. PED's suggestion that experts must provide step-by-step methodological narratives misunderstands the distinction between admissibility and weight. The court assesses whether expert testimony is sufficiently reliable and admissible; disputes about perceived deficiencies then go to the weight of the testimony. *See Torres*, 2009-NMSC-029, ¶¶ 9, 18, 146 N.M. 328,

³ At trial, the Court expressly found Plaintiffs' experts Regis Pecos and Dr. Rebecca Blum Martinez to be credible, further underscoring the reliability of their analyses. *See* 12-20-18 FFCL ## 306-07, 478; *see also* Pltfs.' Objections, Ex. 10 (Regis Pecos Letter/TEA Analysis), 11 (Dr. Blum Martinez Letter). Plaintiffs' other experts were not witnesses at the trial.

⁴ PED's reliance on *Cain v. Champion Window Co. of Albuquerque, LLC* is misplaced. *See* PED Rsp. at 27, note 10. *Cain* stands for the unremarkable proposition that counsel's unsworn argument is not evidence. Plaintiffs do not offer argument as evidence; they evaluate PED's Plan against the existing record, this Court's substantial findings, statutory obligations, and the State's own submissions. This is a post-liability enforcement proceeding, not an evidentiary dispute between private parties. The question is whether PED has demonstrated that its Plan cures the constitutional violations already found. Plaintiffs' identification of the Plan's deficiencies through their experts is therefore proper, not "non-evidence," and *Cain* does not apply.

210 P.3d 228; *see also State v. Alberico*, 1993-NMSC-047, ¶¶ 36–37, 45, 116 N.M. 156, 861 P.2d 192.

Most tellingly, PED does not dispute the substance of Plaintiffs’ experts’ conclusions. It does not show that the Plan contains enforceable timelines, defined funding, measurable benchmarks, or targeted strategies for at-risk students. Instead, it attacks credentials, geography, and presentation. Those criticisms go to weight, not substance, and do not meaningfully rebut Plaintiffs’ showing. PED offers no competing expert analysis, only attacks on Plaintiffs’ experts. As a result, Plaintiffs’ expert evidence stands unrebutted on the merits.

C. PED’s claim that Plaintiffs failed to participate in the drafting process is contradicted by the record and legally irrelevant.

PED’s assertion that Plaintiffs failed to participate by commenting during the drafting process is both factually incorrect and legally irrelevant. The record demonstrates the opposite. Upon receiving the Draft Plan, Plaintiffs promptly identified fundamental deficiencies, including the absence of essential components, detailed actions, funding estimates, and accountability mechanisms, and identified the elements required for a constitutionally sufficient remedy. In addition, Plaintiffs requested underlying data, supporting documentation, and stakeholder records necessary to provide more detailed revisions, and proposed a collaborative process of meetings with PED, WestEd, and stakeholders to develop a compliant plan. *See* Pltfs.’ Ex.2, Yazzie Plaintiffs’ letters to PED counsel - Draft Plan, Sept. 30, 2025, Oct. 20, 2025. Reasonably, Plaintiffs did not provide line edits to a document that lacked the basic content and scope necessary for meaningful line edit response. As Plaintiffs explained to PED in their letter, the Draft Plan appeared merely to be “a plan to create a plan,” rather than a remedial framework capable of addressing the Court’s findings. *Id.* The Court directed Defendants - not Plaintiffs - to develop a constitutionally sufficient plan. Plaintiffs’ role is to assess that plan against constitutional standards and identify deficiencies. The adequacy of a remedy depends on whether

PED met its burden to propose a plan reasonably calculated to cure the violation. It did not do so.

Finally, PED's suggestion that Plaintiffs' objections are vague or inconsistent ignores their substance. Plaintiffs have identified systemic deficiencies (*e.g.*, lack of funding, absence of enforceable commitments, and failure to operationalize required frameworks) that cannot be cured through incremental edits. Those objections are precise, consistent, and directly responsive to the Court's findings. They properly identify the holes in PED's Plan that need to be filled.

In sum, PED's arguments about evidentiary standards and participation are distractions to avoid the implications of Plaintiffs' Objections. The Court should reject that effort. Plaintiffs' Objections, grounded in their expert's analyses, are admissible, reliable, and directly relevant to the Court's remedial inquiry. Because PED has failed to meaningfully rebut them, they stand as compelling evidence that the PED's Plan does not remedy the constitutional violations at issue.

III. PED'S SECOND EVASION – THE MISUSE OF “DEFERENCE” – DOES NOT RELIEVE THE PED OF ITS OBLIGATION TO PRESENT AN ENFORCEABLE REMEDY

PED's argument wrongly confuses the distinction between deference in policymaking and the judiciary's non-discretionary duty to remedy constitutional violations. The cases it cites do not support the sweeping limitation PED proposes. To the contrary, they confirm that while courts should not dictate policy choices in the abstract, they retain, and must exercise, authority to require effective relief once a constitutional violation has been established.

PED's reliance on *State ex rel. Clark v. Johnson* is illustrative. *See* PED Rsp. at 7. That case does not restrict judicial remedies; rather, it reaffirms that courts have a duty to determine whether actions of the political branches comply with constitutional limits, while respecting separation-of-powers principles. *State ex rel. Clark v. Johnson*, 1995-NMSC-048, 120 N.M. 562, 904 P.2d 11. Once such a violation is found, the judiciary's role necessarily includes ensuring

that the violation is cured. New Mexico courts have long recognized this principle, holding that district courts possess broad equitable authority to fashion remedies that are complete and effective, including forward-looking and enforceable injunctive relief. *See Hilburn v. Brodhead*, 1968-NMSC-142, ¶11, 79 N.M. 460, 444 P.2d 971 (“a court of equity has power to meet the problem presented, and to fashion a proper remedy to accomplish a just and proper result”).

The out-of-state authorities PED invokes likewise do not support its position. *Campaign for Fiscal Equity* does not endorse judicial abstention. The Court of Appeals first held that education adequacy claims are justiciable and remanded for adjudication of the State’s constitutional obligations, *Campaign for Fiscal Equity, Inc. v. State*, 86 N.Y.2d 307, 316–18, 655 N.E.2d 661 (1995), and later affirmed a constitutional violation and directed the State to ascertain and provide the funding necessary to meet that standard, *Campaign for Fiscal Equity, Inc. v. State*, 100 N.Y.2d 893, 925–26, 801 N.E.2d 326 (2003). In 2006, the court continued to exercise remedial oversight while cautioning only against direct judicial control of budgetary line items. Its separation of powers discussion therefore limits the means of relief, not the judiciary’s authority to require it. *Campaign for Fiscal Equity, Inc. v. State*, 8 N.Y.3d 14, 28–29, 861 N.E.2d 50 (2006).

Similarly, *McDuffy v. Secretary of the Executive Office of Education* expressly declared the public education system unconstitutional while leaving initial policy design to the legislature, but it did so against the backdrop of continued judicial oversight to ensure compliance. *McDuffy v. Sec’y of the Exec. Off. of Educ.*, 415 Mass. 545, 615 N.E.2d 516 (1993). And *Hancock v. Commissioner of Education*, a plurality decision declining further relief, turned on a finding that ongoing political-branch reforms were already addressing the violation, not on any categorical bar to judicial enforcement. *Hancock v. Comm’r of Educ.*, 443 Mass. 428, 822 N.E.2d 1134, (2005). These cases thus reinforce, rather than undermine, the settled rule: any deference to be

paid to a state agency cannot permit constitutional violations to persist without an effective remedy.

PED's reliance on *City of Pawtucket v. Sundlun* and *Citizens for Strong Schools, Inc. v. Florida State Board of Education* is no more persuasive. Both decisions rested on the absence of judicially manageable standards and the resulting conclusion that adequacy claims were nonjusticiable under those states' constitutions, not on any limitation on a court's authority to enforce established constitutional rights. *See Citizens for Strong Schools*, 232 So. 3d 1163, 1166–67; *see also City of Pawtucket*, 662 A.2d at 59. That posture bears no resemblance to this case, where this Court has already determined that enforceable constitutional violations exist and has articulated governing standards. PED's invocation of these cases thus conflates threshold justiciability doctrines with the Court's remedial authority. Once a violation has been adjudicated, separation of powers does not bar judicial enforcement; it requires it.

Against this backdrop, PED's characterization of enforceable, specific remedies as “micromanagement” is legally incorrect. The question before this Court is not whether it should design education policy in the first instance, but whether the State's proposed plan actually remedies the constitutional deficiencies already adjudicated. Where a defendant's proposed remedy is too vague, lacks accountability, or fails to ensure compliance, courts are well within their authority to require greater specificity, measurable benchmarks, and enforceable obligations. That is not an intrusion into agency prerogatives – it is the minimum necessary to give effect to the constitution.

Finally, PED's argument would effectively render this Court's prior orders unenforceable by reducing judicial review to a deferential acceptance of executive assurances about whatever action the agency proposes. That is incompatible with New Mexico law and fundamental principles of equity. Once a violation has been found, the Court must ensure that the remedy is real, not aspirational; enforceable, not discretionary; and sufficient, not speculative. Separation of

powers does not prevent that result.

A. Because Deference Does Not Excuse Vagueness, the Plan’s Lack of Specificity Precludes Enforcement and Compliance.

PED’s assertion that its Plan contains “sufficient detail” misstates both this Court’s directive and the governing law of constitutional remedies. *See* PED Rsp. at 8-10. The issue is not whether the Court required “every single detail of every single action item.” Instead, the issue is whether the Plan contains enough specificity to objectively, measurably, and enforceably cure the constitutional violations already established. It does not.

PED attempts to redefine the Court’s order by reducing “components and elements” to abstract placeholders. But the Court’s mandate cannot be satisfied by labels divorced from substance. Constitutional adequacy in education turns on real inputs, real programs, and real outcomes, not generalized categories. A “component” without defined actions, funding, responsible actors, timelines, and measurable outcomes is not a remedy; it is a description. And descriptions do not cure constitutional violations.

Courts addressing systemic constitutional violations have consistently required remedial plans with sufficient detail to permit objective measurement and judicial oversight. In *McCleary*, the Washington Supreme Court required a plan detailed enough to allow progress to be measured against benchmarks and aligned with budgetary commitments. *See McCleary v. State*, 173 Wn.2d 477, 537–38, 269 P.3d 227 (2012); Order at 2–3, *McCleary v. State*, No. 84362-7 (Wash. Dec. 20, 2012) In *Abbott*, the New Jersey Supreme Court rejected generalized reform proposals in favor of specific, programmatic relief. *See Abbott v. Burke*, 153 N.J. 480, 710 A.2d 450, 512–13, 525 (1998). And in *Gannon*, the Kansas Supreme Court made clear that, once a violation is established, the State must demonstrate through structure (e.g. funding framework, governance and accountability systems, statutory and regulatory scheme, and the alignment between inputs and expected outcomes), and implementation that its system is capable of achieving

constitutional standards. *See Gannon v. State*, 306 Kan. 1170, 402 P.3d 513 (2017). PED’s Plan fails that test because it provides no meaningful way to assess whether its proposed actions will achieve compliance.

PED’s reliance on “flexibility” and so-called anti-micromanagement principles is misplaced. *Rufo* and *Horne* address the standards for modifying institutional reform decrees after a court has imposed a concrete remedial framework and defined the parties’ obligations.⁵ They do not excuse the absence of specificity at the outset of a remedial process. Flexibility in implementation presupposes a baseline of defined commitments against which compliance can be measured. A plan that lacks such commitments cannot be meaningfully implemented, evaluated, or modified.

PED’s reliance on *Handy v. Price* and *Connick v. Thompson* is even more misplaced. Those cases do not address the scope of equitable remedies following a judicial finding of systemic constitutional violations, but instead arise in entirely different contexts. PED’s invocation of “anti-micromanagement” language conflates limits on constitutional liability in individual cases with the Court’s distinct obligation to ensure that a remedy is sufficiently specific to be implemented, monitored, and enforced. Requiring defined commitments in that context is not impermissible micromanagement; it is necessary to effectuate the Constitution.⁶

⁵ *Rufo v. Inmates of Suffolk County Jail*, 502 U.S. 367 (1992), and *Horne v. Flores*, 557 U.S. 433 (2009), both address motions under Rule 60(b)(5) to modify or dissolve existing institutional reform decrees based on changed factual or legal circumstances. In each case, the Supreme Court emphasized flexibility in adjusting remedies over time, but only in the context of previously entered judgments imposing defined obligations. Neither case suggests that a court may approve an initial remedial plan lacking sufficient specificity to permit implementation, monitoring, or enforcement.

⁶ *Handy v. Price*, 996 F.2d 1064 (10th Cir. 1993), involved an individual prisoner’s Eighth Amendment claim and rejected complaints about job assignments that “wrongly perceive the Constitution as a micromanager of day-to-day prison activities, and a guarantee of prisoner preferences over those of prison officials,” noting that “[c]ases like this, with all of the attendant inconvenience, expense and frustration, create a climate where it is a wonder that the states can persuade physicians to serve the prison system at all.” *Id.* at 1068–69. *Connick v. Thompson*, 563 U.S. 51 (2011), addressed municipal liability under § 1983 and explained that failure-to-train

PED's invocation of "flexibility" is therefore a red herring. Flexibility does not mean vagueness. Courts routinely require remedial frameworks that include defined actions, assigned responsibilities, timelines, and measurable benchmarks precisely so that implementation can be tracked and adjusted without sacrificing accountability. PED's Plan does the opposite: it defers critical decisions to future evaluations, pilot programs, and unspecified future actions, leaving the Court with no objective basis to determine whether, when, or how compliance will be achieved.

That defect is not theoretical; it is significant. This Court's orders require a system that actually delivers a constitutionally sufficient education and contemplate ongoing judicial oversight to ensure that result is achieved. A plan that omits core implementation elements – funding, timelines, defined actions, and measurable outcomes – cannot be enforced and therefore cannot satisfy the Court's order. Without such detail, the Court cannot assess compliance, Plaintiffs cannot measure progress, and PED cannot be held accountable.

PED's suggestion that greater specificity would render the Plan "unworkable" turns reality on its head. It is the absence of specificity that makes the Plan unworkable. A multi-year, multi-agency remedial plan addressing systemic constitutional violations must include clear assignments of responsibility, concrete actions, funding commitments, and measurable benchmarks. Without those elements, the Plan is not a roadmap; and, because it cannot be implemented and its progress measured, it will take New Mexico's educational system nowhere.

Finally, PED's claimed reliance on "professional judgment" does not cure these deficiencies. Professional judgment may inform a remedy, but it does not replace PED's obligation to demonstrate that its plan is capable of achieving constitutional compliance, nor

liability "is concerned with the substance of the training, not the particular instructional format," and that the statute does not provide "plaintiffs or courts carte blanche to micromanage local governments throughout the United States." *Id.* at 68. PED's reliance on these cases is a clear misapplication of precedent that offers no support for its argument.

does it displace this Court's authority to require a remedy that is sufficiently definite to be enforced. Accepting PED's position would reduce the Court's role to accepting mere assurances, while deferring meaningful review indefinitely, an approach incompatible with the Court's retained jurisdiction.

PED's Plan lacks the specificity required for meaningful judicial review, enforceability, and constitutional compliance. The Court should reject PED's attempt to equate vagueness with flexibility and, instead, require a plan that includes the concrete commitments, measurable benchmarks, and enforceable mechanisms necessary to cure the violations at issue, as set forth in Plaintiffs' Objections. PED's Plan deficiencies are not merely defects of drafting. They go to the more fundamental question whether the Plan can function as a constitutionally sufficient remedy at all. Their Plan does not and cannot.

IV. THE PLAN FAILS AS AN EQUITABLE REMEDY

Having established that the Plan lacks the specificity required for meaningful judicial review and enforceability, the remaining question is whether it nonetheless functions as a constitutionally sufficient equitable remedy. As demonstrated in Plaintiffs' Objections, it does not.

At its core, PED's Plan is not a real remedial instrument. It does not commit the State to concrete, enforceable action sufficient to cure the violations this Court has found. Instead, it relies on generalized commitments, future studies, and open-ended implementation language that leaves the Court without any reliable basis to determine whether constitutional compliance will ever be achieved. A plan that cannot be enforced in practice cannot remedy a constitutional violation.

As fully explained in Plaintiffs' Objections, the Plan also fails because it is not tailored to the violations this Court actually found. The constitutional injury in this case is not an abstract

shortfall in educational inputs generally; it is the State's failure to provide Native American students, English learners, students with disabilities, and students from low-income families with the programs, services, and resources necessary for a constitutionally sufficient education. Yet the Plan repeatedly substitutes generalized future initiatives for targeted remedies tied to the at-risk student groups and the disparities they experience. A generalized reform agenda is not a substitute for a remedy directed at the actual harms adjudicated in this case.

Nor is the Plan operational in any meaningful sense, as fully explained in Plaintiffs' Objections. It provides no comprehensive cost analysis, no sustained funding commitments, and no concrete legislative implementation pathway. Instead, it relies on speculative future appropriations, further evaluation, and undefined future action. A remedy contingent on uncertain future decisions is not a remedy the Court can meaningfully evaluate or enforce.

The same is true of the Plan's treatment of legal obligations already binding on the State. As explained in the Objections, although the Plan references statutory and constitutional frameworks, it does not translate those obligations into assigned responsibilities, implementation steps, or enforceable timelines. Acknowledging legal duties is not the same as carrying them out. By failing to implement those obligations through practical commitments, the Plan leaves the underlying violations unremedied.

Finally, the Plan impermissibly relies primarily on existing programs and ongoing initiatives as the basis for compliance, even though this Court has already found the existing system constitutionally inadequate. PED cannot satisfy its remedial duties by repackaging the status quo in a new document. The question is not whether PED can point to some activity; it is whether PED has shown that its proposed measures will materially change conditions, transform the system, and eliminate the harms the Court identified. As shown in Plaintiffs' Objections PED's Plan does not make that showing. PED's Plan is not a remedy capable of curing the constitutional violations at issue.

V. THE PLAN'S STRUCTURAL AND SUBSTANTIVE DEFICIENCIES REMAIN UNRESOLVED

A. The Plan Fails to Target the At-Risk Student Groups Identified in the Court's Findings

The Plan's central flaw is structural: it does not organize or implement reforms in a manner that addresses the specific at-risk student groups whose constitutional rights this Court has already found to be violated. Instead of focussing on Native American students, English learners, students with disabilities, and low-income students, the Plan is organized around four generalized "critical needs" that do not target the Court's Findings of Fact and Conclusions of Law ("FFCL") or the distinct harms identified for each group. *See* Sections I–II, above.

PED dismisses Plaintiffs' objection to the Plan's organization as merely stylistic. It is not. As Plaintiffs' Objections explain, the Plan "collapses those populations into a single undifferentiated category," leaving actions disconnected from the specific findings that gave rise to the constitutional violations. PED's response ignores that the Court's findings were not framed in terms of abstract system inputs alone; they were grounded in the State's failure to provide targeted programs, services, and resources to defined groups of at-risk students. Yet the Plan repeatedly lists all four groups alongside broad initiatives without explaining how those initiatives are tailored to any at-risk group's distinct needs. Nor does the Plan connect its proposed actions to this Court's findings, or explain how those actions will close the particular gaps in inputs and outcomes identified by the Court. That omission is fundamental.

A remedial plan must therefore demonstrate, in concrete terms, how it will address the barriers, disparities, and outcomes experienced by each student group. The Plan does not do so. Instead, it adopts a labeling approach, naming students without designing interventions for them. That approach does not satisfy the State's constitutional obligations.

A constitutionally adequate remedy must be responsive to the violations it is intended to cure. By failing to align both its structure and substance with the Court's findings, the Plan

perpetuates the same systemic failure that led to this litigation: the non-targeted delivery of programs and services that are not providing a sufficient education to at-risk students. This misalignment is not confined to one section of the Plan. It carries through the Plan's treatment of governing law, its approach to multicultural and multilingual education, and its design of programs, funding, governance, and accountability. *See* Sections V(B)–(E), below.

B. The Plan Does Not Implement Governing Statutes or Provide a Multicultural and Multilingual Framework

1. The Plan Lacks a Coherent Statutory and Culturally and Linguistically Responsive Framework

Because the Plan is not organized around the at-risk groups and harms identified by the Court, it likewise fails to implement the statutory frameworks designed to address those harms. As this Court recognized, statutes such as the New Mexico Indian Education Act (“NMIEA”), the Bilingual Multicultural Education Act (“BMEA”), the Hispanic Education Act (“HEA”), and the Individuals with Disabilities Education Act (“IDEA”) are not ancillary to constitutional adequacy in New Mexico; they help define what a constitutionally sufficient education requires. *See* Section I, above. PED's response to Plaintiffs' Objections does not identify any provision in the Plan that translates those statutory mandates into concrete actions, implementation pathways, funding commitments, or accountability mechanisms. Referencing statutory obligations, without more, is not implementation. *See* Sections I–III, above.

This deficiency is especially pronounced with respect to culturally and linguistically responsive (“CLR”) education. While PED points to the Plan's general references to CLR principles, it does not establish a statewide framework to ensure that culturally and linguistically responsive practices are delivered consistently to all at-risk students who need this. Nor does it explain how districts are to operationalize those principles in practice. In this respect, PED's response confirms, rather than refutes, Plaintiffs' showing that the Plan lacks the structure

necessary to translate statutory mandates into classroom implementation.

That absence is explained by the process by which the Plan was developed. Despite the availability of extensive Indigenous educational expertise within New Mexico, including detailed proposals and analyses submitted to PED by Native educators, Tribal leaders, and education organizations, the Plan does not reflect incorporation of that expertise. Instead, it relies heavily on external, non-Native frameworks and contractors, resulting in a document that reflects generalized approaches rather than the specific cultural, linguistic, and tribal community-based knowledge systems that the NMIEA requires the State to support. The failure to integrate Indigenous expertise at the design stage necessarily limits the Plan's ability to deliver culturally grounded education in implementation, especially for Native students.

Dr. Valverde's analysis underscores that point. While she acknowledges that the final Plan contains "meaningful additions," she also makes clear that those additions *do not* resolve the underlying problem. The Plan still is not built on a multicultural, multilingual, and place-based framework, and it still does not incorporate a balanced evaluation and accountability approach. Pltfs.' Objections, Ex. 12 (Expert Report of Dr. Valverde) at 1. Without those anchors, the Plan remains fragmented: its goals, action steps, and accountability tools do not align. As Dr. Valverde explains, New Mexico may now have more of "the right voices" in the document, *but* it still lacks the vision and structure necessary to translate those voices into systemic change. *Id.* at 3.

2. Indian Education Act

PED's response to Plaintiffs' Objections repeatedly attempts to deflect from the Plan's shortcomings by mischaracterizing Native expert testimony, minimizing Native-led proposals, or treating statutory obligations as discretionary. Those arguments do not address the central issue that the Plan does not implement the NMIEA and does not establish a workable framework for culturally and linguistically relevant education for Native students. *See* Sections II–III, above.

For example, PED's response to Regis Pecos' statement claims that he makes conclusions without any analysis and reiterates Plaintiffs' objections. This is false. In fact, Mr. Pecos submitted a letter plus a ten-page analysis that explained in detail what a remedial plan would need to contain "to close persistent gaps in inputs and outcomes" and "to dismantle the assimilationist education model and to establish a culturally relevant and respectful system that nurtures Native students' cultural and linguistic identities and provides access to Indigenous knowledge systems and ways of learning." *Supra* p. 7, note 3 at 2, 4. *See* Pltfs.' Objections, Ex. 10 (Statement and Analysis by Regis Pecos). Defendants chose to ignore this analysis along with the Indigenous proposals presented therein.

PED's response goes further to assert that Mr. Pecos did not articulate why the SEG should have a dedicated factor for Native students and that this was not ordered by the Court. PED Rsp. at 15-16. However, he provides a thorough analysis that finds Indian education funding to be a tiny percentage of public education funding and therefore inadequate to meet Native students' needs. *Supra* p. 7, note 3 at 9. Specifically, in SY 2026-2027, \$4.576 billion will be distributed to New Mexico's public schools, via the SEG. As Defendants state themselves, in the same time period, Indian Education funding will be \$30 million (PED's Rsp. at 16) or 0.66% of the state's general public school funding. Yet Native students comprise at least 10% of the state's student population. This is not an equitable funding distribution. While the Court does not prescribe a specific funding mechanism, the Court did state that "Defendants have a duty to ensure that the twenty-three Indian Education districts have sufficient resources, including funding, to fully implement the NMIEA." *See* 12-20-18 FFCL # 3069.

PED also attempts to discredit Dr. Glenabah Martinez by pointing to unspent grant funds, but this both mischaracterizes her analysis and misconstrues the underlying issue. PED Rsp. at 16; Ex. C (Statement by Asst. Sec'y for Indian Educ., KatieAnn Juanico) at 7-8. Dr. Martinez

identifies a structural deficiency in the Plan's failure to integrate higher education, educator preparation, certification pathways, and culturally responsive assessment into a coherent statewide strategy. PED's response does not address that critique. Instead, it substitutes a funding-based argument that does not address the State's system design. *Id* at 16-17; PED Rsp., Ex. C at 7-8.

Unspent balances do not demonstrate ineffective grantee's administration and use of funding. They reflect the State's funding delays, uncertainty, and administrative barriers that impede timely distributions of funds. As this Court has already found, such delays force program recipients to hold funds while awaiting reimbursement. *See* 12-20-18 FFCL # 2170. That same pattern persists today. In that context, unspent or carryover funds indicate systemic PED inefficiencies that hinder institutions like UNM IAIE from deploying resources predictably and timely. PED's reliance on these figures to try to undermine Dr. Martinez's credibility is therefore misplaced and underscores the broader pattern of inconsistent funding, administrative challenges, or lack of PED capacity to process timely reimbursements to grantees.

This structural disconnect is further reflected in PED's response's treatment of Indigenous curriculum and Native-led initiatives. PED's argument that the absence of universal adoption or formal validation of an Indigenous curriculum means the Plan does not need to address this issue. PED Rsp. at 16; PED Rsp., Ex. C at 6. The NMIEA does not require a single standardized curriculum; it requires the State to support and enable the development, implementation, and evaluation of culturally and linguistically relevant education in partnership with Tribes. The Plan contains no system for doing so.

Nor does the Plan address how it will hold districts accountable. Based on records produced by PED in response to an Inspection of Public Records Request, Plaintiffs determined that the PED still fails to meet its duties under the New Mexico Indian Education Act. Under 2019 amendments to the NMIEA, meant to ensure districts utilize state and federal funds to

meet the unique needs of Native students (see 6.35.2.11 NMAC), PED is required, for example, to ensure that 30 districts and charter schools – known as Historically Defined Indian Impacted School Districts (“HDIISD”s) – assess the comprehensive needs of their Native student populations. In addition, PED is required to ensure that each of the HDIISD's develop a "Systemic Framework," showing how programs and services will offset the assessed needs, and submit budgets and evaluations to the PED annually. PED Rsp. at 34. Since 2022, only 12 HDIISDs submitted budget statements; of these, only 2 submitted more than one statement within the past four years. Only 17 entities have submitted a systemic framework since 2022. Clearly, when a majority of HDIISDs blatantly ignore compliance with NMIEA requirements, as evidenced by PED's records, and the PED simultaneously fails to hold them accountable or use its executive powers to mandate enforcement, Native students bear the brunt, as clearly indicated by the consistently abysmal outcomes among Native students across all districts statewide.

The Plan’s treatment of tribal consultation reflects the same lack of compliance with state laws. PED characterizes its consultation efforts as sufficient, but the record demonstrates that Tribes were treated as random stakeholders rather than sovereign governments entitled to government-to-government consultation. PED did not seek collaboration from the Tribes during the development of the Plan, but only as an opportunity to give feedback after the Plan was drafted. Notably, the State’s proposals and preparations for developing a remedial plan were *not* on the agenda of the Government to Government (“G2G”) Indian Ed Summit held by PED on June 11, 2025. That summit would have been an appropriate opportunity to collaborate with Tribes in preparations for developing the remedial plan. Yet PED waited until their Final Plan was already drafted to seek “feedback,” as PED states, at the October 2025 G2G Summit. That approach does not satisfy statutory obligations under the NMIEA or the State-Tribal Collaboration Act (NMSA 1978, §§ 11-18-1 to 11-18-6), both of which require meaningful, timely, and substantive participation in decision-making processes that affect sovereign Indian

Nations, Tribes and Pueblos.

PED states that tribal input was “welcome” and respected, but that Tribes cannot “dictate all terms of the plan.” PED Rsp. at 6; PED Rsp. to Pltfs.’ Non-Compliance Motion (filed November 25, 2024), at 12. This again shows a lack of understanding the requirements of tribal consultation. Such consultation must happen when state policies, plans, or practices affect Tribes and their members. Insofar as some parts of a remedial plan may be specifically related to non-Native student populations only, Tribes may not be an interested party. But as sovereign governments, Tribes must be consulted about all state government decisions that affect them. Given that approximately 90% of Native children attend public schools, all education reforms will affect Tribes.

Taken together, these deficiencies confirm that the Plan does not implement the NMIEA. It does not integrate Indigenous knowledge, ensure tribal participation, enforce statutory requirements, or align funding with identified needs.

3. Bilingual Multicultural Education Act

The same deficiency appears with respect to the BMEA. PED’s response to Plaintiffs’ Objections again attempts to sidestep the Plan’s shortcomings by challenging Plaintiffs’ experts and reframing statutory obligations as optional. Those arguments do not address the substance of the problem: the Plan does not have a consistent implementation of research-based bilingual and multicultural education programs, instructional practices remain misaligned with the established evidence on multilingual learning, resulting in inequitable access to effective instruction and therefore does not implement the BMEA.

PED asserts that the Plan includes a “specific plan” for development of high-quality instructional materials and that bilingual teachers and higher education faculty, such as Dr. Ibarra Johnson, may be involved. But general references to participation do not remedy the absence of any defined framework, standards, or accountability mechanisms. PED Rsp. at 18. Merely

stating that bilingual educators may be involved is *not* the same as embedding bilingual and multicultural education into the structure of the Plan.

Dr. Ibarra Johnson's critique identifies the precise deficiency: the Plan does not articulate how bilingual or multicultural instructional materials will be developed, evaluated, disseminated, supported, or improved in practice. *See* Pltfs.' Objections, Ex. 13 (Expert Report of Dr. Ibarra Johnson). PED's response does not identify any system to ensure that such materials are culturally and linguistically appropriate, available to educators, or aligned with student needs across districts.

PED's attempt to discredit Dr. Ibarra Johnson's analysis by characterizing her observations as "unsupported legal conclusions" or disputing her views on structured literacy is misplaced. PED Rsp. at 18. The issue is not whether structured literacy, at a high level, can be applied beyond English-only instruction. The issue is that the Plan does not explain how any instructional approach will be adapted, implemented, supported, and evaluated for bilingual and multilingual learners in New Mexico's schools. PED offers no evidence that the instructional approaches it references are integrated into a broader multilingual framework, nor does it explain how educators will be trained and supported to apply them effectively across languages.

Likewise, PED's invocation of broader debates over "balanced literacy" does not fill this gap. Rejecting one pedagogical approach does not establish a plan. What is missing is the statewide structure the BMEA requires: research-based bilingual multicultural education programs and implication for instruction with defined standards, implementation guidance, sustained professional development, technical assistance, equitable access, and accountability mechanisms that ensure consistent delivery across districts.

Dr. Ibarra Johnson's core point remains unrebutted. The Plan lacks a systemic, statewide strategy for bilingual and multicultural education. It does not define how bilingual programs will be expanded or improved, how success will be measured, or how equitable access will be

ensured across districts. Without those elements, the Plan cannot implement the BMEA to ensure that its mandates are realized in practice.

4. Hispanic Education Act

PED's response concerning the HEA reflects a similar misunderstanding of its obligations. PED argues that Plaintiffs "continue to insist the plan ignores the Hispanic Education Act" even though the Court did not make an explicit finding of current violations of the Act and did not expressly direct PED to draft a plan for statutory compliance. But the absence of a specific liability finding under the HEA does not relieve the State of its duty to implement the statute, particularly where its mandates overlap with the constitutional deficiencies identified in this case. *See* Sections I–II, above.

The HEA expressly recognizes the importance of bilingual and multicultural programs and is directly relevant to the needs of English Learners and other at-risk students addressed in the Court's findings. Yet PED's response does not address that the Plan does not meaningfully incorporate the Act's principles or requirements into its structure. Instead, PED relies on generalized references, summaries, and external materials that are not integrated into the Plan itself.

PED's treatment of Adrian Sandoval's analysis is similarly unpersuasive. *See* Pltfs.' Objections, Ex. 14. PED attempts to dismiss Mr. Sandoval by asserting that Plaintiffs provided no introduction or credentials and by arguing that he offered broad opinions on the Plan without qualification. But see his qualifications set forth in Pltfs.' Ex. 1, at 66-71. Notably, PED does not challenge the substance of Mr. Sandoval's critique.

His analysis identifies structural deficiencies, including the lack of alignment between goals and implementation, the insufficient integration of bilingual and multicultural education across the Plan, and the absence of a coherent statewide strategy for culturally and linguistically relevant instruction. His observations regarding the limited presence of bilingual considerations

within the Plan underscore a broader pattern: language and culture are referenced but not operationalized.

PED's argument that Hispanic students are not, as such, one of the Court's defined "at-risk" groups is beside the point. The Plan must address the needs of English Learners and students requiring culturally and linguistically relevant education, many of whom are served by the HEA. Ignoring that statutory framework undermines the State's ability to meet its constitutional obligations.

PED's reliance on Exhibit E (HEA Summary) to its response to Plaintiffs' Objections does not cure this deficiency. Exhibit E largely restates statutory purposes, provides general descriptions of programs, and lists data points and demographic groups. It does not explain how the Plan itself implements the Act or integrates its requirements into a unified system of action, accountability, and outcomes. Likewise, PED's reference to Exhibit F (Response to Exhibit 14 (Expert Report of Adrian Sandoval) to its response does not meaningfully respond to Mr. Sandoval's analysis. These responses confirm that the Plan does not include steps to implement the HEA, a mandatory statute, as it must.

5. Black Education Act

The Plan's total omission of steps to implement the Black Education Act ("BEA") further demonstrates its failure to implement governing statutes and provide a statewide multicultural and multilingual framework. PED's attempt to justify that omission assumes that the scope of the remedy is limited by the fact that the Court's liability findings do not specifically mention the BEA. But once a constitutional violation has been established, the relevant inquiry is whether the State's plan is reasonably calculated to cure the systemic deficiencies the Court identified. *See Milliken v. Bradley*, 433 U.S. 267, 281–82 (1977) (holding that relief must be designed to cure the condition that violates the Constitution).

PED does not dispute that this Court made clear that a constitutionally sufficient

education in New Mexico requires a multicultural and multilingual framework responsive to the needs of at-risk students. That framework cannot be separated from racial equity. Ensuring that at-risk students receive a sufficient education necessarily requires addressing longstanding disparities in access, resources, and outcomes that disproportionately affect students of color. *See* 12-20-18 FFCL #3044.

New Mexico's statutory scheme reflects that same mandate. The NMIEA, HEA, BMEA, and BEA are legislative mechanisms designed to address inequities in educational opportunity and outcomes. A remedial plan that purports to cure systemic constitutional violations cannot omit one of those governing statutes entirely. Nor does PED's reference to general "anti-racism programming" substitute for implementation. The BEA requires structured, enforceable action.

6. IDEA and Students with Disabilities

The Plan also fails to implement the IDEA or provide a coherent framework for students with disabilities. In the response's very brief section addressing students with disabilities, PED reiterates that it is not this Court's role to enforce federal law, presumably referring to the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). The Court included districts' obligations to students with disabilities under IDEA/IDEIA Part B and the Elementary and Secondary Education Act (ESEA) in determining the constitutional failure of New Mexico's public education system, as. *See, e.g.*, 7/20/18 Decision and Order at 24-25, 66.

PED wrongly disagrees with Plaintiffs' Objections that the needs of students with disabilities are inadequately addressed in the Plan's one section that focuses on these students (Section 1.3). Defendants instead ask that efforts to meet those needs be *imagined* throughout the plan, which supposedly "embeds students with disabilities within general education actions because IDEA requires that they have meaningful access to, and make progress in, the general education curriculum." PED Rsp. at 21. According to PED, imagining that non-specific plan

elements are addressing the needs of students with disabilities also advances “educational wisdom and the Court’s explicit findings that students with disabilities are general education students first.” *Id.* at 22. However, while many students with disabilities are served in general education settings, “it does not follow that any Plan element describing actions for general education students *necessarily* will benefit students with disabilities or is designed with their needs in mind. This is where the mantra ‘special education students are general education students first’—appealing in its simplicity—risks oversimplification and misunderstanding.” *See* Pltfs.’ Ex. 3, Memorandum from Laurel Nesbitt, DRNM Reply to PED Response to Plaintiffs’ Objections, and Exhibit H to PED’s Response to Plaintiffs’ Objections (Memo - Jill Vice to Secretary Padilla)(Apr. 21, 2026).

Even if special education students are general education students first, they are not *only* general education students. Rather, they have distinct needs for appropriate specialized instruction and related services, even to access and be successful in general education classrooms. *Id.* It is not enough to assume that Plan elements which describe general education efforts, without more, are sufficient to meet the needs of students with disabilities. PED attempts to justify this failure as an intentional effort by PED to avoid “marginalizing” students with disabilities through the “stigma” of difference. *Id.* Defendants’ choice of words “signifies a deep lack of disability awareness, and underscores the potential harm inherent in assuming (rather than planning for) ‘inclusion.’” *Id.*

PED offered a memorandum from Deputy Secretary Jill Vice (Office of Special Education) (Exhibit H) to undercut Plaintiffs’ experts’ reliance on criticisms of the plan provided by Laurel Nesbitt of Disability Rights New Mexico. Ms. Nesbitt is a special education attorney with extensive experience and knowledge of special education law. Pltfs.’ Ex. 1 at 63-65. She has a strong understanding of the unmet needs of students with disabilities in New Mexico. Pltfs.’ Ex. 3.

Deputy Secretary Vice’s memorandum mischaracterizes Ms. Nesbitt’s objections as personal or stylistic preferences, where they in fact go to key weaknesses in the plan, like the plan’s failure to specify how various elements in the plan (other than those contained in Section 1.3) specifically address the needs of students with disabilities, toward a vision of equity across the plan. *Id.* at 3-4. Ms. Vice in some instances simply restates Ms. Nesbitt’s criticisms of the Plan. *See, e.g., id.* at 1 (problem of naming all student groups for most items without making connections), 7 (definition of “inclusive practices”), 9 (codification of the Office of Special Education), 23 (recruitment stipends). In many other instances, Ms. Vice provides definitions, explanations, cross-references and connections that cannot be divined from the face of the plan. *See, e.g., id.* at 7 (HQIM and FAPE standard), 8 (career-connected learning), 10 (problem of rural access), 12 (behavior intervention support), 13 (lack of transition outcomes). PED has not responded to key concerns raised by Plaintiffs, such as the failures of the plan to address lack of capacity at the Department staffing level (*Id.* at 16), the need for more intensive structured literacy interventions for students with dyslexia (*Id.* at 7, 11-12, 22), and the specific needs of Native American students with disabilities (*Id.* at 14-15).

The State’s Plan, even elements that hold potential for expanded equity for students with disabilities, also suffers from a lack of measurable outcomes, evaluation structures, accountability details, and cost measures that would render it operational rather than merely aspirational. PED and Ms. Vice continue to present “a blurry notion of ‘inclusive practices,’ without designing actions across the entire plan to *effectuate* inclusion.” *Id.* at 6-8, 24. Equity for students with disabilities requires not just that they be “included,” but that their needs be fully and effectively met.

7. Community and Tribal Participation Is Reduced to “Engagement,” Not Shared Governance

The Plan’s treatment of community and Tribal participation reflects the same structural

weakness. Although PED's response points to some Tribal involvement, the Plan does not establish structures for effective participation by communities and Tribal governments in implementation or oversight.

"Engagement" without authority and clear roles is not participation. The Plan references advisory bodies and consultation processes, but it does not define their roles, powers, or influence. It does not establish shared governance structures or require incorporation of community input into decision-making. As discussed above in Section V(B)(2), above, this approach is inconsistent with statutory requirements governing Tribal consultation and collaboration set forth in the NMIEA and the State-Tribal Collaboration Act.

In practice, the Plan treats Tribes as discretionary participants in a feedback process rather than sovereign governments with whom the State must engage on a government-to-government basis. Consultation is framed as an opportunity to provide input rather than a mechanism for shared decision-making. The absence of enforceable consultation standards, monitoring, and accountability further underscores this deficiency. *See* Section V(B)(2), above.

C. The Plan Relies on Isolated Programs and Pilots Rather Than Systemic Change on a Statewide Scale

The Plan's substantive approach reflects the same fragmentation evident in its structure and legal framework. Rather than presenting a coordinated system, it relies on a collection of discrete initiatives, pilot programs, and incremental efforts. This is not simply a matter of presentation; it reflects a misunderstanding of what a remedial plan must accomplish.

An action plan is not a catalogue of activities. It is a strategic tool that aligns goals, resources, responsibilities, timelines, and accountability mechanisms to achieve defined outcomes. The Plan does not perform that function. As reflected throughout Plaintiffs'

Objections, it presents a disjointed set of actions without demonstrating how those actions will operate together to produce systemic change.

PED's response reinforces this point. Rather than identifying a cohesive system, they point to individual programs, tools, and initiatives as evidence of progress. But isolated efforts do not constitute a system. Without integration, coordination, and a statewide scale, such efforts cannot deliver consistent services across districts or achieve statewide improvement.

1. Educator Preparation and Micro-Credentialing

The Plan's treatment of educator preparation clearly illustrates this failure. While PED points to references throughout the Plan to professional learning and training, those references do not add up to a coordinated, accessible, and enforceable system for training educators in culturally and linguistically relevant instruction. The Plan does not address barriers faced by rural and underserved communities to hiring and retaining trained teachers, does not ensure sustained professional development, and does not include mechanisms to evaluate the effectiveness of training.

The Plan's reliance on micro-credentialing is particularly illustrative. Plaintiffs do not contend that micro-credentialing is inherently inappropriate. The problem is that PED presents it as a primary mechanism for educator preparation without any accompanying structure to ensure quality, effectiveness, or sustained impact. The Plan's Action Item 2.3a requires educators to complete a micro-credential or course in culturally and linguistically relevant instruction ("CLRI") for licensure advancement and renewal. But the Plan provides no mechanism to ensure these courses are actually instituted or to evaluate their quality, no standards for content, and no system to assess whether completion of a micro-credential translates into improved instructional practice or student outcomes. As Dr. Valverde notes, simply making such coursework available is only a first step. Without evaluation or accountability, it cannot function as a meaningful component of reform. *See* Pltfs.' Objections, Ex. 12 (Expert Report of Dr. Valverde) at 15-16.

2. Community Schools and Wrap-Around Services

The same is true of student supports. Transportation, technology, mental health services, and other supports are framed as pilots, limited initiatives, or future efforts; not statewide guarantees. PED's response regarding community schools does not dispute Plaintiffs' central point: the Plan fails to incorporate community schools as a core, evidence-based strategy for delivering the wrap-around services this Court has already found necessary to improve outcomes for at-risk students. *See* 12-20-18 FFCL #273. PED criticizes Plaintiffs' expert Mr. Montoya's reliance on certain studies and contends that more comprehensive, longitudinal New Mexico-specific data would be beneficial. Even assuming that to be true, it does not justify the Plan's failure to incorporate or test a promising, evidence-based model. Indeed, PED's own response concedes that available results regarding community schools are "promising" and that the State looks forward to further study through PERF funds. PED Rsp. Exhibit L at 3. But deferring integration of community schools pending future study only confirms the Plan's inadequacy: it delays action on a strategy already supported by substantial research and directly responsive to needs the Court has already recognized.

3. Targeted Interventions and Student Support Systems Remain Fragmented and Non-Scalable

PED's response to Plaintiffs' critique of Critical Need No. 1 does not address the substance of the deficiencies identified by Plaintiffs' experts. Instead, it confirms the central problem identified in this subsection: the Plan relies on isolated tools and limited initiatives rather than a coherent, statewide system of student supports. The Plan lacks culturally grounded supports, fails to ensure statewide access to behavioral health services, and does not incorporate community-defined needs into implementation. *See* Pltfs.' Objections, Ex. 19 (Expert Report of Dr. Chenoa Stillwell Jensen). PED's response does not dispute these gaps. *See* PED Rsp. at 25–26; Ex. I. Instead, it points to discrete action items and existing efforts.

Rather than addressing these structural deficiencies, PED highlights a few examples such as a proposed intervention dashboard and regional trainings. These examples illustrate the underlying problem. As Plaintiffs' Objections expert Dr. Stillwell Jensen explains, the Plan offers tools without establishing the system necessary to deliver services consistently across districts. *See* Pltfs.' Objections, Ex. 19. PED's own response further confirms that key components remain limited or undeveloped. Behavioral health programming is described as operating through pilots or constrained by funding, and core information regarding the availability of student support services is deferred to future development. In short, they are not in the Plan.

D. Without Costing or Funding, the Plan Cannot Function as a Remedy

PED's response does not address Plaintiffs' Objections' criticism that the Plan lacks a meaningful cost analysis. Instead, PED largely ignores the absence of defined costs and funding mechanisms necessary to implement the Plan. As explained in Plaintiffs' Objections, this is not a technical omission; without identifying what proposed actions require in resources, how they will be funded, and whether those resources are sufficient, the Plan cannot function as a constitutional remedy. *See* Pltfs.' Objections at 41-47; Pltfs.' Objections, Ex. 2 (Expert Report of Dr. Matthew Kelly).

PED does not dispute that the Plan fails to determine what it would cost, in concrete terms, to implement the State's statutory obligations. Nor does it identify any analysis in the Plan that links proposed actions to required resources. Instead, PED's response relies on generalized assurances and prior funding efforts, which do not address the absence of a forward-looking cost framework necessary to demonstrate feasibility or compliance. PED Rsp. at 15, 32.

PED's assertion that it has conducted a "preliminary cost analysis" is unsupported. PED Rsp. at 32. Defendant's Exhibit B, on which PED relies, is not a cost analysis. It provides no

comprehensive accounting of costs, no multi-year projections, no connection between funding levels and programmatic requirements, and no assessment of sufficiency. PED does not identify any portion of Exhibit B that performs those functions. Instead, as Plaintiffs showed in their Objections many action items lack funding entirely, rely on unspecified future appropriations, or state only that funding “may” be requested. PED does not refute these deficiencies. **See** Pltfs.' Objections at 41-47; Pltfs.' Objections Ex. 2.

PED's contention that it is neither “possible nor wise” to cost out the Plan reflects a misunderstanding of the Court's mandate. PED Rsp. at 32. The Court required a plan capable of guiding legislative and executive action. PED does not explain how a plan lacking defined costs enables either the Legislature or the Court to assess adequacy, scalability, or feasibility.

The same is true of PED's reliance on changes to the State Equalization Guarantee (“SEG”), including increases to the at-risk index and the addition of English Learner factors. Defs.’ Ex. P, 1-2. Those adjustments are not tied to any analysis of what it actually costs to educate at-risk students. Without a cost study, there is no basis to conclude that a 0.33 or 0.40 weighting factor meets the needs identified by this Court. As Plaintiffs’ Objections expert Dr. Kelly explains, adequacy cannot be inferred from aggregate funding levels or formula changes untethered to student-level costs. *See* Pltfs.' Objections, Ex. 2. When adequacy measures are properly applied using current data, substantial funding shortfalls remain across a majority of districts, particularly those serving the highest concentrations of at-risk students. *See id.* Aggregate increases obscure those disparities; they do not resolve them. *See* Pltfs.’ Rsp., Ex. 4, Memorandum from Dr. Matthew Gardner Kelly, Reply to PED Response to Expert Report (April 19, 2026).

PED's reliance on the 2008 AIR study, rejected as an appropriate measure by this Court, (PED Rsp. at 32-33) fares no better. That study predates the Court's liability findings, is based on outdated standards, was rejected by the Court after trial, and was never designed to assess the

cost of remedying the specific constitutional violations at issue here. More fundamentally, PED's use of inflation-adjusted statewide aggregates reflects a basic methodological error. Adequacy is not a statewide average; it is a determination tied to the needs of actual students in actual districts. Without current, district-level cost analysis, the State cannot demonstrate that its funding system delivers sufficient resources where they are required. *See* Pltfs.' Rsp., Ex. 4.

Finally, rather than respond to Plaintiffs' showing that the Plan lacks a cost estimate for full implementation of NMIEA, PED points to the \$30 million appropriation to the Indian Education Fund. PED Rsp., Ex. P at 2. PED asserts that increased Indian Education Fund distributions to Tribes may present a capacity challenge to Tribes and describes the Indian Education Division's monitoring and approval process for disbursements to address such a potential challenge. PED Rsp., Ex. P at 2. Yet the Plan, and PED's response, are silent on how PED will hold districts accountable for whether and how they use their \$4.5 billion SEG funding to meet Native students' needs, and how it will hold itself accountable for building the capacity of either Tribes or districts. Nor does PED identify any analysis linking funding levels to Native students' programmatic, service, and support needs or expected outcomes. Its response therefore confirms, rather than resolves, the absence of a system for aligning resources with constitutional obligations and the NMIEA requirements.

E. The Plan Lacks Durability, Accountability, and Implementation Architecture

PED's response inadequately addresses the concerns about the time frame to implement the Plan set forth in Plaintiffs' Objections, at 12, 29, 38, 39, 43, 45, 49, 50, 52. PED asserts (without support) that three years is a sufficient timeframe to resolve this litigation and implement a remedy.⁷ *See* PED Rsp. at 9, 35. That assertion is contradicted by both the record

⁷ PED's reliance on *Jackson v. Los Lunas Ctr. for Persons with Developmental Disabilities*, 880 F.3d 1176 (10th Cir. 2018), is misplaced. *Jackson* addressed termination of a consent decree and evaluates whether *implemented reforms* had achieved sustained compliance with federal law, not whether a proposed remedial plan is sufficient in the first instance. *Id.* at 1202–07. It therefore

and PED's own planning frameworks, which recognize that meaningful educational reform requires sustained, multi-year implementation. This absence of a long-term structure is particularly significant in the context of systemic reform. Addressing entrenched inequities and the lack of programs, services and trained teachers in at-risk students' classrooms requires sustained, multi-year implementation that accounts for institutional change, capacity building, and continuous improvement. A plan limited to short-term actions, without defined phases or long-term benchmarks, cannot achieve that transformation.

CONCLUSION

The Plan contains no phased implementation strategy, no long-term benchmarks, and no mechanism to sustain reforms. It also lacks basic implementation infrastructure: it does not assign responsibility, establish timelines, or define measurable outcomes. These substantial defects are not isolated gaps. They reflect a Plan that is not designed to remedy the constitutional violations this Court has already found. PED's Plan does not target the student groups at the center of this case; it does not implement the statutory frameworks that help define adequacy in New Mexico; it does not provide a coherent statewide system of programs and services; it does not identify or secure the resources required to carry out its proposals; it does not incorporate meaningful governance by affected communities and Tribal governments; and it does not establish enforceable mechanisms for implementation or accountability.

PED's response does not identify any aspect of the Plan that cures these deficiencies. Instead, it relies on general descriptions and prospective efforts without demonstrating how the Plan establishes enforceable commitments or produces measurable outcomes. For that reason, PED fails to show that the Plan provides a workable path to compliance or satisfies the State's

does not relieve the State of its burden to demonstrate that its proposed remedy will achieve compliance. Rather, *Jackson* underscores that relief may be lifted only after compliance is demonstrated in practice and is likely to be sustained.

burden to present a remedy that will cure the constitutional violations at issue.

Plaintiffs' Joint Motion for Further Relief, filed contemporaneously with these Objections and Reply, offers a way out of PED's Plan failure. Plaintiffs request that the Court order the relief sought in that Motion.

Respectfully submitted,

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*Attorneys for Yazzie Plaintiffs other than
The Gallup-McKinley School District*

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2026, a true copy of this Reply was e-filed and served through the Court's e-filing system upon counsel of record.

/s/ Daniel Yohalem

Daniel Yohalem

Curriculum Vitae Susana Ibarra Johnson, Ph.D.

Assistant Professor, Department of Curriculum and Instruction
School of Teacher Preparation, Administration & Leadership
College of Health, Education, and Social Transformation, New Mexico State University
sijohnso@nmsu.edu

ACADEMIC HISTORY

Ph.D. The University of New Mexico 2013
Major Field: Language, Literacy and Sociocultural
Studies
Minor Field: Bilingual Education/TESOL

Dissertation Title: *Dual Language Teachers' Changing Views of Spanish Literacy
Teaching and Learning as Influenced by Critical Dialogue*

Recognition of the Doctoral Dissertation Defense Passed with Distinction at the University of New Mexico

Recognition of the Doctoral Comprehensive Examination Passed with Distinction at the University of New Mexico

M.S. Texas A & I University 1993
Main Field: Bilingual
Education

B.S. University of Texas San Antonio
1990 Main Field: Physical Education
Minor Field: Bilingual Education

Credentials

New Mexico Public Education Department
Level Three A Instructional Leader K-8 Elementary License
with Endorsement in TESOL and Bilingual Education
License Number: 275751
Expires: June 30, 2025

Texas A&I University, Kingsville, School of Education, Kingsville, TX.
Bilingual Education Specialist Credential

University of Texas San Antonio, School of Education, San Antonio,
TX. All-Level Physical Education Grades PK-12

Language

Fluent in Spanish and English, both oral and written skills

EMPLOYMENT HISTORY

University Professional Experience

- 2020 – present Assistant Professor, Department of Curriculum and Instruction, School of Teacher Preparation, Administration and Leadership, College of Health, Education, and Social Transformation, New Mexico State University, Las Cruces, NM
- 2013 – 2019 Adjunct Faculty, College of Education, Department of Language, Literacy and Sociocultural Studies, University of New Mexico, Albuquerque, NM
- 2013 – 2014 Bilingual Researcher, World-Class Instruction Design and Assessment (WIDA) Consortium, Wisconsin Center Education Research, College of Education, University of Wisconsin, Madison, WI
- 2009 – 2013 Senior Consultant, WIDA Consortium, Wisconsin Center of Education Research, College of Education, University of Wisconsin, Madison, WI
- 1995 – 1997 Physical Education Lecturer, Al Akhawayn University, Ifrane, Morocco
- 1993 – 1995 Track and Field Consultant, International Sports Federation, Antananarivo, Madagascar
- 1991 – 1993 Track and Field and Cross-Country Assistant Coach, Texas A&I University, Kingsville, TX

K-12 Professional Experience

- 2018 – 2020 Biliteracy Specialist, Department of Language and Cultural Equity, Albuquerque Public Schools, Albuquerque, NM
- 2016 – 2018 Director of Bilingual Multicultural Education and Title III Programs, Bernalillo Public Schools, Bernalillo, NM
- 2013 – 2016 Lead Developer of the Academic Language Development for ALL (ALD4ALL) project directed by the Bilingual Multicultural Education Bureau of the New Mexico Public Education Department. A project funded by the W.K. Kellogg Foundation.
- 2003 – 2009 Bilingual Resource Teacher, Department of Language and Cultural Equity, Albuquerque Public Schools, Albuquerque, NM
- 2000 – 2003 Third Grade Dual-Language Bilingual Education Teacher, Lavaland Elementary School, Albuquerque Public Schools, Albuquerque, NM

- 1998 – 1999 Sixth Grade English as a Second Language (ESL) Teacher, Tomas Rivera Middle School, Val Verde Unified, School District, Perris, CA
- 1997 – 1998 Fourth Grade Bilingual Education Teacher, Desert Sands Unified School District, Indio, CA
- 1990 – 1991 Physical Education Teacher, Odem Independent School District, Odem, TX

RESEARCH INTERESTS AND EXPERTISE

- Qualitative Methodology: Case study and Participatory Action Research
- Pedagogical practices of Bilingual Education and Teaching English to Speakers of Other Languages (TESOL)
- Implementation of Translanguaging and Dynamic Bilingualism in Bilingual Education and TESOL contexts with Latino/a/x and Chicano/a/x Students in Hispanic-Serving and Hispanic-enrolling Institutions
- Curriculum Development of Bi/literacy Assessment, Methods, and Practices

HONORS & AWARDS

11. Recipient of the 2025 American Association of Hispanics in Higher Education **Best Scholarly Paper**: Moving from Theory to Practice: Institutionalizing Equity, Inclusion, and Diversity at an HSI/MSI, Land Grant University
10. Recipient of the 2025 Association of Bilingual Education New Mexico (ABENM) University Bilingual Education **Professor of the Year**
9. Recognition of Appreciation for Service from American Educational Research Association (AERA) for serving two years in the Mentoring Working Group
8. Recognition of Appreciation for Service from New Mexico Public Education Department for serving seven years in the Bilingual Multicultural Education Advisory Council
7. Recipient of the W.K. Kellogg Foundation Grant. Dynamic Biliteracy: Leveraging Biliteracy and Structured Literacy. P-6021951-2024. \$250,000
6. Recipient of the New Mexico Public Education Grant for Coordinating and Teaching the NMSU Summer Spanish Immersion Course. \$10,000
5. Recipient of the 2023 Patricia Christmore Faculty **Teaching Excellence Award**

4. Nomination of the May 2023 **Unsung Hero Faculty** by NMSU Provost Alan Shoho
3. Recipient of the 2022 AESA **Critics Choice Book Award** for Encyclopedia of Critical Understandings of Latinx and Global Education. Brill Publisher
4. **Distinguished Member** of The Teaching Academy 2021
1. Recipient of College of Education Emerging Scholars Initiative 2021

SCHOLARSHIP & CREATIVE ACTIVITY

Peer-reviewed Journal Papers – Published

7. Caires Hurley, J., Dougherty, J., & Johnson, S.I. (2024). A Conceptual Framework Supporting Translanguaging Pedagogies in Secondary Dual-Language Programs. *Education Sciences*, 14(10), 1052. <https://doi.org/10.3390/educsci14101052>
6. Armijo Romero, M & Johnson, S.I. (2025). Des-bordando paredes/Dismantling Walls and Embroidering care: Preparing Educators for Bilingual and Multiliteracy Education in US/Mexico Transborder Regions. *Multilingual Educator*, 59 - 62.
5. Jurado, M, Johnson, S.I., Lopezleiva, C., Begay, B., Armijo-Romero, M., Garza Ayala, A., Ames- Brown, S., Neves, A., & Valdez, E. (2023). Educators Rising New Mexico and PDK International Educators Rising a Working Revolution. *Kappan*, 1-10.
4. Johnson, S.I., & García, O. (2023). Siting biliteracy in New Mexican borderlands. *Journal of Latinos and Education*, 22(5), 1913-1928.
3. Neville, M., & Johnson, S. I. (2022). “My literacies expand over two languages”: Language and literacy autobiographies as justice-oriented teacher education. *Journal of Adolescent & Adult Literacy*, 66(2), 111-121. IRB Project ID 21638
2. Johnson, S.I. (2022). Leveraging translanguaging through biliteracy: A wide-angle view of literacy with linguistically diverse students. *California Association for Bilingual Education. Multilingual Educator*, 49-
1. Johnson, S.I. (2021). A Chicana borderlander maestra teaching without fronteras. *California Association for Bilingual Education. Multilingual Educator*, 69 – 72.

Peer-reviewed Book—Published

3. Seltzer, K., Johnson, S.I., & García, O. (2025). *The translanguaging classroom: Leveraging student bilingualism for learning* (2nd ed.). Brookes Publishing. IRB Project ID 21638

Peer-reviewed Edited Book—Published

1. **Johnson, S.I.**, Armijo, M., & Jurado, M. (Eds.). (2024). *Cultivating the pedagogy of translanguaging for K- 12 transformative education: Approaches, activities, and strategies for students and teachers*. Velázquez Press. IRB Project ID 21638

Peer-Reviewed Book Chapters—Published

4. **Johnson, S.I.**, Jurado, M., Orozco, M., & Trujillo, M. (2023). *Transladoras sin fronteras: Merging linguistic*

borderlands to take up students' translanguaging corriente. In Z. Tian & L. Shepard-Carey (Eds), *(Re)imagining the future of translanguaging pedagogies in classrooms through researcher-practitioner collaboration*. (pp. 17-41). *Multilingual Matters*.

3. **Johnson, S.I.** (2022). Integrating Latinx emergent bilingual students' life-world knowledges: Types of student knowledges and promising pedagogies. In Medina, Y. & Machado-Casas, M. *Encyclopedia of Critical Understandings of Latinx and Global Education*. (pp. 154-178). Brill Publisher.
2. **Johnson, S.I.** (2021). Cultivating pedagogical clarity: Dual-language bilingual education teachers' changing views of literacy practices as influenced by critical dialogue. In K.E. Espinoza and M. Machado-Casas (Eds.), *Handbook of Latinos and Education: Theory, Research, and Practice* (2nd ed). (pp 365-382). Routledge.
1. **Johnson, S.I.,** García, O., & Seltzer, K. (2019). Biliteracy and translanguaging in dual language bilingual education. In D.E. DeMattews & E. Izquierdo, *Dual language education: teaching and leading in two languages* (pp. 119-132). Springer.

Peer-Reviewed Invited Book Reviews– Published

1. **Johnson, S.I.** (2022). The shoulders we stand on: A history of bilingual education in New Mexico, by Blum Martinez, R. & Habermann López, M.K. [Book review]. *Language Policy*.

Peer-Reviewed Invited Interviews – Published

3. **Johnson, S.I.** (2021). Creating a Climate of Belonging and an Inclusive School Community. WIDA Eworkshop School Improvement Planning for Multilingual Learners, Voices from the Field. WIDA Consortium, Wisconsin Center of Education Research, College of Education, University of Wisconsin, Madison, WI.
2. **Johnson, S.I.** (2021). Conversations with Tim: Talking about Translanguaging. WIDA Consortium, Wisconsin Center of Education Research, College of Education, University of Wisconsin, Madison, WI. Retrieved from [listening option](#)
1. **Johnson, S.I.** (2019). *The translanguaging classroom: Leveraging student bilingualism for learning*. University of Nebraska – Lincoln. International Consortium for Multilingual Excellence in Education (ICMEE). Retrieved from <https://mediahub.unl.edu/media/11240>

Research in the Media—Published

5. Johnson, S.I. (2024). Invited Featured Speaker. *Critical Metalinguistic Awareness Conversations* Savvas Publishing. Webinar Presentation. IRB Project ID: 2402108942
4. **Johnson, S.I.** (2024). **Invited Featured Speaker.** *Leveraging Biliteracy and Structured Literacy to Promote Linguistically Responsive*. MDRC. Webinar Presentation. IRB Project ID: 2402108942
3. Neville, M & **Johnson, S.I.** (2023). “My Literacies Expand Over Two Languages”: Language and Literacy Autobiographies as Justice-Oriented Teacher Education with Dr. Neville and Dr. Johnson. *Journal of Adolescent Literacy (JAAL)* Podcast <https://podcasts.apple.com/us/podcast/journal-of-adolescent-adult-literacy-podcast/id1678225245?i=1000611549994>
2. **Johnson, S.I.** Effective Reading Must Be Drawn from the Students' Socio-cultural Experiences, Multilingualism & Funds of Knowledge. National Committee for Effective Literacy (NCEL), Effective Reading Podcast: <https://caltog.co/Episode13>

1. Seltzer, K. & **Johnson, S.I.** (2022). A Translanguaging Pedagogy: Working Towards Equity and Social Justice for Bilingual Students. EdWebinar: <https://home.edweb.net/webinar/ell20221205/>

Peer-reviewed Journal Paper and Chapter—In Press

Johnson, S.I. & Castro, M. (In Press). Speaking your truth: Teacher journeys toward language heteroglossic ideologies. In Gort, M., Gomez, M., & Seltzer, K. *Translanguaging Perspectives on Writing Development and Pedagogy: Learning from Findings Across Contexts*. Multilingual Matters. IRB Project ID 2020-1183

García, S. & **Johnson, S.I.** (In Press). Anchoring Translanguaging Theory in our own Testimonios. In *Theories, Models, and Practices of Literacy (TMPL)*, Misty Sailors, Idalia Nuñez, Vaughn W. M. Watson, James V. Hoffman, & Donna Alvermann. 8th Edition. Routledge.

Flores Carmona, J., Scholz, T. M. L., & **Ibarra Johnson, S.** (In press). Moving from Theory to Practice: A Relational, Experiential, and Reciprocal Approach. *The Journal of Hispanic Higher Education*.

Peer-reviewed Journal Papers—Submitted

Johnson, S.I. (Submitted proposal October, 2024). Integrating Ethnic, Cultural, and Identity Studies with Translanguaging Juntos to Cultivate Critical Outlooks in Dual-Language Bilingual Education. Peabody Journal of Education Special Topics Issue.

Flores Carmona, J., Scholz, T. M. L., & **Ibarra Johnson, S.** (Submitted and accepted proposal May 2025). Special Issue Title: Testimonio Exemplars in Academia: The Theory, the Method, the Pedagogy and the Call for Epistemic Justice. In *Storytelling, Self, Society: An Interdisciplinary Journal of Storytelling Studies*.

PRESENTATIONS

Peer-Reviewed National or International

22. **Johnson, S.I.**, Armijo-Romero, M., & Jarmillo, J. (2025). Enacting Dynamic Biliteracy Instruction: Unpacking the Implementation Gap. Paper accepted at the annual conference of the American Educational Research Association (AERA), Denver, CO.

21. **Johnson, S.I.** (2025). **Invited Featured Speaker.** The Translanguaging Classroom: Leveraging Students Bilingualism in a University Context. Hispanic Serving Institution Institute at Western New Mexico University. Silver City, NM.

20. **Johnson, S.I.** & Nuñez, I. (2025). Mentoring through the Path of Conocimiento. Mentoring Session for Bilingual Education Research Special Interest group accepted at the annual conference of the American Educational Research Association (AERA), Denver, CO.

19. Flores-Carmona, J., Scholz, L., **Ibarra Johnson, S.**, & Ortega, M. (2025). Reflexión y Acción: Institutionalizing Equity, Inclusion, and Diversity at an HSI/MSI, Land Grant University. American Association of Hispanics in Higher Education (AAHHE), Denver, CO.

18. **Johnson, S.I.** (2024). **Invited Keynote.** *Cultivating a Pedagogy of Translanguaging: Working toward Respeto and Social Justice for Bilingual Students*. La Cosecha Conference. Santa Fe, NM.

17. **Johnson, S.I.** (2024). **Invited Featured Speaker.** *Cultivating a Pedagogy of Translanguaging Working*

towards Equity and Social Justice for Bilingual Students. Renaissance Publishing Bilingual Cohort. Online Presentation.

16. **Johnson, S.I. & Castro, M.** (2024). Speaking your truth: Teacher journeys toward language heteroglossic ideologies. NCTE Annual Conference. Boston, MA. IRB Project ID 2020-1183
15. **Johnson, S.I.** (2024). **Invited Featured Speaker.** *Critical Metalinguistic Awareness Conversations* Savvas Publishing. Webinar Presentation. IRB Project ID: 2402108942
14. **Johnson, S.I.** (2024). **Invited Featured Speaker.** *Leveraging Biliteracy and Structured Literacy to Promote Linguistically Responsive.* MDRC. Webinar Presentation. IRB Project ID: 2402108942
13. **Johnson, S.I.** (2024). *Bringing Ethnic, Cultural, and Identity Studies with Translanguaging Juntos to Cultivate Critical Dispositions in Dual-Language Bilingual Education.* Paper accepted at the annual conference of the American Educational Research Association (AERA), Philadelphia, PA.
12. Johnson, S.I. (2024). Invited Discussant. ‘Hasta La Raíz’: Rooting Justice-Centered Dual Language Bilingual Education in Illinois. Paper accepted at the annual conference of the American Educational Research Association (AERA), Philadelphia, PA.
11. García, S., Nuñez, I., & **Johnson, S.I.** (2024). AERA Bilingual Education Research Special Interest Group the Mentoring Work Group. *Cultivando Comunidad: Testimonios as Mentorship.* Paper accepted at the annual conference of the American Educational Research Association (AERA), Philadelphia, PA.
10. **Johnson, S.I.** (2023). **Invited Keynote.** *Bringing Ethnic, Cultural, and Identity Studies with Translanguaging Juntos to Cultivate Critical Dispositions.* Inaugural Translanguaging Institute. Albuquerque, NM.
9. **Johnson, S.I.**, Jurado, M., & Armijo, M. (2022). *Estrategias Translingüísticas para Estudiantes Transfronterizos en los Contextos Escolares K-12.* XVIII Foro de Estudios en Lenguas (FEL) Internacional. Cozumel, Quintano Roo, Mexico.
8. **Johnson, S.I.** (2022). *Changing Paradigms and Practices in Teacher Preparation in Support of Emergent Bilinguals.* Paper accepted at the annual conference of the American Educational Research Association, San Diego, CA.
7. Neville, M. & **Johnson, S.I.** (2022). *My Literacies Expand Over Two Languages.* Paper accepted at the annual conference of the American Educational Research Association, San Diego, CA.
6. **Johnson, S.I.** (2022). **Invited Featured Speaker.** *Translanguaging Biliteracies with Purpose, Process, and Outcome.* Presentation for California Association of Bilingual Education (CABE). Virtual Meeting.
5. **Johnson, S.I.**, Wise, C., Contreras, C., & Lopez, A. (2021). *More Than Our Positionality: The Arduous Work of Truly Being “Hispanic Serving” in the Borderlands and Beyond.* Paper accepted in the annual conference of the 2021 Latinx Connect Conference, Virtual Meeting.
4. **Johnson, S.I.** (2021). *Transladoras Sin Fronteras: Merging Linguistic Borderlands to Take Up Students Translanguaging Corriente.* Paper accepted at the annual conference of the American Educational Research Association, Virtual Meeting.

3. **Johnson, S.I.** (2021). *Transladoras Sin Fronteras: Merging Linguistic Borderlands to Take up Students Translanguaging Corriente*. Paper accepted at the American Association for Applied Linguistics, Virtual Meeting.
2. **Johnson, S.I.** (2020). **Invited Featured Speaker.** *Assessment for Learning*. EWorkshop for National English Program, Juarez, Chihuahua, MX. ProNI - 3era sesión curso inducción. Virtual Meeting.
1. **Johnson, S.I.** (2020). **Invited Featured Speaker.** *Creating a Climate of Belonging and an Inclusive School Community*. EWorkshop invited for WIDA School Improvement Planning for Multilingual Learners: Voices from the Field. Virtual Meeting.

Peer-Reviewed Regional and State

41. **Johnson, S.I.** and Armijo-Romero, M. (2025). **Invited Featured Speaker.** Leveraging Biliteracy and Structured Literacy to Promote Linguistically Responsive Instruction & Assessment. New Mexico Assessment, Research, Evaluation & Accountability (AREA) Fall Conference. Albuquerque, NM.
40. **Johnson, S.I.** (2025). **Invited Keynote Speaker.** The Translanguaging Classroom: Leveraging Students Bilingualism. Multilingual Education and Dual Language Institute (MEDLI). Las Vegas, NV.
39. **Johnson, S.I.** (2025). **Invited Keynote Speaker.** Cultivating a Pedagogy of Translanguaging: Working toward Social Justice for Bilingual Students in TESOL Context. Florida Association for Bilingual Education (FABE). Clearwater, FL.
38. **Johnson, S.I.** (2025). **Invited Keynote Speaker.** (2025). Cultivating a Pedagogy of Translanguaging: Working toward Social Justice for Bilingual Students. Dual Language Symposium. Anderson University, Chicago, IL.
37. **Johnson, S.I.**, Armijo-Romero, M., & Jaramillo, J. (2025). Enacting Culturally and Linguistically Responsive Dynamic Biliteracy Instruction: Unveiling the Implementation Gap. Association of Bilingual Education New Mexico (ABE_NM), Albuquerque, NM.
36. **Johnson, S.I.** (2025). **Invited Featured Speaker.** Translanguaging & Early Childhood. Project RISE Retreat. Cloudcroft, NM.
35. **Johnson, S.I.** (2025). **Invited Guest Lecture.** Creating a Translanguaging Space: Building the Foundation: Theory and Practice. Guest Speaker at Dr. Carlos Irizarry Speech and Hearing Sciences Department at the University of New Mexico on culturally responsive practices to undergraduate and graduate.
34. **Johnson, S.I.** (2025). **Invited Featured Speaker.** Cultivating a Pedagogy of Translanguaging: Working Towards Respecto and Social Justice for Bilingual Student. California Association for Bilingual Education (CABE). Long Beach, CA.
33. **Johnson, S.I.** (2024). **Invited Keynote.** *A Translanguaging Pedagogy Working towards Equity and Social Justice for Bi/Multilingual Students*. Minnesota TESOL Conference. Saint Paul, MN.
32. **Johnson, S.I.** (2024). **Invited Keynote.** *Cultivating the Pedagogy of Translanguaging for K-12 Transformative Education*. Dual Language Institute, California Association for Bilingual Education (CABE). San Diego, CA.
31. **Johnson, S.I.** (2024). **Invited Keynote.** *Translanguaging and Dual Language Bilingual Education: A Perfect Match*. Santa Fe Public Schools Bilingual Education Conference, Santa Fe, NM.

30. **Johnson, S.I.** (2024). **Invited Keynote.** *Borderlands Biliteracy: How Translanguaging Shapes Understandings of Biliteracy Development.* ¡Adelante! Austin Area Association for Bilingual Education. Austin, TX.
29. **Johnson, S.I.** (2024). **Invited Keynote.** *Translanguaging and Dual Language Bilingual Education: A Perfect Match.* 2024 Florida Association for Bilingual Education (FABE). Florida International University, Miami, FL.
28. **Johnson, S.I.** (2024). **Invited Keynote.** *Cultivating the Pedagogy of Translanguaging for K-12 Transformative Education.* New Mexico Association for Bilingual Education. Albuquerque, NM.
27. **Johnson, S.I.** (2024). **Invited Featured Speaker.** *Borderlands Biliteracy: How Translanguaging Shapes Understandings of Biliteracy Development.* California Association for Bilingual Education (CABE). Anaheim, CA.
26. **Johnson, S.I. & Fahrenbruck, M.** (2024). **Invited Featured Speaker.** *Enacting Culturally and Linguistically Responsive Bi/Literacy Instruction: Unveiling the Implementation Gap.* New Mexico Highlands University Problem of Practice Institute, Las Vegas, NM.
25. **Johnson, S.I.** (2024). *Cultivating a Pedagogy of Translanguaging Working towards Equity and Social Justice for Bilingual Students.* Salem-Keizer Public Schools Professional Development Conference. Salem, Oregon.
24. **Johnson, S.I.,** Cisneros, V., & Garza-Ayala, A., & Lucero, M. (2023). *Let's Be Positive Interrupters! Full Implementation of the Bilingual Multicultural Education Act.* La Cosecha Conference. Albuquerque, NM.
23. Flores, B., Ruiz, N., **Johnson, S.I.,** & Diaz, E. (2023). *Teaching Foundational skills Using the Name Game, Interactive Dialogue Journals, & Mini-Shared Reading.* La Cosecha Conference. Albuquerque, NM.
22. **Johnson, S.I.,** Armijo, M., & Jurado, M. (2023). *Cultivating the pedagogy of translanguaging for K-12 transformative education.* La Cosecha Conference. Albuquerque, NM.
21. **Johnson, S.I.** (2023). **Invited Keynote.** *Bringing Ethnic, Cultural, and Identity Studies with Translanguaging Juntos to Cultivate Critical Dispositions.* New Mexico Association for Bilingual Education (NMABE). Albuquerque, NM.
20. **Johnson, S.I.** (2023). **Invited Keynote.** *Borderlands Biliteracy Approach.* New Mexico Association for Bilingual Education (NMABE). Las Cruces, NM.
19. **Johnson, S.I.** (2023). **Invited Featured Speaker.** *Borderlands Biliteracy Approach.* Texas Association for Bilingual Education (TABE). McAllen, TX.
18. **Johnson, S.I.** **Invited Featured Speaker.** *Translanguaging Across Biliteracy Instructional Practice: Teacher Testimonios Countering Current Literacy Practices.* (2023). Presentation for California Association for Bilingual Education (CABE). Long Beach, CA.
17. **Johnson, S.I.,** Valenzuela, E., Cisneros, V., Brewer, P., Martinez, S., Martin, S., & Olague, N. (2022) *Widening the Lens: Key Understandings Between Science of Reading (SoR) and Biliteracy Pedagogies Panel.* Presentation for New Mexico Association for Bilingual Education (NMABE). Albuquerque, NM.

16. **Johnson, S.I.** Kew, K., & Wang, W. (2022). *Revitalizing the Border Walking Journal: A Multilingual and Multicultural Outlet for Sharing Your Scholarly and Creative Work*. Presentation for New Mexico Association for Bilingual Education (NMABE). Albuquerque, NM.
15. **Johnson, S.I.** 2022. **Invited Featured Speaker.** *Cultivating Pedagogical Clarity: Dual-Language Bilingual Education Teachers' Changing Views of Literacy Practices as Influenced by Critical Dialogue*. Presentation for 2022 IDRA EAC-South Convening. Virtual Meeting
14. Begay, B. & **Johnson, S.I.** (2022). *Biliteracy and Oral Language Development (BOLD)*. Presentation for the 6th Annual Indigenous Education Research Conference 2022. Virtual Meeting.
13. **Johnson, S.I.** (2022). **Guest Panelist.** *Translanguaging Strategies for Bi/multilingual Students*. Proceedings Presentation for Students with Limited or Interrupted Formal Education Conference 2022. Philadelphia, PA.
12. **Johnson, S.I.** & Garza Ayala, A. (2021). *Linguistic and Literacy Justice for K-12 Marginalized Students through Biliteracies*. Presentation for La Cosecha Conference 2021. Albuquerque, NM.
11. Flores, B.M & **Johnson, S.I.** (2021). *Teaching English Language Arts "Foundational Skills" to Our K-2 English language learners: What? How? When? Why?* Presentation for La Cosecha Conference 2021. Albuquerque, NM.
10. **Johnson, S.I.** & Olague, N. (2021). **Workshop Facilitator.** *Translanguaging Allocation for Dual Language Bilingual Education*. Pre-Institute Meeting for La Cosecha Conference. Virtual Meeting.
9. **Johnson, S.I.** (2021). **Invited Featured Speaker.** *Developing a Translanguaging Stance: Juntos Core Beliefs*. WIDA Early Childhood Teachers Meeting for Early Years State Networking Meeting. Virtual Meeting.
8. **Johnson, S.I.** & Olague, N. (2020). *Pre-Institute. Implementing a Translanguaging*. La Cosecha Conference 2020. Virtual Meeting.
7. **Johnson, S.I.** (2020). **Guest Panelist.** *WIDA Español's Spanish Language Arts Framework*. WIDA Español, Virtual Meeting.
6. **Johnson, S.I.** (2022). **Invited Keynote.** *The Translanguaging Classroom*. Presentation for Education Service Center 19 Sembrando El Futuro Conference 2022. El Paso, TX.
5. **Johnson, S.I.** (2022). **Invited Keynote.** *Linguistic and Literacy Justice for K-12 Marginalized Students through Biliteracies*. Educational Leaders and Administrators Meeting for Oregon Association of Bilingual Education (OABE) Conference. Virtual Meeting.
4. **Johnson, S.I.** (2022). **Invited Keynote.** *Transforming Language Allocation for Dual-Language Bilingual Education*. Bilingual Education Teachers Meeting for Oregon Association of Bilingual Education (OABE) Conference. Virtual Meeting.
3. **Johnson, S.I.** (2022). **Invited Featured Speaker.** *Implementing a Translanguaging Space*. Bilingual Education Teachers Meeting Donna Independent School District. Virtual Meeting.
2. **Johnson, S.I.** (2020). **Invited Featured Speaker.** *Critical Conversation on*

Translanguaging in Dual Language Programs. Proceedings for La Cosecha Conference 2020. Virtual Meeting.

1. **Johnson, S.I.** (2020). **Guest Panelist**. *Roundtable Discussion on Biliteracy and Structured Literacy*. Discuss Issues Related to Bilingual Education and Structured Literacy for New Mexico Public Education Department, Virtual Meeting.

Peer-Reviewed University and Community

18. **Johnson, S.I.**, Flores-Carmona, J., Ugarte, S., & Waller, W. (2024). Equity, Inclusions, and Diversity Certificate. NMSU Leads EID Goal 6.1.
17. **Johnson, S.I.** (2024). **Invited Keynote**. Biliteracy and Structured Literacy a Both and Approach. New Mexico Association for Bilingual Education and New Mexico State University Partnership. NMSU College of HEST, Las Cruces, NM.
16. **Johnson, S.I.** (2024). **Invited Featured Speaker**. Inaugural Sábado Gigante Educators' Conference Centennial High School, Las Cruces, NM.
15. Lara, D., Araujo, B., Wise, C., **Johnson, S.I.**, Valverde, M., Uribe, A., Lara, A., Martinez, K., Myers, Sanchez, V. (2024). *Collaborative Grassroots Remedies for the Martinez/Yazzie Legal Ruling*. EduRising Conference, Albuquerque, NM.
14. **Johnson, S.I.** (2023). **Featured Speaker**. *Assessment Leading to Promise: The PUMI Connection. Problems of Practice Summit*. New Mexico Highlands University. Las Vegas, NM.
11. Begay, B. & **Johnson, S.I.** (2023). *Native American English Language Learners*. Professional Development for New Mexico Educators Teaching Indigenous Student Population sponsored by the Teacher Mentorship Program Region IX Education Cooperative.
12. Araujo, B., **Johnson, S.I.**, Bodini, G., Valverde, M., & Torres, D. (2023). **Invited Facilitator**. *Critical Multicultural Social Studies and Ethnic Studies: Going Beyond Food, Fun, and Festivals*. Borderlands and Ethnic Studies (BEST) in collaboration with the New Mexico Public Education Department for New Mexico Social Studies Teachers K-12. Virtual Meeting.
11. **Johnson, S.I.** (2023). *Assessment of Emergent Bilingual Students: Implementing the Purpose, Use, Methods, and Instrument (PUMI) Framework*. Bilingual Education Meeting for New Mexico Highlands University, Bilingual Education Program. Albuquerque, NM.
10. **Johnson, S.I.** (2023). **Invited Featured Speaker**. *Different Entry Points toward Translanguaging across Contexts*. University of Massachusetts Amherst, Bilingual Hub Association. Amherst, MA.
9. **Johnson, S.I.** (2023). **Guest Speaker**. *A Translanguaging Pedagogy Working towards Equity and Social Justice for Bilingual Students*. Colorado Mountain College, Collegewide Faculty Meeting. Leadville, CO.
8. Lara, D., Araujo, B., **Johnson, S.I.**, Bodini, G., & Torres, D. (2023). **Invited Facilitator**, Borderlands and Ethnic Studies Institute (BEST) for New Mexico Social Studies Teachers in collaboration with the New Mexico Public Education Department. Las Cruces, NM.
7. **Johnson, S.I.** (2022). **Invited Keynote**. *Implementing a Translanguaging Space*. University of Arkansas English as a Second Language (ESL) Symposium. Virtual Meeting.

6. **Johnson, S.I.** (2021). **Invited Featured Speaker.** *Implementing a Translanguaging Stance.* Proceedings for San Diego State University Dual Language Conference. Virtual Meeting.
5. Lara, D., Wise, C., Araujo, B., Haynes Writer, J., **Johnson, S.I.**, Badoni, G., & Rubio, B. (2022). **Invited Facilitator**, Borderlands and Ethnic Studies Institute (BEST) for Southern New Mexico Social Studies Teachers. New Mexico State University, Las Cruces, NM.
4. **Johnson, S.I.** (2022). Invited Speaker. *El Bilingüismo Dinámico: El Translanguaging.* NMHU Spanish Summer Immersion Institute.
3. **Johnson, S.I.** (2021). Interview. *Translanguaging Pedagogy Questions.* Rhode Island College. Virtual Meeting.
2. **Johnson, S.I.** (2021). Invited Featured Speaker. *Parents of Central Consolidated School District (CCSD) Making Connections for Native American English Learners.* Workshop for Central Consolidated School District parents. Virtual Meeting.
1. **Johnson, S.I.** (2020). **Guest Panelist.** *Roundtable Discussion on Biliteracy and Structured Literacy.* Discuss Issues Related to Bilingual Education and Structured Literacy for New Mexico Public Education Department, Virtual Meeting.

RELATED PROFESSIONAL LEARNING

Bilingual Education and English Learner Professional Learning

- Attendee of La Cosecha Conference, Albuquerque, NM, 2021 – present
- Attendee of American Association for Educational Research (AERA) 2020 – present
- Attendee of New Mexico Association for Bilingual Education, 2020
- Attendee Literacy Research Association (LRA), Atlanta, GA, 2021
- Attendee Planning with the ELD Standards Two-part eWorkshop, NMPED Language and Culture Division, 2021
- Attendee American Educational Research Association (AERA) Annual Meeting San Diego, CA, 2022
- Attendee New Mexico Association for Bilingual Education (NMABE) Conference Albuquerque, NM, 2022, Multilingualism in the United States and Around the World: Current Issues and Tensions
- Attendee Quality Teaching for English Learners (QTEL), 2020

OTHER SCHOLARLY ACTIVITIES

Reviewer: Scholarly Journals or Reports

- Editorial Board, *Journal of Mujeres Activas en Letras y Cambio Social (MALCS)*, 2022 –

Present

- Editorial Board, *Journal of Content and Immersion*, 2024 – present
- Ad Hoc Manuscript Reviewer, *Journal of Mujeres Activas en Letras y Cambio Social (MALCS)*, 2022 – present
- The Translanguaging Classroom Summer Institute, Founder and Lead Organizer, 2023 – present
- Ad Hoc Manuscript Reviewer, *Journal of Latino Education*, 2021 – present
- Ad Hoc Manuscript Reviewer, Velázquez Press, 2020 – present
- Bilingualism and Biliteracy Seal Judge for Las Cruces Public Schools, 2024- present
- Manuscript Reviewer, (2025). Review of the *Journal of Social Sciences*. Reviewed “Unpacking the Performativity of Hispanic Serving Institution (HSI) Designation: Holding the University of New Mexico Accountable and Developing a Call to Action.”
- Manuscript Reviewer, (2025). Review of the *Journal of Special Education*. Reviewed “Metacognitive Monitoring and Multimodal Cueing to Support Reading Comprehension for Multilingual Students with Developmental Disabilities,”
- Manuscript Reviewer, (2024). Review of *Educational Research*. Reviewed “A Systemic Review of Research on Translanguaging in Schools Around the World.”
- Manuscript Reviewer, (2024). *LatCrit and Education: Dismantling the Norm While Creating Visibility Chapter Review*. Beyond Grit: Dismantling Deficit Ideologies and Empowering Latinx Students in Higher Education through LatCrit Analysis.
- Manuscript Reviewer, (2024). *Linguistics and Education Journal*. Latina/o/x Emergent Bilinguals’ Translanguaging in Family Literacy Practices in Texas
- Manuscript Reviewer, (2024). *Multilingual Perspective Journal*. Nidos Translingüísticos: Translanguaging as a Means of Building Community for Future Bilingual Teachers & Educational Advocates.
- Manuscript Reviewer, (2023). Review of *Educational Research*. Reviewed “A Systemic Review of Research on Translanguaging in Schools Around the World.”
- Manuscript Reviewer, (2023). *Bloomsbury Publishing Inc.* Reviewed “Translanguaging in Action: A Guide for Teachers Who Care and Dare.”
- Manuscript Reviewer, (2023). *Multilingual Matters*. Reviewed “(Re)Imagining the Future of Translanguaging Pedagogies in Classrooms through Teacher-Researcher Collaboration.”
- Manuscript Reviewer, (2023). *Journal of Special Education*. Reviewed "Identifying Effects of Translanguaging Information on Preservice Teachers’ Linguistically Equitable Decision-Making."
- Manuscript Reviewer, (2023). *Journal of Languages*. Reviewed “Bringing Translanguaging into Interpreting Studies through Exploring Deaf Interpreter’s Intralingual Practice.”

- Manuscript Reviewer, (2023). *Bilingual Research Journal*. Reviewed "Translanguaging in Multilingual University Classrooms: Effects on Students' Language Skills and Perceptions."
- Manuscript Reviewer, University of Connecticut, Content Validation for Measuring Sociocultural Competence Report, 2022
- Manuscript Reviewer, (2021). *Multilingual Matters*.
- Manuscript Reviewer, (2020). *Educational Researcher*.
- Manuscript Reviewer, (2020). *International Journal of Bilingual Education and Bilingualism*.

Ad/Hoc Reviewer: Conferences

- American Educational Research Association (AERA), Bilingual Education SIG, Proposal Review 2020 – present
- La Cosecha Conference Proposal Reviewer, 2020 – present

Research Grants & Foundation Funding

- March 2024 – 2026 (**Awarded**). WK Kellogg Grant. Dynamic Biliteracy: Leveraging Biliteracy and Structured Literacy. \$250,000.
- May 2024 (Not Funded). Submitted Office of English Language Acquisition (OELA) Professional Development Grant.
- January 2023- present (**Awarded**). Renewed Annual by the New Mexico Public Education Department. Coordinating and teaching the NMSU Summer Spanish Immersion Course. \$10,000
- January 2021 – present (**Awarded**). Renewed Annually. New Mexico Higher Education. Department (NMHED) English Language Learner (ELL) Project. Co-Investigator. \$7,000
- February 2021 - 2022 (**Awarded**). College of Education Emerging Scholars Initiative Biliteracy Pedagogy Participatory Action Research. Principle Investigator. \$5,000
- October 2021 (Not Funded). Spencer Foundation Conference Grant ID#10036509. Casualties of the Reading Wars: Redefining Literacy for Educational Equity. Co-Investigator.
- April 2022 (Not Funded). National Professional Development grant ID# 13351852. Project Culturally Responsive Education (CREE). Co-Investigator. No award.
- April 2021 (Not Funded). National Professional Development grant ID# 13351852. Project Culturally Responsive Education (CREE). Co-Investigator. No award.

Research Projects

- **Johnson, S.I.**, Armijo Romero, M., Fahrenbruck, M., & Jaramillo, J. Dynamic Biliteracy: Leveraging Biliteracy and Structured Literacy. Protocol ID 2402108942

- Caires-Hurley, J. & **Johnson, S.I.** Translingual Pedagogies in Secondary Dual Language Program. Protocol ID. 2404120859
- Castro, M. & **Johnson, S.I.** 2020 – 2023. Developing Professional Learning Communities Among Bilingual Educators. IRB Project ID 2020-1183
- **Johnson, S.I.** 2021-2023. Participatory Action Research Teachers in Bilingual Education Courses. IRB Project ID 21638
- **Johnson, S.I.** & Pando, M. 2021 -2022. Participatory Action Research with Preservice Teachers in Bilingual Education Courses. IRB Project ID 20893
- Neville, M., Pando, M., Thomas, R., Apodaca, B., & **Johnson, S.I.** 2020. Exploring Public School and University Professional Development Partnerships to Support Online Learning During the COVID-19 Pandemic. IRB Project ID 20848

TEACHING AND ADVISING

Courses Taught and/or Developed at New Mexico State University

- BLED 2110 Bilingual Methods
- BLED 5996 Special Topics in Bilingual Education: Translanguaging (Developed)
- BLED 4996/5996 Special Topics: Spanish Immersion (Developed)
- BLED 5998 Internship in Bilingual Education
- EDUC 7000 Doctoral Dissertation
- BLED 6110 Acquiring Emancipatory Discourses
- BLED 5998/RDG 598 Internship in Bilingual Education: Biliteracy Pedagogy (Developed)
- BLED 5996 Special Topics in Bilingual Education: Biliteracy Pedagogy (Developed)
- BLED 5336 Assessment in Culturally & Linguistically Responsive Teaching
- BLED 5420 Pedagogy of TESOL
- BLED 3140 Issues in Schooling for Bilingual Learners
- BLED 5320 Second Language Acquisition

Doctoral Students Supervised/Chair

Name	Comprehensive Exam /Proposal Defense Completed or Anticipated Date	Year of Anticipated Completion Date	Dissertation Title

Jaime Jaramillo	Completed and passed April 12, 2023	Anticipated 2026	Repertoires as Identity through In-Vestimientos: Translanguaging, Investment, and Positioning
Terri L. Stockberger	Completed and passed May, 2025	Anticipated December 2025	Teacher Noticings of Mathematical Discourse
Adriana Cardenas	Completed November 2024	Anticipated 2026	Testimonios from the Borderland: An Art-based Exploration of Identity, Language, and Healing among Heritage Spanish-speaking Educators.
Angelica Wortham	Anticipated February 2025	Anticipated 2026	Biliteracy Pedagogy Professional Development
Amanda Jacob	Completed November 2024	Anticipated 2026	Translanguaging: Impacting Language Learning and Honoring Identity
Brianda Tzintzan	Completed November 2024	Anticipated 2026	No Hablo Ingles: A collaborative autoethnography between immigrant adults who did not speak English as children in an all-English School.

Doctoral and Master's Students—Committees

Name	Proposal Defense Anticipated or Completion Date	Year of Anticipated or Completion Date	Degree and Concentration
Kristiaan Rawlings	December 2024	May 2025	Ph.D. in Curriculum and Instruction Concentration: Educational, Leadership & Administration
Karla Venegas University of Pennsylvania		December 2026	Ethnography of Language Policy Enactment in Albuquerque, NM Dual-Language Early-Education Settings
Lionell Manlutac	May 2023	Completed November 2023	Ph.D. in Curriculum and Instruction Concentration: Educational, Leadership & Administration
Ignosencia Vasquez Campos	March 2023	Completed June 2023	Ph.D. in Curriculum and Instruction Concentration: Language, Literacy & Culture
Michelle Horton	November 2022	Completed 2024	Ph.D. in Curriculum and Instruction Concentration: Critical Pedagogies
Maha Migadi	November 2022	Completed March 2023	Ph.D. in Curriculum and Instruction Concentration: Educational Technology
Abdulafreez Oladeele		Completed Masters Non-Thesis Exam May 2023	Ph.D. in Curriculum and Instruction
Yvonne Martinez		Anticipated 2025	Ph.D. in Curriculum and Instruction Concentration: Language, Literacy & Culture

Laura Pargas	May 2023	Completed December 2023	Ph.D. in Curriculum and Instruction Concentration: Language, Literacy & Culture
Tamera Gilmartin	November 2022	Completed May 2023	Ph.D. in Curriculum and Instruction Concentration: Educational Technology
Ruth Montgomery	May 2021	Anticipated May 2025	Ph.D. in Language, Literacy & Sociocultural Studies Concentration: Bilingual Education
Norma Monsivais Diers	April 2020	Completed Ph.D. in Literacy, Language, and Culture in the Graduate College of the University of Illinois Chicago	Ph.D. in Literacy, Language, and Culture in the Graduate College of the University of Illinois Chicago

SERVICE

University Service

- Director Equity, Inclusion, and Diversity (EID) for College of HEST 2023. Representing College of HEST at the University level to serve in a working group for the NMSU EID Goal. Lead by Vice President of EID Dr. Linda Scholz
- Co-Chair: Bilingual Multicultural Education Advisory Council for the NMPED Bilingual Multicultural Education Act, 2017 – 2025
- Facilitator and Developer of the New Social Studies Summer Institute and Website, NMSU Borderlands and Ethnic Studies Department (BEST), 2023 – 2024
- New Mexico Higher Education Department English Learner Work Group grant collaboration with WMNU, NMHU and UNM, and NMSU, 2021 – present
- New Mexico Higher Education Department/NMPED House Memorial 18 Workforce Task Force Subcommittee, 2021 – 2023
- Educators Rising Taskforce for PDK Educators Rising New Mexico Grant, 2022 – 2023
- Facilitator, New Social Studies Writing Institute, NMSU Borderlands and Ethnic Studies Department (BEST), 2022
- Presenter at the New Social Studies Writing Institute Showcase, NMSU Borderlands and Ethnic Studies Department (BEST), 2022

- Hispanic Faculty/Staff Drive-Thru Stole Ceremony 2022
- Femtoring/Mentoring Program: December 2021 – 2023
- Judge NMSU Research and Creativity Week, posters and talks November 2020-2021

College Service

- Director Equity, Inclusion, and Diversity (EID) for College of HEST 2023. Representing College of HEST in a working group for the NMSU EID Goal Lead by Vice President of EID Dr. Linda Scholz
- Co-Chair of the College of Health, Education, and Social Transformation Diversity Council: 2023 – 2025
- Faculty Affiliate of the Project Rise Initiative 2023- - present
- Border Walking Journal Committee, 2022 – present
- Chair of the College of Health, Education, and Social Transformation Diversity Council: 2021 – 2023
- College of Health, Education, and Social Transformation (CHEST) Mentor Program: October 2021 – 2022

Departmental And/or School Service

- Language, Literacy, and Culture Assistant Professor Search Committee, 2024.
- Bilingual/TESOL Education Program Coordinator August 2022 – present
- Borderlands and Ethnic Studies (BEST) Unit/Lesson Plan Work Group, 2022 – 2025
- National Committee for Effective Literacy Committee Member
<https://multilingualliteracy.org/about/> , 2021 – present
- TEP Interview Team for Elementary Education: September 2020 – present
- TEP Reviews: August 2020 – present
- Master's Exam reviews: October 2020 – present
- Undergraduate Degree Program Faculty: Elementary Education: 2020- present
- Graduate Degree Program Faculty: Bilingual/TESOL Education: 2020 – present
- Inlier Advisory Board Member <https://www.inlierlearning.com>, 2022 – 2023

- Bilingual/TESOL Education Assistant Professor Search Committee, 2022-2023

LEADERSHIP

University

- Director Equity, Inclusion, and Diversity (EID) for College of HEST 2023. Representing College of HEST at the University level to serve in a working group for the NMSU EID Goal. Lead by Vice President of EID Dr. Linda Scholz
- Co-Chair of the College of Health, Education, and Social Transformation Diversity Council: 2023 – 2025
- College of HEST Executive Leadership Council (ELC) Member: 2022- 2024

National Professional Organization

- National Association for Bilingual Education (NABE) 2014 - present
 - Elected Executive Board Member of the National Association for Bilingual Education (NABE)
- American Educators Research Association (AERA) 2000 – present
 - Elected Commutations Chair of the American Educational Research Association (AERA) Bilingual Education Research Special Interest Group Mentoring Working Group
 - Co-Chair of the American Educational Research Association (AERA) Bilingual Education Research Special Interest Group Mentoring Working Group
- Member of the Biliteracy Leaders Cohort at Renaissance, 2024 – present

New Mexico Associations/Legislature

- New Mexico Association for Bilingual Education (NMABE) 2014 – present
 - Elected Vice President of the New Mexico Association for Bilingual Education
- Member of the Steering Committee for Transform Education New Mexico (TeNM) Coalition in Writing the New Mexico Higher Education Bills 2023- present
- New Mexico State Legislative Leadership, Content Writer for the Bilingual Multicultural Education Act Memorial, 2022 – 2023
- New Mexico Legislative Finance Committee, collaborator with Dr. Janelle Taylor García, Program Evaluator for New Mexico Legislative Finance Committee currently working on an evaluation of the state’s bilingual multicultural education program. 2021 – 2022
- Evaluator for New Mexico Legislative Finance Committee currently working on an evaluation of the state’s bilingual multicultural education program. 2021 – 2022
- New Mexico State Legislative Leadership, Amending the Bilingual Multicultural Education Act, House Bill 087. 2020 – 2021
- New Mexico State Legislative Leadership, Biliteracy Framework House Bill 199. 2020 – 2021

- New Mexico State Legislative Leadership, Amending the Hispanic Act, Higher Education: Teacher Preparation Subcommittee, 2020 – 2021
- New Mexico State Legislative Leadership, Amending the Bilingual Multicultural Education Act, House Bill 087. 2020 – 2021
- New Mexico State Legislative Leadership, Biliteracy Framework House Bill 199. 2020 – 2021
- New Mexico State Legislative Leadership, Amending the Hispanic Act, Higher Education: Teacher Preparation Subcommittee, 2020 – 2021

EXTENSION AND OUTREACH

Engagement with Community Initiatives

- 2022 – present, The Translanguaging Classroom Institute Founder and Organizer for Dual Language Education of New Mexico (DLeNM) and Velasquez Press, Albuquerque, NM
- 2024 New Mexico Association for Bilingual Education (NMABE) Biliteracy and Structured Literacy Institute Organizer, NMSU O'Donnell Hall, Las Cruces, NM
- 2023 – present, Developed a Memo of Understanding (MOU) with Las Cruces Public School to support their teacher in obtaining an English as a second language and bilingual education endorsement through our NMSU BLED Graduate Certificate program certified by the New Mexico Public Education Department
- 2023 New Mexico Association for Bilingual Education (NMABE) Borderlands Biliteracy Institute Organizer, Las Cruces, NM

Consultant and Collaborative Professional Experience

- 2022 – present, Consultant SAVVAS Learning Company Advise the Equity & Inclusion Leadership Team, the Product Development Committee and the Professional Services Team at Savvas Learning Company around Equity and Inclusion
- 2023 – 2025, Collaboration with MDRC as a member of the Content Advisory Panel for the [Measures for Early Success Initiative](#) - a large-scale program aimed at developing more equitable, reliable, and useful child assessments to guide early childhood education programs to provide crucial feedback to funded teams to support them with engaging in equity-centered design
- 2022 – 2023, Consultant Inlier Learning, Inc. to create a Spanish literacy screener for newly arrived Immigrants
- 2023 – 2024, Collaboration with Dr. Elsy Diaz, Licensure Advancement Coordinator at NMPED in the development of an English Learner and Martinez/Yazzie Micro-credential Module for New Mexico Bilingual Education and English as a Second Language Teachers advancing toward Tier III in NM Teacher Evaluation System

- 2020 – 2021, Collaboration with Las Cruces Public Schools with Professional Learning Community at Vista Middle School

MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS

New Mexico Organizations

- 2023- present, Affiliate of the Transform Education of New Mexico Organization
- 2020 – present, Member, NMSU Hispanic Caucus
- 2017 – 2025, Co-chair of Bilingual Multicultural Education Act Advisory Council for the NMPED

Matthew Gardner Kelly
Educational Foundations, Leadership, and Policy
University of Washington, Seattle
Seattle, WA 98195
kellymg@uw.edu

EDUCATION

Stanford University, Stanford, CA
Ph.D. in History of Education & Educational Policy, 2018

Stanford University, Stanford, CA
M.A. in History, 2015

Pace University, New York, NY
M.S. in Middle Childhood Education & Teaching Students with Disabilities, 2009

Bard College, Annandale-on-Hudson, NY
B.A. in History, 2007

ACADEMIC APPOINTMENTS

University of Washington, Seattle, WA
Assistant Professor of History of Education in the United States, 2024 - present

The Pennsylvania State University, University Park, PA
Assistant Professor, 2018 – 2024 (tenured and promoted to Associate, June 2024)

HONORS, AWARDS, & FELLOWSHIPS

DeSantis Book Prize, Society for Historians of the Gilded Age and Progressive Era, 2025
First Book Award, International Standing Conference for the History of Education, 2025
Outstanding Book Award, Society of Professors of Education, 2025
Honorable Mention, New Scholar's Book Award in History, AERA Division F, 2025
Honorable Mention, History of Education Society Outstanding Book Award, 2024
Stanford GSE Alumni Excellence in Education Award, 2024
Junior Faculty Research Award, Penn State College of Education, 2024
Research Award, National Forum to Advance Rural Education Research, 2023
Rabel J. Burdge and Donald R. Field Outstanding Article Award, 2022
NAEd/Spencer Foundation Postdoctoral Fellow, 2021
Distinguished Research & Practice Fellow, National Education Finance Academy, 2021
Pennsylvania Education Policy Fellow, EPLC, 2018-2019
History of Education Society Prize, 2018
Yu-Ly Interdisciplinary Graduate Fellow, Stanford University, 2015 – 2018
Graduate Student Paper Award, AERA Division F, 2016

SCHOLARSHIP

Books

Dividing the Public: School Finance and the Creation of Structural Inequity (Cornell University Press, 2024).

- Winner, Vincent P. DeSantis, Society for Historians of the Gilded Age and Progressive Era
- Winner, First Book Award, International Standing Conference for the History of Education
- Winner, Outstanding Book Award, Society of Professors of Education
- Honorable Mention, Outstanding Book Award, History of Education Society
- Honorable Mention, New Scholar's Book Award, Division F (History & Historiography) of American Educational Research Association

Peer-Reviewed Journal Articles (* indicates authored with graduate students)

Kelly, Matthew Gardner. "School Funding and Racist Causality: Historical and QuantCrit Perspectives." *Current Opinion in Behavioral Sciences* (in press).

Kelly, Matthew Gardner, and Danielle Farrie. "Misrepresented Funding Gaps in Data for Some States." *Educational Researcher* 52, no. 4 (2023): 244–47.

*Kelly, Matthew Gardner, and Annie Maselli. "School Finance Policies, Racial Disparities, and the Educational Debt: Egregious Evidence from Pennsylvania." *Journal of Education Human Resources* 41, no. 3 (2023): 514–33.

Kelly, Matthew Gardner. "How to Reform without Reforming: School District Racial Composition and Pennsylvania's 'Fair' Funding Formula." *Education and Urban Society* 54, no. 9 (2022): 1143–65.

*Kelly, Matthew Gardner, and Frank Ayata. "State of the States 2022: Pennsylvania." *Journal of Education Finance* 47, no. 5 (2022): 327–29.

*Jimenez-Castellanos, Oscar, Matthew Gardner Kelly, and Jessica Leila Carranza. "Pre- and Post Serrano: Systemic Racism, School Funding Disparities, and Mexican-American Communities." *Education Law & Policy Review* 6 (2021): 49–72.

Kelly, Matthew Gardner, and Kai Schafft. "A 'Resource Curse' for Education?: Deepening Education Disparities in Pennsylvania's Shale Gas Boomtowns." *Society & Natural Resources* 34, no. 1 (2021): 23–39.

Winner of the Rabel J. Burdge and Donald R. Field Outstanding Article Award for the best journal article for best article published in *Society & Natural Resources* in 2021. Given by the International Association for Society and Natural Resources.

Kelly, Matthew Gardner, Frank Ayata, and Jeremy Anderson. "State of the States 2021: Pennsylvania." *Journal of Education Finance* 46, no. 3 (2021): 345–47.

Ayata, Frank, Matthew Gardner Kelly, and Jeremy Anderson. "State of the States 2021: Vermont." *Journal of Education Finance* 46, no. 3 (2021): 366–68.

Kelly, Matthew Gardner. "The Curious Case of the Missing Tail: Trends among the Top 1% of School Districts in the United States, 2000–2015." *Educational Researcher* 49, no. 5 (2020): 312–20.

Kelly, Matthew Gardner. "'Theoretically All Children Are Equal. Practically This Can Never Be So': The History of the District Property Tax in California and the Choice of Inequality." *Teachers College Record* 122, no. 2 (2020): 1–32.

*Kelly, Matthew Gardner, Frank Ayata, and Jeremy Anderson. "State of the States 2020: Pennsylvania." *Journal of Education Finance* 45, no. 3 (2020): 364–66.

*Ayata, Frank, Matthew Gardner Kelly, and Jeremy Anderson. "State of the States 2020: Vermont." *Journal of Education Finance* 45, no. 3 (2020): 384–85.

Kelly, Matthew Gardner. "A Map Is More than Just a Graph: Geospatial Educational Research and the Importance of Historical Context." *AERA Open* 5, no. 1 (2019): 1–14.

Kelly, Matthew Gardner. "The Deep and Tangled Roots of Real Estate Markets, the State, and Public Education." *Journal of Educational Administration and History* 50, no. 3 (2018): 191–203.

Kelly, Matthew Gardner. "Schoolmaster's Empire: Race, Conquest, and the Centralization of Common Schooling in California." *History of Education Quarterly* 56, no. 3 (2016): 445–72.

Winner of the History of Education Society Prize for most distinguished scholarly essay in educational history published in the previous two years. Given by the History of Education Society.

Kelly, Matthew Gardner. "The Mythology of Schooling: The Historiography of American and European Education in Comparative Perspective." *Paedagogica Historica: International Journal of the History of Education* 50, no. 6 (2014): 756–73.

Reprinted in Jeroen J. H. Dekker and Frank Simon, eds., *Shaping the History of Education? The First 50 Years of Paedagogica Historica* [London: Routledge, 2016].

Chapters in Books

Erickson, Ansley, Carrie Leana, Esther Cyna, Michael Hines, and Matthew Gardner Kelly. "History and the Education Policy Imagination." In *AERA Handbook of Education Policy Research*, edited by Lora Cohen-Vogel, Janelle Scott, and Peter Youngs. AERA, 2025.

Kelly, Matthew Gardner. "The Myth that Money Does Not Matter for Student Outcomes." In *What Everyone Gets Wrong About the History of American Education: Myths, Lies, and Falsehoods*, edited by David Gamson and Sherman Dorn. New York: Teachers College Press, 2024.

PUBLIC SCHOLARSHIP

Expert Witness and Policy Reports

***Sheff v. O'Neill* Comprehensive Study**

Funding expert for team lead by Education Northwest (Sarah Asson, PI) for Connecticut Department of Education.

Yazzie/Martinez v. State of New Mexico

Matthew Gardner Kelly, *Evaluation of Remedial Action Plan for Petitioners* [Analysis provided on behalf of Plaintiffs of action plan ordered by Court in *Yazzie/Martinez v. State of New Mexico*]

2023 Basic Education Funding Commission (Pennsylvania General Assembly, Pennsylvania Department of Education, Administration of Governor Josh Shapiro)

Matthew Gardner Kelly, *Adequacy Study and Proposed State Funding Formula* (Basic Education Funding Commission: 2023).

Center for Rural Pennsylvania (Agency of Pennsylvania General Assembly)

Karen Eppley, Annie Maselli, Matthew Gardner Kelly, and Kai Schafft, *Pandemic-Associated Cyber Charter Enrollments and the Impacts on Rural School Districts in Pennsylvania* (Center for Rural Pennsylvania: 2023).

William Penn SD et al. v. Pa. Dept. of Education et al.

Matthew Gardner Kelly, *Reiteration of Findings from August 2020 Based on Most Recent Release of PDE Data* [Expert witness report on behalf of Petitioners] (*William Penn SD et al. v. Pa. Dept. of Education et al.*: submitted 2021)

Matthew Gardner Kelly, *Rebuttal to Claims About Funding, Students Designated Historically Underperforming by the Pennsylvania Department of Education, and Postsecondary Bound Students*. [Expert witness report on behalf of Petitioners] (*William Penn SD et al. v. Pa. Dept. of Education et al.*: submitted 2021)

Matthew Gardner Kelly, *Rebuttal to Witness Reports Provided by Proposed Experts for Respondents* [Expert witness report on behalf of Petitioners] (*William Penn SD et al. v. Pa. Dept. of Education et al.*: submitted 2020)

Matthew Gardner Kelly, *Pennsylvania's School Funding System: Unequal and Inadequate* [Expert witness report on behalf of Petitioners] (*William Penn SD et al. v. Pa. Dept. of Education et al.*: submitted 2020)

Center for Rural Pennsylvania (Agency of Pennsylvania General Assembly)

Kai Schafft, Annie Maselli, Matthew Gardner Kelly, Katharine Dulaney, Laura Pirkle Howd, David Gamson, Ashley N. Patterson, Betsy Boggs, and Erica Frankenberg, *Analyzing the Effects of COVID-19 on Educational Equity in Rural Pennsylvania School Districts*. (Center for Rural Pennsylvania: 2021).

Other Policy Reports

Matthew Gardner Kelly, *Racial Disparities in Basic Education Funding*. [Report for Representative Christopher Rabb, Pennsylvania House of Representatives: 2020]

Court and Legislative Testimony

2023 Basic Education Funding Commission (Pennsylvania General Assembly, Pennsylvania Department of Education, Administration of Governor Josh Shapiro)

Report Submitted: 9/11/2023 (Adequacy study shared with BEF Commission, including new adequacy measure and funding formula)

Testimony: 9/12/2023

William Penn SD et al. v. Pa. Dept. of Education et al.

Position: On behalf of Petitioners that Pennsylvania's school funding system violates the education clause and equal protection provisions of the Constitution of Pennsylvania

Petitioners: William Penn School District, School District of Lancaster, Panther Valley School District, Greater Johnstown School District, Shenandoah Valley School District, Wilkes-Barre Area School District, Pennsylvania Association of Rural and Small Schools, NAACP Pennsylvania State Conference

Reports Submitted: 8/2020, 10/2020, 3/2021, 8/2021

Trial Testimony: 11/18/2021, 11/19/2021, 2/22/2022

Writing for Popular Audiences

Kelly, Matthew Gardner, and Kai Schafft. "Fracking Has Led to a 'Bust' for Pennsylvania School District Finances." *The Conversation*, February 2020.

Kelly, Matthew Gardner. "Charter School Cap Efforts Gain Momentum." *The Conversation*, March 2019.

Works in Progress

Kelly, Matthew Gardner. *Taken for Granted: Native Land, Funding, and the Colonial Roots of American Public Education*. Book manuscript in progress.

Funded Research Grants

Co-Principal Investigator (Principal Investigator Sarah Asson, Education Northwest). *Sheff v. O'Neill* Comprehensive Study. Connecticut Department of Education. Budget: **\$973,673**.

Principal Investigator. Taxing Inequality: The Rise of District Property Taxation and the Making of Educational Inequality. Spencer/NAEd Postdoctoral Fellowship. Amount of Award: **\$70,000**.

Co-Principal Investigator (Principal Investigator Karen Eppley) Pandemic-Associated Cyber Charter Enrollments and the Impacts on Rural School Districts in Pennsylvania. Center for Rural Pennsylvania, PA General Assembly. Amount of Award: **\$49,998**.

Co-Principal Investigator (Principal Investigator Kai Shafft). Analyzing the Effects of COVID-19 on Educational Equity in Rural Pennsylvania School Districts. Amount of Award: **\$60,000**

Invited Talks, Presentations, and Media Appearances

Kelly, Matthew Gardner. “New and Emerging Histories of Education in the American West and Pacific.” Invited speaker, AERA Presidential Session, Los Angeles, CA, April 2026.

Kelly, Matthew Gardner. “Race, Racism, and Resources: Re-imagining School Finance Policy, Research and Practice Toward Just Education Renewal.” Invited speaker, AERA Presidential Session, Denver, CO, April 2025.

Kelly, Matthew Gardner. Interview by *WJLA News* (Washington, DC, ABC affiliate), “Students Rally in DC to Protect Public Education after Trump Signs Order to Dismantle DOE,” March 21, 2025.

Kelly, Matthew Gardner. Interview by *WFMJ News* (Youngstown, OH, NBC affiliate), “What Department of Education Dissolution Could Mean for Local Schools,” March 21, 2025.

Kelly, Matthew Gardner. Interview by *6abc* (Philadelphia, PA, ABC affiliate), “What Dismantling the Department of Education Could Mean for Schools,” March 6, 2025.

Kelly, Matthew Gardner. “Dividing the Public: School Finance and the Creation of Structural Inequity.” Invited speaker, Teachers College, Columbia University, February 2025.

Kelly, Matthew Gardner. “Interview about *Dividing the Public*.” Interview, *New Books Network Podcast*, December 2024.

Kelly, Matthew Gardner, Karen Eppley, and Annie Maselli. “Pandemic-Associated Cyber Charter Enrollments and the Impacts on Rural School Districts in Pennsylvania.” Invited speaker, Pennsylvania Association of Rural and Small Schools Annual Meeting, April 2024.

Kelly, Matthew Gardner. “School Funding Formula Woes—A Focus on Philadelphia School Funding Policies and Their Implementation.” Invited speaker, AERA Graduate Student Council Fireside Chat, Division L, Philadelphia, PA, April 2024.

Kelly, Matthew Gardner. “Civil Rights Agenda Setting Convening.” Invited participant, Advanced Equity, Washington, DC, March 2024.

Kelly, Matthew Gardner. “Histories of Education, Courts, and Culpability: Upending Historical Narratives of State Innocence from the Expropriation of Indigenous Land to Postwar Suburbanization.” Invited lecture, Education and the Humanities Workshop, Stanford University Humanities Center, March 2024.

Kelly, Matthew Gardner. “How Racial Disparities Are Normalized by the Stories We Tell About School Funding.” Invited speaker, *Chasing Equity: A Tribute to Norm Fruchter*, New York University, February 2024.

Kelly, Matthew Gardner. “An Interview with Matthew Kelly about the History of School Finance.” Interview, NEPC Talks Education, National Education Policy Center Podcast with Christopher Saldaña, January 2024.

Kelly, Matthew Gardner. “On Public Revenue for Public Education.” Interview, *Thinking in the Midst*, Philosophy of Education Society Podcast with Cara Furman and Derek Gottlieb, December 2023.

Kelly, Matthew Gardner. “Pennsylvania Looks to New School Funding Formula, but the Timeline Is Unclear.” Interview, *The Confluence* on NPR Pittsburgh Affiliate WESA, July 28, 2023.

Kelly, Matthew Gardner. “The Cyber Charter Squeeze: The Fiscal Impact of Charter Tuition on Rural and Small School District Budgets.” Invited lecture, Pennsylvania Association of Rural and Small Schools Annual Meeting, May 2022.

Kelly, Matthew Gardner. “The Organization of State School Funding Systems and Inadequacies in Pennsylvania.” Invited lecture, Advanced Education Policy Leaders Program Virtual Conference, January 20, 2022.

Conference Papers (Selected)

Kelly, Matthew Gardner. “The New Fiscal History.” Paper presented at the Organization of American Historians 2025 Meeting, Chicago, IL, April 2025.

Kelly, Matthew Gardner, and Elizabeth Cardamone. “Framing Teachers and Their Pensions: A Quantitative Content Analysis.” Paper presented at the American Educational Research Association 2024 Annual Meeting, Philadelphia, PA, April 2024.

Eppley, Karen, Annie Maselli, and Matthew Gardner Kelly. “Cyber Charters in Rural Pennsylvania: Fiscal Impacts, Parent Response, and School Leader Experiences.” Paper presented at the American Educational Research Association 2024 Annual Meeting, Philadelphia, PA, April 2024.

Eppley, Karen, Annie Maselli, Matthew Gardner Kelly, and Kai Schafft. "Rural Superintendent, Parent, and Cyber Director Responses to Cyber Charters." Paper presented at the National Rural Education Association Annual Meeting, November 2023.

Winner of 2023 Research Award. Awarded by National Forum to Advance Rural Education Research

Kelly, Matthew Gardner. "School Finance Policies and the Exploding Educational Debt: Egregious Evidence from Pennsylvania." Paper presented at the Annual National Education Finance Academy Conference (online), April 2022.

Kelly, Matthew Gardner. "Settler Colonialism, Common School Expansion, and Early Education Funding Policies in California, 1850–1865." Paper presented at the History of Education Society Annual Meeting, San Diego, CA, November 2021.

Kelly, Matthew Gardner. "Inducing Communities to 'Help Themselves' or Preventing 'Injustice and Inequality': Competing Approaches to Taxation and Funding for Common Schools, 1820–1860." Paper presented at the History of Education Society Annual Meeting (virtual), November 2020.

Kelly, Matthew Gardner. "Public Finance, State-Sponsored Inequalities, and the Race for Progressive Era Education Reform in Northern California." Paper presented at the Organization of American Historians Annual Meeting, Washington, DC (conference canceled), April 2020.

Kelly, Matthew Gardner. "Shifting State Investments and School Funding Disparities during Pennsylvania's Shale Gas Boom." Paper presented at the American Educational Research Association 2020 Annual Meeting, San Francisco, CA (conference canceled), April 2020.

Kelly, Matthew Gardner. "Geospatial Educational Research and the Importance of Historical Context." Paper presented at the American Educational Research Association 2020 Annual Meeting, San Francisco, CA (conference canceled), April 2020.

Candelaria, Camila, Kevin Shores, Michael Crouch, and Matthew Gardner Kelly. "The Politics of School Finance Reform." Paper presented at the American Educational Finance and Policy 2020 Annual Meeting, San Francisco, CA, March 2020.

Kelly, Matthew Gardner. "'Everything Alive Is Supposed to Grow': Public Finance Policies, Progressive Era Reform, and State-Sponsored Inequities." Paper presented at the History of Education Society Annual Meeting, Columbus, OH, November 2019.

Kelly, Matthew Gardner, and Frank Ayata. "Funding Formulas and Racial Inequities: Evidence from Pennsylvania." Paper presented at the University Council on Educational Administration Annual Convention, New Orleans, LA, November 2019.

Kelly, Matthew Gardner, and Kai Schafft. "Shifting State Investments and Rural School Funding Disparities in Pennsylvania's Shale Gas Boomtowns." Paper presented at the Rural Sociological Society 2019 Annual Meeting, Richmond, VA, June 2019.

Kelly, Matthew Gardner, and Frank Ayata. “The Implementation of Funding Formula Changes and Racially Disparate Allocations of State Aid: Evidence from Pennsylvania.” Paper presented at the Annual National Education Finance Conference, Lake Washington–Renton, WA, April 2019.

Kelly, Matthew Gardner. “Long-Term Trends in School District Gerrymandering and a New Approach to Assessing Boundary Irregularity.” Paper presented at the American Educational Research Association 2019 Annual Meeting, Toronto, Canada, April 2019.

Kelly, Matthew Gardner. “School Finance Reform and Competing Definitions of ‘Public’ in California during the 1870s and 1880s.” Paper presented at the History of Education Society 2018 Annual Meeting, Albuquerque, NM, November 2018.

Kelly, Matthew Gardner. “Expertise, Taxation, and the Choice of Inequality.” Paper presented at the History of Education Society 2017 Annual Meeting, Little Rock, AR, November 2017.

Kelly, Matthew Gardner. “Poor Communities, Poor Schools: Progressive Era Tax Reform and the Rise of the District Property Tax in California.” Paper presented at the American Educational Research Association 2017 Annual Meeting, San Antonio, TX, April 2017.

Kelly, Matthew Gardner. “Competing for Inequality: Nineteenth-Century ‘Market Forces’ and Unequal Schooling in California.” Paper presented at the American Educational Research Association 2016 Annual Meeting, Washington, DC, April 2016.

Kelly, Matthew Gardner. “Gateways to the West: Rethinking the History of Education from the Perspective of the North American West—A Historiographical Discussion.” Panel discussion participant at the History of Education Society Annual Meeting, St. Louis, MO, November 2015.

Kelly, Matthew Gardner. “‘More Than the Richest Bonanza of Silver and Gold’: Markets and the Development of Public Schooling in Nineteenth-Century Oregon.” Paper presented at the American Educational Research Association 2015 Annual Meeting, Chicago, IL, April 2015.

Winner of Graduate Student Paper Award. Awarded by Division F (history and historiography) of the American Educational Research Association.

BOARDS, ADVISORY COMMITTEES, PROFESSIONAL ORGANIZATIONS

Editorial Board, Review of Educational Research (November 2022-present)
Book Review Co-Editor, American Journal of Education (2019-present)
Senior Associate Editor, American Journal of Education (2019-present)
HES President and Vice President Nominating Committee, History of Education Society (2026)
Barnard Award and HES Prize Committee, History of Education Society (2025-2029)
Program Chair, Division F (History), American Educational Research Association (2022)
Mentoring Chair Division F (History), American Educational Research Association (2021)
Board of Trustees (elected), National Education Finance Academy (2021-2024)
Conference Planning Committee, National Education Finance Academy (2020-2022)
Plenum Representative, University Council for Educational Administration (2019-2021)

REFEREEING

Journals Manuscripts: AERA Open; American Educational Research Journal; American Journal of Education; California History; Curriculum Inquiry; Educational Policy; Educational Researcher; History of Education Quarterly; Journal of Education Human Resources; Nordic Journal of Educational History; Pacific Historical Review; Review of Educational Research; Urban History

Book Manuscripts: Bloomsbury, Oxford University Press, Routledge, Washington State University Press

UNIVERSITY SERVICE

Faculty Development and Support Committee, 2025-current
University LGBTQ+ Scholarship Committee, 2020–2024
Niceley Awards Committee, 2018 – 2024
EDLDR World Campus Admissions Committee, 2021– 2024
Education Policy Studies Curriculum Committee, 2020– 2023
D.Ed Program Revision Committee, 2019 – 2022
College Committee on Faculty, Staff, and Student Concerns, 2020– 2021
Equal Opportunity Planning Committee, 2019-2020

Glenabah Martinez, Ph.D.

Pueblo Nation of Taos and Navajo Nation

University of New Mexico

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Albuquerque, New Mexico 87131

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Educational Background

- 2003 University of Wisconsin, Madison
Doctor of Philosophy in Curriculum and Instruction: Emphasis in
Curriculum Theory and Critical Curriculum Studies
- 1984 University of New Mexico, Albuquerque
Master of Arts in Secondary and Adult Teacher Education; Emphasis in
Social Studies Education
- 1982 University of New Mexico, Albuquerque
Bachelor of Arts in Secondary and Adult Teacher Education; Emphasis in
Social Studies Education and Certification

Research Agendas: Indigeneity, youth, and education; critical educational studies; history of Indigenous education; and critical curriculum studies.

Certification and Licensure:

Certified by the State of New Mexico to teach Social Studies at the secondary level: Level III-A Instructional Leader 7 – 12 Secondary (2008 to 2026).

Certified by the State of New Mexico to coach interscholastic sports at the secondary level: Level II: 7 – 12 (2014 – 2023)

Professional Appointments and Work Experience

Director, Institute for American Indian Education, University of New Mexico, College of Education and Human Sciences, 2018 to present.

Associate Professor of Educational Thought and Sociocultural Studies, Social Studies Methods, and American Indian Education, University of New Mexico Department of Language, Literacy, and Sociocultural Studies, 2009-present.

Assistant Professor of Educational Thought and Sociocultural Studies, Social Studies Methods, and American Indian Education, University of New Mexico Department of Language, Literacy, and Sociocultural Studies, 2003-2008.

Associate Dean for Educator Preparation and Development, University of New Mexico College of Education, 2015-2016.

Cultural Educator and Native American Studies Instructor, Youth Diagnostic Development Center, First Nations Program, 2013 – 2017.

Curriculum Development Team Facilitator and Writer: Indian Pueblo Cultural Center's 100 Years of State & Federal Policy: Impact on Pueblo Nations, 2011 – 2016.

Peer Reviewer: Race to the Top – District Discretionary Grant Competition. United States Department of Education, November – December, 2012.

Curriculum Development Consultant and Writer, New Mexico State Department of Public Education – Indian Education Division, 2005-2009.

Test Item Writer (U.S. History/12th grade), National Assessment of Educational Progress, Washington, D.C., 2011 to 2012.

Interim Director of Native American Studies, University of New Mexico, 2001-2002

Reviewer of S.A.T. Verbal Test Items, Educational Testing Services, Princeton, New Jersey, 1993-2001

Resource Teacher and Curriculum Writer, Albuquerque Public Schools Department of Indian Education, 1998-1999

Project Assistant, University of Wisconsin at Madison: School of Education Dean's Office (1999-2000); American Indian Studies Program (1999-2000) and Wisconsin Center for Education Research F.A.S.T. Project (1996-1997).

Teacher and Department Chair of Social Studies, Rio Grande High School, Albuquerque, New Mexico 1985-1995

Curriculum Writer, Albuquerque Public Schools Title VII, Summer 1985

Residential Advisor, Albuquerque Job Corp Center, Albuquerque, New Mexico, Summer 1984

Curriculum Writer, Albuquerque Public Schools Indian Education Unit, 1982-1983

Scholarly Works and Publications

Books

Greyeyes, W., Lee, L., & **Martinez, G.** (Eds.) (2023). *The Yazzie Case: Building a Public Education System for Our Indigenous Future*. University of New Mexico Press.

Martinez, G. (2010). *Native Pride: The politics of curriculum and instruction in an urban, public high school*. Hampton Press, Inc.

Refereed:

DeLeon, Josephine, Katira, Kiran, López, Nancy **Martinez, Glenabah**, & Valenzuela, Norma A. (2017). Navigating Resistance to Antiracist and Anti-oppressive Curriculum in a Diverse Public University: Critical Race Theory, the Fetish of 'Good Intentions' and Social Justice Praxis. *International Journal of Curriculum and Social Justice*, 1(2),11-68.

Minthorn, R., Belone, L., **Martinez, G.**, & Sims, C. (2019). Indigenous research perspectives: A historical overview of sovereignty in the state of New Mexico and implications for working with schools and community. *Journal of American Indian Education*, 58(1 & 2), 108-123.

Book Chapters:

Martinez, G. (2023). Yazzie/Martinez Ruling: The Politics of Culturally Relevant Curriculum. In W. Greyeyes, L. Lee, & G. Martinez (Eds.). *The Yazzie Case* (pp. 179-199). University of New Mexico Press.

Martinez, G., Flowerday, T., Lee, L., Tsinnijinnie, L., Greyeyes, W., Charley, N., & Bird, C. (2023). Post-Summit Report on the Yazzie/Martinez Ruling. In W. Greyeyes, L. Lee, & G. Martinez (Eds.). *The Yazzie case: Building a public education system for our Indigenous future* (pp. 51-62). University of New Mexico Press.

Greyeyes, W., Lee, L., & **Martinez, G.** (2023). Introduction: An Examination of the Yazzie Side of the Yazzie/Martinez Lawsuit. In W. Greyeyes, L. Lee, & G. Martinez (Eds.). *The Yazzie Case: Building a public education system for our Indigenous future* (pp. 1-20). University of New Mexico Press.

Lee, T.S. & **Martinez, G.** (2022). Indigenous epistemologies, social justice, and praxis: Centering education on students' wellbeing. In T.K. Chapman & N. Hobbel(Eds.). *Social justice pedagogy across the curriculum: The practice of freedom* (pp. 167-180). Routledge.

Minthorn, R., **Martinez, G.**, Tsinnajinnie-Paquin, L., Werito, V., Belone, L., Gutierrez-Gomez, C., Flowerday, T. (2021). Community Inspired Approaches to Indigenous Education in New Mexico. In J. Tippeconnic (Ed.). *On Indian Ground: A return to Indigenous knowledge-generating hope, leadership, and sovereignty through education-The Southwest* (pp. 51-62). Information Age Publishing.

Martinez, G. (2017). Diversity and Social Studies. In E.A. Polloway, J.R. Patton, L. Serna, & J.W. Bailey-Joseph (Eds.). *Strategies for Teaching Learners with Special Needs* (pp. 228-229). Pearson.

Martinez, G. (2017). Counter Narratives in State History: The 100 Years of State and Federal Policy Curriculum Project. In N. McCrary & W. Ross (Eds.) *Working for Social Justice*

Inside and Outside the Classroom: A Community of Teachers, Researchers, and Activists (pp. 193-208). Lang.

Martinez, G. & Martinez, N. (2013). Civil Rights and the Pueblo Nations of New Mexico: 1912-2012. In G. Martinez, K. Gchachu, & C. Sims (Eds.). *100 Years of State and Federal Policy Curriculum* (pp. 75-118). Indian Pueblo Cultural Center.

Martinez, G. (2012). In my history classes they always turn things around, the opposite way: Recognizing what counts as knowledge. In M.W. Apple & K.L. Buras (Eds.). *The Subaltern Speak: Curriculum, Power and Educational Struggles* (pp. 121-140). NY: Routledge.

Martinez, G. (2010). "We are supposed to act like one, not like an enemy": U.S. imperialism and the Declaration on the Rights of Indigenous Peoples. In L. Meyer & B. Maldonado (Eds.) *New World of Indigenous Resistance: Noam Chomsky and Voices from North, South, and Central America* (pp. 331-340). City Lights Publishers.

Martinez, G. (2009). Representation, Power, and Stereotyping: A lesson on Indigenous People and sports mascots. In M. Missias, E. Heilman, & R. Fruja (Eds.) *Social Studies and Diversity Teacher Education* (pp. 176-178). Routledge Press.

Published Curriculum Guides and Materials:

Humetewa, A., **Martinez, G.**, Martinez, N., & Sims, C. (2021). *Indigenous Wisdom: Centuries of Pueblo Impact in New Mexico (2nd Edition)*. <https://indianpueblo.org/indigenous-wisdom-curriculum-downloads-2/>

Martinez, G. (2020). *Indigenous Wisdom Curriculum Project: Commemoration and Controversy : Juan de Oñate*. Albuquerque, NM: Indian Pueblo Cultural Center.

Martinez, G. (2018). *Indigenous New Mexico: Activism Unit Plan*. Santa Fe, NM: New Mexico Public Education Indian Education Division.

Martinez, G. (Ed.) (2018). *Indigenous New Mexico: New Mexico History: High School*. Santa Fe, NM: New Mexico Public Education Indian Education Division.

Martinez, G., Sims, C., & Humetewa, A. (Eds.) (2013). *100 Years of State and Federal Policy Curriculum: Elementary and Middle School Curriculum*. Albuquerque: Indian Pueblo Cultural Center.

Book Reviews

Martinez, G. (2010). Review of *We Have a Religion: The 1920s Pueblo Indian Dance Controversy and American Religious Freedom* by Tisa Wenger. *American Indian Quarterly*.

Martinez, G. (2010 January 5). Review of *To Remain An Indian* by K. Tsianina K. Lomawaima & Teresa L. McCarty. *Education Review*, 12. <http://edrev.asu.edu/reviews/rev875.pdf>

Martinez, G. (2007). Review of the book *Indigenous Education and Empowerment: International Perspectives*. *American Indian Culture and Research Journal*, 31(2).

Martinez, G. & Martinez, S. (2004). Review of the book *Children of Native America Today*. *Voices From the Earth*, 4(3), 10.

Martinez, G. (2002, March). Review of the book *Science and Native American communities: Legacies of pain, visions of promise*. *Anthropology and Education Quarterly*, 33(1), from <http://www.aaanet.org/cae/aeq/br/james.htm>

Martinez, G. (1996). Review of the book *Multicultural Education, Critical Pedagogy, and the Politics of Difference*. *National Association of Multicultural Education Journal*. 4(1), 34-36.

Martinez, G. (1991). Commentary of the book *When Jesus Came, the Corn Mothers Went Away*. *American Indian Culture and Research Journal*, 17(3), pp. 171-172.

Other

Holmes, W., Paquin, L. Flowerday, T., & **Martinez, G.** (2023). *2023 IAIE Post-Summit Executive Report*. November, 2023.

Paquin, L., Holmes, W., Flowerday, T., Secatero, S., & **Martinez G.** (2022). *2022 IAIE Post-Summit Executive Report*. June 2022.

Flowerday, T., Greyeyes, W., Holmes, W., Lee, L., & **Martinez, G.** (2021). *2021 IAIE Post-Summit Executive Report*. June 2021.

Martinez, G., Flowerday, T., Lee, L., Paquin, L., Greyeyes, W., Charley, N., Bird, C. (2020). *IAIE Post Summit Report on the Yazzie/Martinez Ruling: An action report*. UNM IAIE, June 2020.

Martinez, G. (2014). Border Town High School: Large Report Submitted to Taos Pueblo Board of Education, March 30, 2014.

Martinez, G. & Pewewardy, C. (December 2014). Academic Program Review of the Native American Studies Program at the University of New Mexico.

Martinez, G. & M. Hewlett (December 2013). Task Force Report: UNM Taos Native American Student Success Task Force. Recipient: Professor Kate O'Neil, Director of UNM Taos.

Professional Presentations

International Presentations: Refereed

Martinez, G. (2015, May). Border Towns: Native Life in Political Economies of Violence. *Critical Ethnic Studies Association Conference* York University, Toronto Canada. Refereed

International Presentations: Invited

Martinez, G. (2020, December). Naming the Moment and Movement Building in Brazil, Chile, Puerto Rico, South Africa, Sweden, and the United States. *10th International Conference on Education and Social Justice* (Virtual).

National Presentations: Refereed

Martinez, G., Benally, C., Sims, C., Candelaria, M., & Deyhle, D. (2025, April). Panel: Can Settler Society's Legal System Support Native Interests and Educational Justice? *AERA Conference*. Denver, CO.

Martinez, G. & Paquin, L. (2024, October). Positioning Counternarratives to Confront History and State Policy Through Educational Sovereignty, Tribal Critical Race Theory, and Indigenous Communities. *NIEA*. Palm Springs, CA.

Martinez, G. & Paquin, L. (2024, April). Confronting History and State Policy Through Educational Sovereignty, Tribal Critical Race Theory, and Indigenous Communities. *AERA Conference*. Philadelphia, PA.

Martinez, G. (2023, April). Building capacity in K-12+ education: Supporting Indigenous students through curriculum development, leadership and teacher preparation, and community-engagement. *AERA Conference*. Chicago, IL.

Martinez, G. (2022, April). Public Education and Indigenous Youth: A climate of racial micro- and macro-aggressions. *AERA Conference*. San Diego, CA.

Martinez, G. & Lee, T. (2021, April). Indigenous Epistemologies, Social Justice, and Praxis : Centering Education on Students' Well-Being. *AERA Conference* (virtual).

Martinez, G. & Lee, T. (2020, April). Grounding the Academy with Indigenous Perspectives in New Mexico: Responsibility and Reciprocity. *AERA Conference* (virtual).

Martinez, G., Humetewa, A., Martinez, N., Sims, C., & Romero, S. (2020, December). Indigenous Wisdom: Curriculum Development Using Indigenous Perspectives. *National Council for the Social Studies Virtual Conference*.

Martinez, G., Pecos, R., Collier, B., Latham, P., & Blum Martinez, R. (2020, October). Yazzie/Martinez and the Past, Present, and Future of Education in the West. Western History Association Virtual Conference.

Martinez, G., Belone, M., L., Secatero, S. L., Werito, V. R., Flowerday, T. L., Minthorn, R. Z. & Sims, C. P. (2020 April) *Grounding the Academy With Indigenous Perspectives in New Mexico: Responsibility and Reciprocity* [Roundtable Session]. AERA Annual Meeting San Francisco, CA <http://tinyurl.com/svlpbhh> (Conference Canceled)

Martinez, G. & Lee, T. (2020, February). Indigenous Epistemologies, Social Justice, and Praxis : Centering education on students' wellbeing. 21st Annual American Indian Studies Association Conference.

Martinez, G. (2019, February). Indigenous Centered and Community Inspired Approaches to Education in New Mexico. *20th Annual American Indian Studies Association Conference*.

Martinez, G., Minthorn, R., & Werito, V. (2019, October). Reciprocity in Action: Reporting Back and Implementing Change for Indigenous Education in New Mexico. *National Indian Education Association Conference*.

Martinez, G. (2018, April). Rearticulating Official Curriculum: Preparing Preservice Educators With a Foundation in Indigenous Studies. *AERA Conference*. New York City, NY.

Martinez, G., Lee, T., Lee, L., & Vicente Carpio, M. (2018, February). Indigenous Perspectives on New Mexico History: Counter-Narratives for High School Instruction. *American Indian Studies Association Conference*. Arizona State University.

Martinez, G. (2017, June). A Critical Pedagogical Approach to Pre-Service Educator Preparation. *8th Annual American Indian/Indigenous Teacher Education Conference*. Northern Arizona University, Flagstaff, AZ.

Martinez, G. (2017, February). Dismantling Official Curriculum. *18th Annual American Indian Studies Association Conference*. Albuquerque, NM.

Martinez, G., Sims, C., Humetewa, A., & Suazo, T. (2016, October). 100 Years of State and Federal Policy: An Indian Pueblo Curriculum: K-12. *National Indian Education Association Conference*. Reno, Nevada.

Martinez, G., Minthorn, R., Sims, C., & Belone, L. (2016, October). Indigenous Research Perspectives: A Historical Overview of Sovereignty in the State of New Mexico and Implications for working with schools and community. *National Indian Education Association Conference*. Reno, Nevada.

Martinez, G. (2016, October). Dismantling Official Curriculum: A Critical Pedagogical Approach to Pre-service Educator Preparation. *Curriculum and Pedagogy Conference*. Cleveland, Ohio.

Martinez, G., Lopez, N., Valenzuela, N., Katira, K., & De Leon, J. (2016, April). Navigating Resistance to Antiracist and Anti-Oppressive Curriculum. *AERA Conference*. Washington, D.C.

Martinez, G., Minthorn, R., Sims, C., & Belone, L. (2016, April). Poster Session: Indigenous Research Perspectives: Working with schools and community. *AERA Conference*. Washington, D.C.

Martinez, G. (2015, April). Border Town High Schools: Crossing the cattle guard in northern New Mexico. *AERA Conference*. Chicago, Illinois.

Martinez, G. & Sims, C. (2014, November). 100 Years of State and Federal Policy: An Indian Pueblo Curriculum. *National Association for Multicultural Education*. Tucson, Arizona.

Martinez, G. (2014, October). 100 Years of State and Federal Policy: An Indian Pueblo Curriculum. *National Indian Education Association Conference*. Anchorage, Alaska.

Martinez, G. (2014, September). Teaching Counter-Narratives: Indigenous Peoples, History, and Critical Consciousness. *Race and Pedagogy Conference*. University of Puget Sound, Washington.

Martinez, G. (2014, June). Teaching Counter Narratives: Indigenous Peoples, History, and Critical Consciousness. *Rouge Forum*. Denver, Colorado.

Martinez, G. (2014, April). Border Town High Schools: Implications for race relations. Association for Borderlands Studies. Albuquerque, New Mexico.

Martinez, G. (2013, May). Cultural Integrity and Curriculum: Implications for Social Studies Educators. *AERA Conference*. San Francisco.

Martinez, G. (2011, April). History Keeps You Going: Cultural Integrity, Sovereignty, and New Mexico History. *AERA Conference*. New Orleans, Louisiana.

Martinez, G. (2010, October). What is a Hoosier? Is it white or what? A lesson on Indigenous Peoples and Sports Mascots. *11th Annual Curriculum & Pedagogy Conference*. Akron, Ohio.

Martinez, G. (2009, April). New Horizons in Indigenous Research and Transformative Action: Perspectives from the Indigenous Peoples of the Americas, the Pacific, and Postcolonial Studies. *2009 AERA Annual Meeting*, San Diego.

Martinez, G. (2008, March). The Subaltern Speak: Curriculum, Power, and Educational Struggles. Symposium presentation with Kristen Buras, Michael Apple, Stanley Aronowitz, Luis Gandin, Thomas Pedroni, Kevin Kumashiro, and Dolores Delgado Bernal to the Postcolonial Studies and Education SIG of the *2008 AERA Annual Meeting*, New York.

Martinez, G. (2007, April). "We have our language and traditions": An examination of sovereignty and cultural integrity for First Nations People and its implications for curriculum and instruction in the secondary social studies classroom. *American Educational Research Association, Division K* (Teaching and Teacher Education) Chicago, Illinois.

Martinez, G. (2007, April). Education and Excellence: Critical perspectives on Indigenous Education and Schooling. *American Educational Research Association, Division K (Teaching and Teacher Education)*. Chicago, Illinois.

Martinez, G. (2006, April). Heroes, villains, holidays and days of mourning: An analysis of dominant interests on curriculum. *American Educational Research Association, Division B (Curriculum Studies)* San Francisco, California.

Martinez, G. (2005, April). Culturally sensitive research: Accountability and the role of institutional review boards in Native communities. *American Educational Research Association*. Montreal, Quebec.

Martinez, G. (2004, April). They always turn things around, the opposite way: Indigenous youth perspectives of adult-teacher relations in an urban, public high school. *American Educational Research Association*, San Diego, California.

Martinez, G. (2004, November). Hard Core Native American Studies: Perspectives of Indigenous women from the corridors of an urban, public high school. *First Annual Women of Color Mixed Heritage/Ethnicity/Race Conference*.

Martinez, G. (2003, April). Well, the one I don't like is Spanish, but I have to take it to get in college: Indigenous youth recognize the politics of what counts as knowledge. *American Educational Research Association*. Chicago, Illinois.

Martinez, G. (2001, April). Proving them wrong: Indigenous student perspectives of the educated Native Person. American Educational Research Association. Seattle, Washington.

Martinez, G. (2000, September). Voices of our youth: The next generation of Indigenous Leadership. American Indian Leaders: Red power and tribal politics. University of Kansas/Haskell Indian Nations University, Lawrence, Kansas.

National Addresses: Invited

Martinez, G. (2023, November). Keynote. Indigenous Summit - *La Cosecha Dual Language Conference*. Albuquerque, NM.

Martinez, G. (2022, January). Standing up to CRT attacks: Strategies and Actions. *Uniting to Save Our Schools Action Dialogue*.

Martinez, G. (2021, April). "Now what are you supposed to be? A bloody Indian?" *Racial micro- and macro-aggressions in urban, public high schools in the land of enchantment*. Michigan State University Urban Lecture Series.

Martinez, G. (2018, May). Tribal Critical Theory and Indigenous Education. Critical Race Studies in Education Association Conference.

Martinez, G. (2016, April). Fireside Chat: *Social Contexts and Public Research: Ways We Engage Educational Stakeholders and Policymakers to Enact Change*. AERA Graduate Student Council: Division G. American Educational Research Association. Washington, D.C.

Martinez, G. (2015, November). Testimony to the U.S. Senate Committee on Indian Affairs. Hearing on SB 410 BUILD Act. Washington, D.C.

Martinez, G. (2012, June). Representation of Indigenous Peoples in World History Textbooks: Challenges and Possibilities. 21st World History Association Conference, 28, 2012. Albuquerque, New Mexico.

Martinez, G. (2011, October). The State of Urban Indian Education: Focus on NM. *NIEA Pre-Convention Session – Families and Communities: Driving Native-Based Education*.

Martinez, G. (2011, November). Book Talk: Native Pride: The politics of curriculum and instruction in an urban high school. *National Association for Multicultural Education* (NAME). Chicago, Illinois.

Martinez, G. (2006, June). Speaking out against Chief Wahoo: Implications for curricular justice. *NEA's 2006 Joint Conference on Concerns of Minorities and Women: Taking action for public education – The time is now*. Orlando, Florida. Invited

Martinez, G. (1996, October). Recruiting and retaining Minority teachers. *The 1996 College Board National Forum: Networking for student success, National Center for Cross-Disciplinary Teaching and Learning*. New York, New York.

State Presentations: Invited

Martinez, G. (2023, December). Advancing Equity in Education: The Case for Targeted Funding for Tribal and Higher Education. New Mexico Legislative Education Study Committee. Santa Fe, NM.

Martinez, G. (2023, March). Education Adequacy & Disparities in Native American Students. New Mexico Advisory Committee to the U.S. Commission on Civil Rights. Zoom.

Martinez, G. (2021, November). “Now what are you supposed to be? A bloody Indian? Racial micro- and macro-aggressions in urban, public high schools in the land of enchantment. Las Vegas, NM: New Mexico Highlands University President’s Council on Diversity, Equity, and Inclusion..

Martinez, G. (2020, October). Push Back! Why Counter Narratives are Critical in Challenging Times. Indian Pueblo Cultural Center, Albuquerque, NM.

Martinez, G. (2020, October). Overview and History of Indigenous Peoples’ Day. Indigenous Peoples’ Day, University of New Mexico Taos.

Martinez, G. (2020, February). Future of Native American Studies and Indigenous Studies Roundtable Discussion. Viola F. Cordova Memorial Symposium: 50th Anniversary Celebration of Native American Studies, University of New Mexico: 19, 2020.

Martinez, G. (2019, November). Native American/Indigenous Studies: A Discipline and Across the Curriculum. Indigenous Knowledges Conference: Institute for American Indian Research. University of New Mexico: 14, 2019.

Martinez, G. (2019, October). Enforcing the New Mexico Indian Education Act: A Watershed Moment in the Education of Native American Children. Southwest Indian Polytechnic Institute, Albuquerque, New Mexico: 30, 2019.

Martinez, G. (2019, September). Indigenous Wisdom Curriculum Educator Conference. Indian Pueblo Cultural Center, Albuquerque, NM.

Martinez, G. (2019, August). Leadership Institute: Deculturalization: The Politics of Schooling and Indigenous Youth in NM, Santa Fe Public Schools. Invited

Martinez, G. (2019, April). Indigenous New Mexico: A Social Studies Curriculum. 2019 Semi-Annual Indian Education Summit, Laguna Pueblo.

Martinez, G. (2019, July). Martinez/Yazzie v. State of New Mexico: Implications for Navajo K-12 Education. Diné Education Workshop. Window Rock, Arizona Navajo Nation.

Martinez, G. (2018, September). How we honor diversity in our entire curriculum. Diversity Summit 2018: Advancing Diversity Curriculum in Higher Education: 21, 2018. Invited

Martinez, G. (2018, June). Why is the tail wagging the dog? A New Mexico School Boards Association School Law Conference: 8, 2018.

Martinez, G. (2018, April). Intersectionality and Indigenous Studies. UNM Native American Pedagogies Conference: 27, 2018.

Martinez, G. (2015, September). Cultural Integrity and Curriculum: Implications for Social Studies Educators. New Mexico Council for the Social Studies.

Martinez, G. (2015, January). The Modern Legacies of Conquest. *Lecture series: 100 Years of State & Federal Policy*. Indian Pueblo Cultural Center, Albuquerque, NM. Invited

Martinez, G. (2013, June). Indigenous Studies: Implications for High School Social Studies Educators. Indian Pueblo Cultural Center, Albuquerque, NM.

Martinez, G. (2012, October). "Nurture our children: Embrace our future." Taos Pueblo. 10, 2012. Invited

Martinez, G. (2012, March). Indigenous Women and Education. Indian Pueblo Cultural Center: Indigenous Women in Leadership, Health, and Education. Albuquerque, New Mexico 14, 2012. Invited

Martinez, G. (2011, December). Goals of Education: Curriculum, Assessment, and Policy. New Mexico Education Equity Alliance. Albuquerque, New Mexico 13, 2011. Invited

Martinez, G. (2011, November). History and Identity. UNM Taos 2011 Lecture Series. Taos Community Auditorium (11, 2011). Invited

Martinez, G. (2004, November). Respect my child, he has a right to be himself: Effective ways for parents to communicate with teachers and administrators. 13th Annual Back to School Family Institute. Invited

Martinez, G. (2004, August). Culturally appropriate approaches to educating Indigenous youth. Taos Municipal Schools. Invited

Martinez, G. (2003, October). Community Dialogue on Education and Our Youth at Taos Pueblo. Taos Pueblo Education Summit. Red Willow Education Center. Invited

Martinez, G. (2005, August). Professional development plan: A plan for teachers of Indigenous youth in the Taos Municipal Schools. Invited

Regional Presentations: Refereed

Martinez, G., Benally, C., Sims, C., Candelaria, M., Yazzie, W., & Deyhle, D. (2025, June). Panel: Settler Society's Legal System and Native Educational Justice: A Critical Examination. American Indian and Indigenous Teacher Education Conference at NAU in Flagstaff, AZ.

Paquin, L. & **Martinez, G.** (2024, June). The Yazzie Case: Proclaiming the Rights Connected with the Cultural, Spiritual, and Linguistic Identity of Indigenous Peoples. American Indian and Indigenous Teacher Education Conference at NAU in Flagstaff, AZ.

Martinez, G., Werito, V., Holmes, W., Flowerday, T., Paquin, L., Chimoni, B., & Secatero, S. (2023, June). Indigeneity and Education: Supporting Indigenous students through curriculum development, leadership preparation, teacher education, and community-engagement. American Indian Indigenous Teacher Education conference in Flagstaff, AZ .

Martinez, G. (2022, June). Racial Micro/Macroaggressions and Microaffirmations in Urban Public High Schools. Annual American Indian/Indigenous Teacher Education Conference at Northern Arizona University in Flagstaff, AZ: 17, 2022.

Martinez, G., Secatero, S., Sims, C., Flowerday, T., & Belone, L. (2020, June). Reforming the Education of Indigenous Children: From Rhetoric to Action in Educator Preparation. Annual American Indian/Indigenous Teacher Education Conference at Northern Arizona University in Flagstaff, AZ.

Martinez, G. (2019, June). Indigenous NM: A Statewide Indigenous Curriculum. 10th Annual American Indian/Indigenous Teacher Education Conference at Northern Arizona University in Flagstaff, AZ.

Martinez, G. (2018, June). Indigenous Studies: Curriculum and Empowerment. 9th Annual American Indian/Indigenous Teacher Education Conference at Northern Arizona University in Flagstaff, AZ.

Martinez, G., Lee, T., Lee, L., & Vicente Carpio, M. (2018, June). Indigenous Counter-Narratives and Multi-Media Resources for High School Instruction in History. 9th Annual American Indian/Indigenous Teacher Education Conference at Northern Arizona University in Flagstaff, AZ.

Regional Addresses: Invited

Martinez, G. (2022, May). Keynote: Community Cultural Wealth and Higher Education: Indigenous College Students. Albuquerque, NM: NACADA 2022 Region 10, 16, 2022.

Martinez, G., Flowerday, T., & Secatero, S. (2019, December). Seeking Guidance From Our Elders and Relatives: Community Engagement With Indigenous Nations in New Mexico. Albuquerque: American Indian English Learner Research Alliance: 3, 2019.

Martinez, G. (2019, July). Dine Education Workshop. Navajo Nation Office of Educational Research and Statistics, Window Rock, Arizona: 11, 2019.

Martinez, G. (2012, October). Religious Persecution of Pueblo Peoples in New Mexico in the Twentieth Century. Historias de Nuevo México, Northern New Mexico College.

Martinez, G. (2012, March). Social Justice, Dialogue Poetry, and Native American Studies: Grades 6-12. 3rd Annual Kidd Literacy Conference: Literacy as Social Justice. New Mexico State University.

Martinez, G. (2005, October). Tribal sustainability, peoplehood and sovereignty: Is this possible for Indigenous Peoples of Taos Pueblo? New Mexico Bioneers Conference (Bridging the great divide: Moving beyond class and cultural differences toward a sustainable future for all), Taos, New Mexico.

Martinez, G. (2004, April). Nationalism and Native American Peoples: A historical perspective. Department of History, University of Puget Sound.

Martinez, G. (2000, May). Voices of Native youth from high school, Federal Corrections Institution, medium security, male. Oxford, Wisconsin.

Local Presentations: Refereed

Martinez, G. (2012, October). Cultural Integrity and Curriculum: Implications for Social Studies Educators. Joe Sando Symposium. Albuquerque, New Mexico.

Martinez, G. (2012, October). Panel Chair: The Indian Pueblo Cultural Center's 100 Years of State and Federal Policy Curriculum Project. Joe Sando Symposium. Albuquerque, New Mexico.

Local Presentations: Invited

Martinez, G., LeftHand, D., Lujan, R., and Sandoval, B. (2022, February). Making Land Acknowledgement Meaningful in Curriculum and Instruction. *Taos Municipal Schools Professional Development: Racial Sensitivity and Anti-Racism Training*. Taos, New Mexico.

Martinez, G. (2022, January). Possibilities and challenges of the teaching profession. *Indigenous Educator Pathways*. Taos Pueblo, New Mexico.

Martinez, G. (2021, December). Becoming a Teacher. *Striking Eagle Native American Invitational Educational Workshops*. Albuquerque.

Martinez, G. (2021, June). Our Histories Light the Path From the Present to the Future. *Central Consolidated School District in NW New Mexico*. Virtual.

Martinez, G. (2019, November). Indigenous Wisdom Curriculum Professional Development Workshop for Elementary School Teachers in *Bernalillo Public Schools*. Bernalillo.

Martinez, G. (2019, September). Indigenous Wisdom Curriculum. *Educator Conference*. Indian Pueblo Cultural Center, Albuquerque, New Mexico.

Martinez, G. (2015, April). Counter Narratives In New Mexico History: Implications for Secondary Social Studies Teachers. The Fight For Social Justice in Tough Times: Rethinking Schools. UNM Latin American and Iberian Institute.

Martinez, G., Marsh, T., & Crawford, K. (2015, April). Race, Immigration, and Citizenship: Tools for Implementing Critical Content in K-12 Classrooms. The Fight For Social Justice in Tough Times: Rethinking Schools. UNM Latin American and Iberian Institute.

Martinez, G., C. Sims, A. Humetewa (2014, February). *100 Years of State and Federal Policy Curriculum: K-5 2013 Curriculum*. Teacher Professional Development, Indian Pueblo Cultural Center.

Martinez, G. (2013, October). Confronting the Shoah: An Introduction to Teaching the Holocaust for Pre-Service Teachers. University of New Mexico.

Martinez, G. (2013, September). Indigenous Response to Religious Persecution: New Mexico in the 20th Century. *Lecture series: Mexico and New Mexico: How we historically present the agency of Indigenous Peoples*. UNM Latin American and Iberian Institute.

Martinez, G. (2013, February) *100 Years of State and Federal Policy Curriculum: Teacher Professional Development*, Vista Grande High School. Taos, NM.

Martinez, G. (2013, February) *100 Years of State and Federal Policy Curriculum: Teacher Professional Development*, Taos Day School. Taos, NM.

Martinez, G., K. Gchacu, V. Siow, & A. Humetewa (2013, January). *100 Years of State and Federal Policy Curriculum: Teacher Professional Development*, Native American Community Academy. Albuquerque, NM.

Martinez, G. (2012, May). Keynote: UNM Faculty of Color Awards. Albuquerque, New Mexico.

Martinez, G. (2012, March). Interviewing Native Participants. Indigenous Research Theory and Practice: A Workshop Series. *University of New Mexico American Student Services.*

Martinez, G. (2011, October). "We are supposed to act like one, not like an enemy" U.S. Imperialism and the Declaration on the Rights of Indigenous Peoples. *University of New Mexico Indigenous Day Teach.*

Martinez, G. (2011, February). Addressing Diversity, Equity, Inclusion and Social Justice in Politically and Economically Challenging Times. *University of New Mexico Office for Equity and Inclusion Town Hall.*

Martinez, G. (2010, November). Tribal Critical Theory and Praxis. University of New Mexico Critical Issues Roundtable Critical Race Theory Teach-In sponsored by PNMGC.

Martinez, G. (2010, November). Book Talk: *Native Pride: The politics of curriculum and instruction in an urban high school*. University of New Mexico Institute for American Indian Research Book Festival.

Martinez, G. (2010, October). Importance of Service and Mentorship in Indigenous Nations in the Southwest. University of New Mexico Sidekicks Mentorship Program.

Martinez, G. (2009, March). Strategies for Improving Native American Success at UNM. University of New Mexico Title V Committee.

Martinez, G. (2008, April). What is Indigenous Self-Determination in Education? Perspectives from the southwest. University of New Mexico Native American Studies Lecture Series.

Martinez, G. (2007, September). We have our languages and traditions. *University of New Mexico Civil Rights Symposium -- 40 years of community activism, 1967 – 2007: Civil rights reform, then and now*. University of New Mexico.

Martinez, G. (2006, November). Indigenous scholarship: Does a self-proclaimed Indigenous identity guarantee a certain set of politics? *UNM Native American Faculty Perspectives on the Academy*. University of New Mexico.

Martinez, G. (2006, November). Successes and Challenges of Urban Education and its Impact on Native American Students. Albuquerque Public Schools Indian Education Department.

Martinez, G. (2006, November). Heroes, villains, holidays, and days of mourning. Multicultural Bilingual Education Center/APS Career Ladder Training Project.

Martinez, G. (2006, March). Culturally relevant instructional strategies for Indigenous youth. College of Education Department of Teacher Education and the Undergraduate Committee - *Well-being of Children and Adolescents*. Albuquerque, New Mexico.

Martinez, G. (2005, November). Keynote Address: School-family and community partnerships: Essential tools for student success. *14th Annual Back to School Family Institute*. Albuquerque, New Mexico.

Martinez, G. (2005, November). Po'pay and the Pueblo Revolt of 1680: Implications for curriculum and instruction in history. *Po'pay Commemoration Symposium*. University of New Mexico.

Martinez, G. (2005, May). Social justice and the educational aspirations of Indigenous youth of Taos Pueblo. *Project LEAD (Leaders Engaged in Academic Diversity)*. University of New Mexico.

Facilitator: "Caught In the Middle" A conference to identify and address issues surrounding public school districts on Indian lands, Window Rock, Arizona (May 16, 2005).

Martinez, G. (2005, April). Native Pride: The subaltern speak. University of New Mexico Department of Sociology – Race and Education (SOC 520).

Martinez, G. (2004, April). Taos Blue Lake: A discussion of present-day manifestations of Indigenous Peoples nationalism. Department of History, University of New Mexico.

Martinez, G. (2003, November). Native Values, Pride and Education. Department of Physical Performance and Development, University of New Mexico.

Martinez, G. (2003, October). Resiliency and Revolution. Returning It Back, You Will Go On: 2nd Annual International Day of Solidarity with Indigenous Peoples – An alternative to Columbus Day. Albuquerque, New Mexico.

Martinez, G. (2003, September). Native Pride and the Politics of Curriculum and Instruction. Fall 2003 College of Education Research Spotlight Series. University of New Mexico.

Martinez, G. (2000, May). Contemporary Issues of Pueblo Education, The Southwest Institute. Albuquerque, New Mexico. May 18, 2000.

Martinez, G. (1999, May). Maintaining Cultural Identity...Is this possible in a public school setting? Albuquerque Public Schools. Albuquerque, New Mexico.

Grants

Funded External

Principal Investigator: Endowment from New Mexico Legislature: Senate (Senator Benny Shendo). Funding for the Native American Teacher Preparation Program. Amount: \$2.5 million.

Principal Investigator: **Recruit & Retain Native American Teachers, Administrators, Social Workers, and School Counselors Grant** for the Native American Teacher Preparation Program. Funding Agency: New Mexico Indian Education Division 2021 – present. Amount: \$450,000.

Principal Investigator: Tribal Education Initiative/Research and Public Service Project. Funding Agency: UNM Office of the Provost: 2023 – present. Amount: \$600,318.

Principal Investigator: Rural, Indigenous Teacher Training. Funding Agency: U.S. Department of Education: 2022-23. Amount: \$300,000.

Principal Investigator: NMPED Indian Education Division 2021-22 Sustained Learning Modules: Cultural, Anti-Racist, History, Linguistic Landscape, & Conflict Resolution. Funding Agency: New Mexico Public Education Department Indian Education Division: 2021-2022. Amount: \$52,664.

Co-Principal Investigator: A Network for Growing Our Own Educators and Educational Leaders: A Response to the Consolidated *Yazzie/Martinez v. State of NM* Lawsuit from the UNM College of Education/Research and Public Service Project. Funding Agency: State of New Mexico Department of Higher Education: 2020-present (recurring); Amount: \$154,546.

Principal Investigator: Institute for American Indian Education Community Professional Development Institutes. Funding Agency: McCune Foundation: 2020-2021. Amount: \$10,000.

Principal Investigator: Mentorship Program: UNM and the Native American Community Academy. Funding Agency: Sandia Laboratories: 2018-2019. Amount: \$20,000.

Co-Principal Investigator: College of Education Institute for American Indian Education Planning Project Phase I. Funding Agency: W.K. Kellogg Foundation: 2017-2019. Amount: \$220,000.

Co-Principal Investigator: American Indian Educator Mentor Program. Funding agency: ECMC Foundation: 2015-2017. Amount: \$416,666.

Participant: Facing History/Facing Ourselves: Race and Immigration: July 2014. Denver, CO

Belfer First Step: Holocaust Institute for Teacher Educators 2013. United States Holocaust Memorial Museum. Washington, D.C. Travel, housing and resources.

Co-Principal Investigator: The Institute for American Indian Education. Funding agency: New Mexico Public Education Department, Indian Education Division. Amount: \$300,000. July 2008 to June 30, 2011.

Principal Investigator: The American Indian Teacher Quality Project. Funding agency: New Mexico Higher Education Department. Amount: \$153,000 (for UNM/IAIE). October 1, 2009 to September 30, 2010.

Principal Investigator: The American Indian Teacher Quality Project. Funding agency: New Mexico Higher Education Department. Amount: \$150,000 (for UNM/IAIE). January 2009 to September 2009.

Principal Investigator: The American Indian Teacher Quality Project. Funding agency: New Mexico Higher Education Department. Amount: \$150,000 (for UNM/IAIE). January 2008 to December 31, 2008.

Principal Investigator: The American Indian Teacher Quality Project. Funding agency: New Mexico Higher Education Department. Amount: \$143,735 (for UNM/IAIE). January 2007 to December 31, 2007.

Council of University Faculty Association (CUFA) Scholarship to attend the 2007 CUFA conference: \$500.

Teaching American Indian Sovereignty Seminar. The Newberry Library Center for the History of the American Indian (D'Arcy McNickle Center): 2004: Travel, housing and per diem for two weeks.

Tribal History Project, The Newberry Library Center for the History of the American Indian (D'Arcy McNickle Center): 1988. Travel, housing and per diem for four weeks.

Summer Institute in American Indian History for Secondary and Reservation College Teachers. The Newberry Library Center for the History of the American Indian (D'Arcy McNickle Center): 1986 Travel, housing and per diem for four weeks.

Grants: Funded Internal

Principal Investigator: UNM College of Education Summer Research Grant: Summers 2011, 2012 and 2013. Project: *An Examination of Educational Experiences of Indigenous Youth in New Mexico Border Towns*. Amount: \$29,000.00

Principal Investigator: The College of Education at U.N.M. Overhead Funds Allocation Committee (OFAC) Research Grant: 2006 to 2007: \$500.

Principal Investigator: The Institute for American Indian Research (IfAIR). The University of New Mexico Research Grant: 2005 to 2006: \$1,000.

Principal Investigator: The College of Education at U.N.M. Overhead Funds Allocation Committee (OFAC) Research Grant: 2004 to 2005: \$500.

Grants: Submitted but not funded

Co-Principal Investigator: Educational Reform and Responsiveness of a Public University to Indigenous Nations in New Mexico: The Preparation and Development of Aspiring Rural and Indigenous Teachers and Leaders. Funding Agency: U.S. Department of Education: 2018. Amount: \$115,766.

Teaching

University Graduate Courses

Language, Literacy, and Sociocultural Studies 517: Secondary Social Studies Methods. Fall semesters 2022 – present. *Developed by Professor Glenabah Martinez.*

Language, Literacy, and Sociocultural Studies 593: Critical Curriculum Studies. Spring semester 2011. *Developed by Professor Glenabah Martinez.*

Language, Literacy, and Sociocultural Studies 500: Issues in Language, Literacy, and Sociocultural Studies. Fall semesters 2003-2007; Spring semester 2005, 2009; Summer sessions 2003—2010.

Language, Literacy, and Sociocultural Studies 511: History of U.S. Education. Spring semesters 2003 – Present. *Developed by Professor Glenabah Martinez.*

Language, Literacy, and Sociocultural Studies 516: Educational Classics: Spring semester 2004.

Language, Literacy, and Sociocultural Studies 518: Comparative Education: Spring semesters 2005 and 2007.

Language, Literacy, and Sociocultural Studies 521: Sociology of Education: Fall semesters 2003 – 2017.

Language, Literacy, and Sociocultural Studies 551: History of American Indian Education: Fall semesters 2009, 2010, and 2011.

Language, Literacy, and Sociocultural Studies 593: Topics in LLSS (Education, Power and Indigenous Communities; Critical Research Methodologies; History of American Indian Education; Teaching New Mexico History): Fall semesters 2002-2009; summer session 2008. *All developed by Professor Glenabah Martinez.*

Language, Literacy, and Sociocultural Studies 645: Advanced Seminar in Foundations of Education, Spring semesters 2002 to present University of New Mexico (UNM)

University Undergraduate Courses

Language, Literacy, and Sociocultural Studies 432: Teaching of Social Studies/Social Studies Methods. Fall semesters 2006 -- Present.

Language, Literacy, and Sociocultural Studies 493: Topics in LLSS (Education, Power and Indigenous Communities and Teaching New Mexico History): Fall 2002-2006 and summer session 2008. *Developed by Professor Glenabah Martinez.*

Language, Literacy, and Sociocultural Studies 321: School and Society: Spring semesters 2008 – present. *Developed by Professor Glenabah Martinez.*

Language, Literacy, and Sociocultural Studies 1110: Foundations of Indigenous Education: Spring semester 2025. *Co-developed by Professor Glenabah Martinez*

Native American Studies 150. Introduction to Native American Studies, UNM Taos. Spring 2014.

Native American Studies 252: The Native American Experience, UNM Taos, Spring 2012.

Native American Studies 150: Introduction to Native American Studies. Summer sessions 2007 – 2010.

Native American Studies 255: Topics in Native American Studies (Contemporary Issues in NAS). Summer sessions 2003-2006

Native American Studies 348: Native American Activism. Spring semester 2001. *Developed by Professor Glenabah Martinez.*

Native American Studies 385: Indigenous Worldviews. Spring semesters 2001 and 2004

Native American Studies 402: Education, Power, and Indigenous Communities. Fall 2002-2006. *Developed by Professor Glenabah Martinez.*

Native American Studies 450: Topics in Native American Studies (History of American Indian Education). Fall semester 2005

Service: Professional National

Secretary: American Educational Research Association Indigenous Peoples of the Americas SIG (2020-2022)

Secretary/Treasurer: American Educational Research Association Indigenous Peoples of the Americas SIG (2016-2017)

Member: American Educational Research Association Minority Fellowship Committee (2008 to 2012).

Member: National Assessment of Educational Progress (NAEP) U.S. History Standing Committee for the 2018 Assessment. Educational Testing Service and National Center for Education Statistics. (2014 to 2016).

Editorial Board Member: Journal of American Indian Education (2010 –2014)

Contributing editor: Wicazo Sa Review: A Journal of Native American Studies (2003 to present).

Program Co-Chair: American Educational Research Association Division B (Curriculum Studies-Youth Organizing and Communities in Action), 2011- -- 2012.

Textbook Review of *A Practical Guide to Middle and Secondary Social Studies* by June Chapin, Pearson Press (2010, January).

Facilitator: National Indian Education Association, Urban Education Student Panel (October 27, 2011).

Reviewer: Division B - Curriculum Studies; section 1: Critical Perspectives and Communities in Action (Fall 2010)

Reviewer: Teaching and Teacher Education (Fall, 2007).

Reviewer: AERA Indigenous Peoples of the Americas Special Interest Group proposal reviewer (Fall 2007, 2008 and 2009)

Reviewer: AERA Indigenous Peoples of the Americas SIG proposal reviewer (August 2006).

Reviewer: Book proposal for *Roots of resistance: Land tenure in New Mexico, 1680-1980* by Roxanne Dunbar-Ortiz, University of Oklahoma Press (December 2005 – January 2006).

Reviewer: AERA Social Justice Special Interest Group proposal reviewer (August, 2005 - Present).

Reviewer: American Educational Research Association Journal, Social and Institutional Analysis Section (AERJ/SIA) 2005.

Reviewer and consultant for National Geographic School Publishing's books series on Native Americans (September to present).

Reviewer: Curriculum Inquiry (2004 to present).

Book series for National Geographic School Publishing's books series on Native Americans (2003, Fall).

Committee member: National College Board's Social Sciences Advisory Committee (1993 to 1997)

Committee member: National Assessment of Educational Progress: U.S. History Assessment 4th, 8th, and 12th grades (1991 to 1993).

State/Local Service

Board member: ACLU New Mexico (2024 to present)

Reviewer: Santa Fe Indian School Indigenized Social Studies Curriculum (2023)

Member: New Mexico Higher Education Department Teacher Workforce Task Force (2022)

Member: Revision of New Mexico State Social Studies Standards Task Force (2021)

Board member: Advisory to the Institute of Pueblo Indian Studies (2012 to present)

Board member: Red Willow Center/Farm Board of Directors at Taos Pueblo (2016 to 2017)

Board member: Native American Community Academy (2012 to 2013)

Advisory council member: The State of New Mexico Public Education Department: The Secretary's Assessment and Accountability Advisory Council (July 1, 2006 to June 30, 2008).

Board member: UNM-Taos Native American Advisory Board (2004 to 2008)

Board member: Red Willow Youth Council Advisory Board (2004 to present)

Board member: Robert F. Kennedy Charter School (2005 to 2007).

Board member: New Mexico Council for the Social Studies (1992 to 1995)

Board member: Tonantzin Land Institute (1993 to 1995)

Regional

Board Member: Regional Educational Laboratory Southwest Governing Board (2018 to 2022)

University Service

Mentor: PNMGC Faculty Mentoring Program (2022)

Advisor: UNM Kiva Club (2020 to 2021)

Member: UNM Instructional Continuity Student Support Committee (2020)

Member: UNM COEHS Diversity Council (2020 to present)

Member: UNM Search Committee for the Vice President for Equity and Inclusion (2019)

Member: UNM Division of Inclusion and Equity Taskforce (2017).

Member: UNM Center for Regional Studies Advisory Group (2017 to 2021)

Internal Reviewer: Academic Program Review (APR) for Native American Studies at the University of New Mexico (Fall, 2014).

Faculty Senator: UNM Faculty Senate (2009 to 2013)

Co-Chair: UNM Provost's Diversity Sub-Committee on Curriculum (2011 to 2013)

Member: UNM Provost's Diversity Council (2011 to present)

Faculty representative: University of New Mexico Athletic Council (2005 to 2011).

Member: Equity Subcommittee, UNM Graduation Taskforce (September 2006 to December 2006).

Member and co-founder: Indigenous Scholars in Dialogue for Critical Consciousness at the University of New Mexico (2003 to present).

College of Education and Human Sciences

Member: UNM COEHS Graduate Committee (2022 to 2025)

Member: UNM COEHS Diversity Council (2020 to 2023)

Member: UNM COEHS Undergraduate Committee (2020 to 2021)

Member: UNM Search Committee for the Dean of the College of Education (2020).

Co-Chair: College of Education *Yazzie/Martinez v. State of New Mexico* ad hoc committee (2019).

Member: UNM College of Education Faculty Governance (2014 to 2016)

Member: UNM College of Education Undergraduate Committee (2012 to 2015)

Member: College of Education Diversity Standing Committee at the University of New Mexico (2003 to 2012).

Faculty member: College of Education Research Council, University of New Mexico (2004 to 2010).

Faculty member: Institute of American Indian Education, University of New Mexico (2004 to present).

Department of Language, Literacy, and Sociocultural Studies

Member: UNM Department of Language, Literacy, and Sociocultural Studies Personnel Committee (2016 to present)

Coordinator: Educational Thought and Sociocultural Studies in Department of Language, Literacy, and Sociocultural Studies (2019 to present)

Member: Department of Language, Literacy, and Sociocultural Studies Graduate Committee (2003 to 2020).

Community and Public Service

Member: All Pueblo Governors Council Education Committee, 2022 to 2024.

Member: Vista Grande High School Advisory Council, Taos Municipal Schools, 2019 to 2022.

Member: Taos Day School Primary Transition Work Group, Pueblo Nation of Taos, 2017-2018.

Native American Studies Instructor, CYFD Foothill High School at YDDC and Camino Nuevo, 2015 to 2017.

New Mexico History Co-Instructor, Taos High School, Fall 2013.

Member: Vista Grande High School Search Committee for School Director, Spring, 2013.

Cross Country Volunteer Assistant Coach, University of New Mexico, 2012 to 2014.

Cross Country Assistant Coach, Highland High School, Albuquerque Public Schools, 2005 to 2011.

Commissioner, State Bar of New Mexico Public Legal Education Commission, 2009 to 2011.

Vice-President, Taos Pueblo School Board, 2007 – 2009.

Science Fair Judge: New Mexico Tribal Coalition of Educators for Native American Children (CENAC) Science Fair. Santa Fe Indian School, February 1, 2007.

Mentor: Native American Community Academy New Teacher Program. January 2007 to December 2007.

Committee member of Steering Committee: Title V – “Improving Campus Climate for Hispanic Students.” January 2007 to December 2010.

Workshop coordinator: Red Willow Community Education Project. Red Willow Education Center at Taos Pueblo. January 2007 to December 2007.

Advisory council member: The State of New Mexico Public Education Department: The Secretary’s Assessment and Accountability Advisory Council (July 1, 2006 to June 30, 2008).

Board member: Native Soul Youth (2006 to 2009)

Reviewer: College of Education Regents’ Graduate Student Fellowship (May 2006).

Committee member: Equity Subcommittee, UNM Graduation Taskforce (September 2006 to December 2006).

Task Force facilitator and member: Indian Education Division of the New Mexico Public Education Department (September 2005 to 2009).

Board member: Robert F. Kennedy Charter School (2005 to 2007).

Curriculum Writer: Native American Community Academy (summer 2005)

Facilitator: “Caught In the Middle” A conference to identify and address issues surrounding public school districts on Indian lands, Window Rock, Arizona (May 16, 2005).

Mentor: American Indian Science and Engineering Society (2003 to 2005).

Board member: UNM-Taos Native American Advisory Board (2004 to present)

Board member: Red Willow Youth Council Advisory Board (2004 to present)

Committee member: National College Board’s Social Sciences Advisory Committee (1993 to 1997)

Committee member: National Assessment of Educational Progress: U.S. History Assessment 4th, 8th, and 12th grades (1991 to present).

Professional Awards/Honors

Elder of the Year: November 2023: Awarded by the National Indian Education Association.

Educator of the Month: November 2021. Awarded by Kids Discover Magazine.

Chester C. Travelstead Endowed Faculty Fellowship for Teacher Education: 2017. Awarded by the University of New Mexico College of Education and UNM Foundation.

UNM Award for Outstanding Faculty of Color: 2007, 2009, 2010 and 2011. Awarded by the PMGS.

UNM 2008, 2009, 2010 and 2012 American Indian Student Services Award for Teaching and Mentoring

School of Education Dean's Club Research Fellowship, University of Wisconsin – Madison: 2000 to 2001.

Professional Association Memberships

American Educational Research Association, Division B (Curriculum Studies) and Division K (Teaching and Teacher Education). Special Interest Groups: Indigenous Peoples of the Americas and Postcolonial Studies and Education.

History of Education Society

National Indian Education Association

National Council of the Social Studies

National Association for Multicultural Education

IRB Approved Research Projects (as a professor at UNM)

Martinez, G. (2012 – 2015). Principal Investigator: *An Examination of Educational Experiences of Indigenous Youth in New Mexico Border Towns*.

Martinez, G. (2007 – 2008). Principal Investigator: *Educational Experiences of Indigenous Youth at Taos High School: Implications for Curriculum Development Instruction, and Policy*.

Martinez, G. (2006-2007). Principal Investigator: *Heroes, Villains, Holidays, and Days of Mourning: An Analysis of Dominant Interests of an Urban Community on Curriculum*

Areas of Experience and Expertise

Certified by the State of New Mexico to teach Social Studies at the secondary level: Level III-A Instructional Leader 7 – 12 Secondary (2017 to 2026).

Certified by the State of New Mexico to coach interscholastic sports at the secondary level: Level II: 7 – 12 (2014 – 2023)

Prepared to develop curriculum in the social sciences, social studies, and Native American Studies at the secondary level.

Prepared to design qualitative research projects.

Trained to design and implement teacher in-service and/or professional development opportunities.

Promotion and Tenure Service

Mid-Point Probationary Review: Aijuan Cun, Department of LLSS, Fall 2022
Mid-Point Probationary Review: Ashley Dallacqua, Department of LLSS, Fall 2021
Tenure Committee: Pisarn Chamcharatsri, Department of LLSS, Fall 2017
Tenure Committee: Vincent Werito, Department of LLSS, Fall 2017
Mid-Point Probationary Review: Robin Minthorn, Department of TEELP, Fall 2014
Mid-Point Probationary Review: Vincent Werito, Department of LLSS, Spring, 2014
Tenure Committee: Tryphenia Peele-Eady, Department of LLSS, Fall 2013
Mid-Point Probationary Review: Lloyd Lee, Department of NAS, Fall 2011
Tenure Committee: Rebecca Sanchez, Department of Teacher Education, Fall 2010
Tenure Committee: Tiffany Lee, Department of Native American Studies (NAS), Fall 2010
Tenure Committee: Christine Sims, Department of LLSS, Fall 2010
Tenure Committee for Full Professorship: Rebecca Blum Martinez, Fall 2009
Tenure Committee for Full Professorship: Lois Meyer, Fall, 2008

ANDREW PAUL MONTTOYA

Address: 3673 Lunetta Court, Las Cruces, NM 88012 · Cell: (575)621-1172

email: andrew@DesertRootsCollective.us

Educator with deep professional experience fueled by the drive to advance educational opportunities through a participatory approach with transformational outcomes, weaving together people, policy, and practices in support of sustaining and strengthening the movement for Community Schools from the grassroots to the grasstops.

PROFESSIONAL EXPERIENCE

SEPTEMBER 2022 – APRIL 2026 **DIRECTOR**, NATIONAL EDUCATION ASSOCIATION OF NEW MEXICO- CENTER FOR COMMUNITY SCHOOLS - Directed work related to community schools, including advancing community school efforts collaboratively with local educational agencies, promoting community schools policy and practices, supporting the state coalition for community schools, and coordinating community school technical assistance for over ten school districts, direct NEA-NM's professional learning work, including early career educator support, national board jumpstart, Read Across America activities, and other workshops, conferences, and professional supports that promote professional excellence and educator leadership across the state. Advanced initiatives related to education justice, including the education justice fellowship, education justice coalition organizing. Serves on the NEA-NM Management and Leadership Team. Development of regular reports to the Board of Directors, provide strategic support, research, and expert testimony for NEA-NM lobbying efforts. Support administrative capacity and infrastructure development of the Center for Community Schools, including data management, grant oversight and reporting, financial tracking, recruiting and managing contracts with consultants, and developing systems for sustainability. Maintains accurate financial records/expense reports

MARCH 2022 – SEPTEMBER 2022 **CONSULTANT**, CALIFORNIA TEACHERS ASSOCIATION (CTA) Joined a dynamic team of practitioners whose programmatic assignments supported members in advancing racial and social justice for California Public Schools and their communities. Staff support assigned to work with Student CTA, Organize for community schools, lead consultant for CTA Human Rights scholarships, and as a member of a team within the Human Rights Department, provided support in leading development, implementation and evaluation of programs that advanced the overall goals and objectives of advancing racial and social justice affiliate wide.

MARCH 2017 – SEPTEMBER 2022 ORGANIZATIONAL SPECIALIST,

NATIONAL EDUCATION ASSOCIATION Served as an organizer for both the Center for Racial & Social Justice and the Center for Organizing & Affiliate Support, partnering with affiliates, leaders and staff in equity-centered organizational development. Tasked with strategically developing a year-round organizing cycle focused on growth and strength through cross-center collaboration. Provided organizing support and assistance to assigned affiliates in developing and executing strategic plans, organization development, capacity building, and education justice organizing. Provided hands-on coaching and training to organize projects and campaigns, with the intent of raising awareness, developing skills and capacity among staff, local educators, and community activists for the purpose of taking action to secure great public schools for all students. **CALIFORNIA TEACHERS ASSOCIATION (CTA)** Joined a dynamic team of practitioners whose programmatic assignments supported members in advancing racial and social justice for California Public Schools and their communities. Staff support assigned to work with Student CTA, Organize for community schools, lead consultant for CTA Human Rights scholarships, and as a member of a team within the Human Rights Department, provided support in leading development, implementation and evaluation of programs that advanced the

AUGUST 2012 – MARCH 2017 SECONDARY TEACHER, LAS CRUCES PUBLIC

SCHOOLS NEA-Las Cruces Association Representative as a first year educator, youngest elected board of directors member in the history of the local affiliate I represented, served as the state affiliate lead for early career educator (ECE) organizing and every student succeeds act (ESSA) policy action team. Developed Local affiliate's webpage, graphic designs for events, member to member outreach and special events, elected representative assembly member for state affiliate as an ECE. Served on the district bargaining team, social studies textbook adoption committee, and supported student athletics as an announcer for baseball and basketball games. Responsibilities within the classroom included developing, planning, and implementing instruction, effectively managing the classroom, demonstrating various pedagogical skills, assessing student learning, reflecting on students' appropriate content knowledge on a daily basis, effectively communicating expectations and building effective working relationships with diverse learners.

JANUARY 2006 – JUNE 2012 ADMINISTRATIVE ASSISTANT, DONA ANA COMMUNITY COLLEGE - Assisted the president of the community college and

executive department with research, presentation development as well as training and mentoring new work-study employees. Developed digital graphics for departmental community outreach and engagement.

EDUCATION

MAY 2012 BACHELOR OF ARTS & SCIENCE, SECONDARY EDUCATION & SPECIAL EDUCATION, NEW MEXICO STATE UNIVERSITY First generation college graduate - Graduated with a 3.10 GPA and focused coursework on special education, childhood educational psychology, multicultural education and social studies with an emphasis on government, geography, and United States History. Member of Chicano Programs, National Alliance on Mental Illness Regional Member, Hispanic Education Symposium Facilitator

MAY 2009 ASSOCIATE IN GENERAL STUDIES, DONA ANA COMMUNITY COLLEGE First-generation college graduate, Hispanic Serving Institution Student Advisory Committee, also worked as Administrative Assistant while attending

ORGANIZING EXPERIENCE

- Provided technical assistance and training to state and local affiliates on racial justice, resulting in greater implementation of a race equity framework throughout affiliates' program, policies, practices, and budgets
- Strategic guidance and planning, Specializing in small group facilitation, Organizing campaign and issue advocacy guidance and strategy, Presentation development; Racial Justice and Equity, Implicit Bias, Race Equity Assessment Tools, White Supremacy Culture, Training; Racial Justice and Equity, Implicit Bias, Race Equity Assessment Tools, Early Career Educator Organizing, Aspiring Educator Organizing with a focus on Racial & Social Justice
- Built and maintained internal and external partnerships that led to the development of education justice coalitions that took action for racial justice
- Transformed a historically marginalized middle school and organized for it to become the district's first ever community school, and the taught at that community school
- Developed efficient use of data systems which led to an integrated approach to articulating and assessing organizational needs and goals

LOCAL, NATIONAL & STATE EXPERTISES

2022-PRESENT: APPOINTED TO NEW MEXICO COALITION FOR COMMUNITY SCHOOLS - Served on the Coalition as an active member in a leadership capacity working along the New Mexico Public Education Department with its Community School Statute and the Community School grant program funded by the New Mexico Legislature from Fall 2022 to present day reviewing grant applications alongside NMPED staff

2024-2025: Facilitated workshops at the New Mexico Public Education Department Community School Bureau's Statewide Community School Conference as a state expert on Community Schools planning, implementation and sustainability.

2022-2026: Selected presenter for the Institute for Educational Leadership's National Community Schools and Family Engagement Conference four years in a row along with planning and facilitating New Mexico's state breakout session during the conference for 2023 & 2024.

SPRING 2022: Lead Facilitator for the California Statewide Community School Summer Academy, UCLA, Los Angeles, California with the Human & Civil Rights Department of the California Teachers Association

2020-2022: National Education Association Community Schools Strategic Campaign Institute Facilitator, Presenter, Content Specialist, Organizer, Washington, D.C.

2018: FOUNDING MEMBER for a 501.3(c) Multigenerational serving, Kellogg Foundation & McCune Foundation funded non-profit The Learning Action Buffet which provides opportunities for youth ages 15 to 25 to design a future of health, meaningful work, economic independence, and social justice through art, communication, and action. The LAB is a space where youth and adults come together to communicate ideas and act by taking leading roles in community efforts to build a more equitable place to call home.

STRENGTH FINDER 2.0

TOP 5:

1. Learner: Have great desire to learn and want to continuously improve
2. Achiever: Works hard and takes great satisfaction at being productive
3. Futuristic: Inspired by the future and what it could be, inspires others with their vision of the future
4. Ideation: Able to find connections between seemingly disparate phenomena
5. Intellection: appreciates intellectual discussions

REFERENCES AVAILABLE UPON REQUEST

LAUREL NESBITT

Disability Rights New Mexico, 3916 Juan Tabo Blvd. NE, Albuquerque, NM 87111
505-256-3100 • lnesbitt@drnm.org

Civil attorney with over 22 years of litigation practice, advocacy on behalf of individuals with disabilities in special education, employment discrimination, and other matters, legal work with nonprofits, direct legal service and advice to low-income clients in clinical and street law settings, service as a judicial law clerk, mediation training, and post-secondary teaching experience.

PROFESSIONAL EXPERIENCE

DISABILITY RIGHTS NEW MEXICO

Senior Attorney, January 2021 to Present (Current); **Staff Attorney**, October 2019 to December 2020

Responsibilities, Duties, Applicable Experience (Senior Attorney):

- Supervision, legal education, consultation, and training to agency staff
- Leadership in systemic advocacy and impact litigation
- Direct legal representation to individuals with disabilities experiencing violations of their rights
- Collaboration with and technical assistance to constituent groups, community organizations, external attorneys representing persons with disabilities, and disability rights agencies
- Assisting the legal director and litigation manager in developing, implementing, and evaluating legal staff priorities, work plans, and performance plans
- Representing the perspective of DRNM and the needs and interests of people with disabilities on task forces, policy groups, work groups, coalitions, and similar bodies. **Systemic advocacy for students with disabilities includes (non-exhaustive list):**
 - o **Monthly Meetings with NMPED Office of Special Education (OSE) Family Engagement.** June 2025-present. Monthly discussions with OSE Family Engagement and New Mexico Parent Training and Information Center representatives from Parents Reaching Out (PRO) and Education for Parents of Indian Children with Special Needs (EPICS), to discuss trends in unmet needs of students with disabilities in New Mexico.
 - o **IDEA Part B Advisory Panel**—Sept. 2024-Present. Appointed by Gov. Michelle Lujan Grisham to serve as Panel Member, as a parent of and advocate for students with disabilities.
 - 2024-2025: Chair of Policy and Procedures Subcommittee
 - 2025-2026: Chair of Behavior and Discipline Committee
 - o **New Mexico START Program Advisory Council**, University of New Mexico Center for Development and Disability—Council Member, Oct. 2023-Present
 - o **Senate Memorial 68 Restraint and Seclusion Working Group**, Member—Nov. 2023-Jul. 2024

- o **Legislative Education Study Committee Special Education Stakeholder Listening Sessions**—June- Aug. 2023. Provided substantial written and oral input.
- o **Special Education Transformation Team**, Member—Sept. 2020-Sept. 2022
 - Presented and Led Discussion on Students with Disabilities Needs Analysis, at the request of NMPED Deputy Secretary Timothy Hand—Sept. 2020
 - Served on Behavioral Needs Workgroup

Previous Positions:

Attorney, Steven Granberg, Attorney at Law, 2004 – 2019

Advocating for plaintiffs in the areas of Special Education, Employment & Civil Rights Law, among others.

Managing all stages of the litigation process and administrative proceedings, including client intake, case analysis, drafting pleadings, written discovery, taking and defending depositions, mediation, briefing, motion practice, trial preparation, trial, and appeals

Judicial Clerk, 2003 - 2004 – Honorable Tena Campbell – United States District Court, District of Utah

Law Clerk, Aug.-Dec. 2002, May-Aug. 2002, May-Aug. 2001 – Disability Law Center, Salt Lake City, UT

Contract Legal Research and Writing for Various Attorneys, Apr. – Dec. 2002, Salt Lake City, UT

Intern, Aug. 2001-May 2002 – Salt Lake Legal Defender Association, Salt Lake City, UT

Lecturer, Composition and Literature, Aug. 1997-May 1999, Colorado State University, Ft. Collins, CO

Intern (Editorial Work), Sept. 1998-Jan. 1999 – University Press of Colorado, Niwot, CO

PRO BONO AND COMMUNITY SERVICE

Heading Home, Board of Directors – 2013-2021 (Board Member, Vice Chair)

Homeless Legal Clinic, State Bar of New Mexico YLD – 2006-2016 (Chair)

Street Law Project: Homeless Shelter and Support Program – 1999-2003, Salt Lake City, UT (Volunteer)

Rocky Mountain Innocence Center – 2000-2002, Salt Lake City, UT (Student Volunteer)

American Civil Liberties Union – Feb. 2002 (2002 Winter Olympic Games, Legal Observer)

LEGAL EDUCATION

Juris Doctor – S.J. Quinney College of Law, University of Utah
Law Review • Order of the Coif • President of Public Interest Law Organization

40 Hour Mediation Training – UNM School of Law

OTHER EDUCATIONAL BACKGROUND

Master of Arts, Literature – Colorado State University

Bachelor of Arts, English – Guilford College

PRESENTATIONS, SPECIAL EDUCATION (NON-EXHAUSTIVE LIST)

Statewide Special Education and School Discipline Trainings for Parents and for Juvenile Probation

Officers (Various, Nov. 2019 to Present)

IDEA Part B: Referral, Evaluation, Eligibility. Four Corners Special Education Day, Jul. 2024, Jul. 2025

Education Rights and Resources: Navigating the Educational System and Understanding Legal Rights. NMPED

Parent University, Nov. 2024 (served as Local Expert)

Section 504 Training for Albuquerque Public Schools Principals. Sept. 2024

DRNM Special Education Advocacy and Systemic Issues. IDEA Advisory Panel, Sept. 2023

Special Education Needs and Challenges. 2023 Annual Legal Service Providers Conference, Aug. 2023

Special Education and School Discipline. LC3 Behavioral Health Collaborative, Jul. 2023

Educational and School Disciplinary Considerations for Crossover Youth with Disabilities. 2023

Children's Law Institute, Jan. 2023

Rights of Students with Disabilities: A Broad Overview, Marshall Brennan Constitutional Law Project,

UNM School of Law, Nov. 2022

BAR ADMISSIONS

State of New Mexico

U.S. District Court, District of New Mexico

U.S. Court of Appeals for the Tenth Circuit

ADRIAN I. SANDOVAL

Phone: (505) 350-3972
aisandoval@nmhu.edu

9945 Bellevue St. NW
Albuquerque, NM 87114

EDUCATION

EdD	University of North Dakota, Higher Education Leadership (Emphasis: Bilingual Multicultural Teacher Education)	Expected completion 2026
Licensure	Education Administration Pre-K to 12	October 2014
MA	New Mexico Highlands University, Educational Leadership Field Study: "Leadership and Effective School Site Professional Development" Committee: Flora Ida Ortiz, Ph.D. (chair), Mel Morgan, Ph.D., Steve Martinez Ph.D.	May 2010
Licensure	Secondary Education Endorsements: Social Studies, Bilingual, TESOL, and MCNL	May 1994
BA	University of New Mexico, Spanish Minored in History	May 1990

HONORS AND LEADERSHIP HIGHLIGHTS

Director	2019-Present
Function as the director of the Center for the Education and Study of Diverse Populations (CESDP) and the Ben Lujan Leadership and Public Policy Institute at New Mexico Highlands University. Provide seamless leadership, support, and advocacy for current CESDP projects, interests, and future goals.	
Elected Co-Chair of the NMHU President's Council for Diversity, Equity and Inclusion	2020
Elected State Bilingual Advisory Council Co-chair	2018
Interim Bilingual/Title III Director	2010-2011
Functioned as the Interim Title III / Bilingual Director for Bernalillo Public Schools. Mentored a graduate school intern completing his Educational Leadership internship.	
New Mexico Public Education Department International Dialogue	2009
Represented the Center for the Education and Study of Diverse Populations and New Mexico Highlands University in Spain as part of an international dialogue relative to language assessment practices.	

Ben Luján Leadership and Public Policy Institute Fellow	2008
The Ben Luján Leadership Fellows program at New Mexico Highlands University prepares participants to be leaders in all levels of educational organizations. Participants take courses in selected subjects, such as school reform, systems thinking, instructional leadership and educational vision with an emphasis on cultural competence as it relates to the unique needs of New Mexico school communities. The Institute offers scholarship opportunities that allow practicing professionals to participate in the New Mexico Highlands University Educational Leadership Master's Program.	
New Mexico Public Education Department Recruitment Abroad	2006
Represented the Public Education Department in Mexico City as the lead team member interviewing teachers interested in teaching as part of New Mexico's Bilingual/Multicultural Education Programs.	
New Mexico Public Education Department Technical Support	2006
Provided technical assistance and narration services for the final production of three new versions of the Spanish language proficiency assessment (La Prueba), for teachers interested in a State of New Mexico Bilingual Endorsement.	
New Mexico Public Education Department Liaison	2005
Identified as the Public Education Department's liaison for the Memoranda of Understanding with the Ministries of Education from both Mexico and Spain.	
Bilingual/ESL Coordinator	2004
Created a staff handbook and a professional library with an emphasis on acquiring English as a second language and content area instruction in the Spanish language for the Polk Middle School staff.	
Accountability and Funding Task Force Leader	2004
Assigned by the Bilingual Multicultural Education Bureau to lead a statewide accountability and funding taskforce focused on the more accurate and efficient submission of student data to the state.	
Co-coordinator statewide MeChA Conference	1997
Sallie Mae First Year Teacher of the Year Award (Santa Fe Public Schools)	1996
Mentor Teacher	1994-95
Functioned as a mentor teacher and guest lecturer in conjunction with the College of Santa Fe for students interested in a 60 hour TESOL certification.	

HIGHER EDUCATION TEACHING EXPERIENCE

New Mexico Highlands University, Las Vegas, NM December 2020 to June 2023
Instructor, School of Education Bilingual Teacher Immersion Institute

- Planned and delivered instruction for undergraduate and graduate coursework as part of a fall and spring intersession institute (GNED 4060 and 5060) entitled Composition in School Context. This intensive course focused on the basic rules of Spanish language composition, editing, vocabulary development specific to the field of education, and a review of Spanish language grammar and punctuation. An emphasis was placed on creating authentic educator writing samples while reflecting on cultural themes and the role advocacy that educators have of culturally and linguistically different communities.

University of New Mexico, Albuquerque, NM August 1992 to May 1993
Teaching Assistant, Spanish & Portuguese Department

- Planned for and delivered instruction in two sections (per semester) of Spanish 101. Developed supplementary materials, graded, hosted office hours. Delivered lessons in accordance with the natural approach to second language acquisition. Received some of the highest end of semester student evaluations as a teaching assistant during graduate school. Invited to lead a discussion on “Successful Teaching Methodologies” in front of colleagues, professors, and other attendees.

PUBLICATIONS

Articles

Sandoval, A.I., “La enseñanza contextualizada (Sheltered Instruction): Un enfoque en el lenguaje del contenido,” *Soleado*, vol. 8, no. 2, Winter 2015, pp. 6-7.

Sandoval, A.I., “La enseñanza contextualizada (Sheltered Instruction): Afirmando la identidad de nuestros estudiantes y acelerando el aprendizaje por medio de ambos idiomas,” *Soleado*, vol. 8, no. 1, Fall 2015, pp. 8-9, 12.

Sandoval, A.I., “La enseñanza contextualizada (Sheltered Instruction): Creando espacio para la interacción estudiantil,” *Soleado*, vol. 7, no. 4, Spring 2015, pp. 6-7, 13.

Sandoval, A.I., “La Instrucción Contextualizada (Sheltered Instruction): ¿Algo útil al nivel de la secundaria y la preparatoria?,” *Soleado*, vol. 7, no. 3, Spring 2015, pp. 6-7, 15.

Sandoval, A.I., “El papel de nuestros padres de familia en el desarrollo de lenguaje y el razonamiento académico,” *Soleado*, vol. 2, no. 3, Spring 2010, pp. 6-7.

Jiménez-Latham, P., Sandoval, A.I., “New Language Standards for All New Mexico Students: Bridging Content and Language,” *Soleado*, vol. 2, no. 1, Fall 2009, pp. 4-5.

Journal Publications

Rodríguez, A., Sandoval, A., “La fusión de antiguas leyendas de trágicos amantes en la creación de El niño de la bola de Alarcón,” *Letras Peninsulares*, (Fall/Winter), 1996-1997, pp. 371-375.

RECENT PRESENTATIONS

Presentation, “Living Diversity, Equity and Inclusion,” Higher Learning Commission Conference (Chicago, IL), April 2022.

Presentation, “Diversity, Equity and Inclusion Matters in a PreK-20 Learning Collaboration,” Counselors and Advanced Placement Summit (Albuquerque, NM), March 2020.

Workshop, “Current Program Status and Current Awareness of Quality Program Implementation,” Washington Middle School (Albuquerque, NM), April 2019.

Presentation, “A First Step Toward Parent Partnerships: Getting to Know Our Parents and Community Stakeholders,” 45th Annual New Mexico Association for Bilingual Education Conference, April 2019.

Presentation, “A First Step Toward Parent Partnerships: Getting to Know Our Parents and Community Stakeholders,” 8th Annual Southern New England Conference for Dual Language Programs (Pawtucket, RI), March 2019.

Workshop, “Santa Fe Public School Curriculum Alignment Planning Retreat,” (Santa Fe, NM), March 2019.

Workshop, “Reflecting on Our High School Dual Language Programs,” U-46 (Elgin, IL), February 2019

RECENT PROFESSIONAL TRAINING

CILAC Freire Workshop

Centro Internacional de Lenguas, Arte y Cultura Paulo Freire, Cuernavaca, Mx., June 16-24, 2018

Description: Increase cultural awareness, language proficiency in Spanish, awareness of current and historical issues affecting Mexico over a variety of topics, and provide opportunities to network with other professionals.

New Mexico Public Education Department Language and Culture Bureau Seminar

Culturally and Linguistically Responsive Instruction – A Focus on Culture and Instructional Benefits, Albuquerque, NM, June 14, 2018

Description: Seven contact hours focused on culturally and linguistically responsive instruction.

CETLALIC Workshop

Centro Tlahuica de Lenguas e Intercambio Cultural, Cuernavaca, Mx., June 24-July 2, 2017

Description: Increase cultural awareness, language proficiency in Spanish, awareness of current and historical issues affecting Mexico over a variety of topics, and provide opportunities to network with other professionals.

Literacy Squared Workshop

3rd Lecto-escritura al Cuadrado Institute, Puebla, Mx., June 12-17, 2016

Description: This institute focused on the improvement of schooling for emerging bilingual children via programs that develop biliteracy through simultaneous literacy instruction in Spanish and English, attending to the quality of instructional delivery, and planning for direct and explicit opportunities to make cross-language connections with students.

PROFESSIONAL AFFILIATIONS

NMHU President's Council on Diversity, Equity, and Inclusion, Chair/Co-chair 2019-Present

Coalition for the Majority, 2019-Present

State Bilingual Advisory Council, Co-chair, 2016-Present

PROFESSIONAL SERVICE

Institute Lead Organizer

Communities of Action, Solutions, and Advancement Institute 2025

Family/Community Partnership Strand, La Cosecha Dual Language Conference, 2019 & 2021

La Cosecha Student Leadership Institute, Fall 2014-2023

NMABE Student Leadership Institute, Spring 2015 and Spring 2019-Present

Managed the Acequia and Land Grant Education Project to include a white paper:

- Valdez, E.V. (2021) Reclaiming our past, sustaining our future: Envisioning a New Mexico land grant and acequia curriculum. Center for the Education and Study of Diverse Populations at New Mexico Highlands University.
<https://its.nmhu.edu/includes/onlinedocs/display.html?quicklink=7370>

Authored Foreword:

- #OwnYourEñye
Montes-Hirt, G. O. & Soler-Cox, D. (2019) #OwnYourEñye. Project Eñye.

COMMUNITY SERVICE

Various New Mexico Public Schools (Secondary)

Judge for Bilingual Seal Presentations 2017-Present

Dual Language Education of New Mexico (La Cosecha Student Leadership Institute)

Coordinate a yearly statewide student leadership institute for linguistically and culturally diverse secondary students

LANGUAGES

English: Native Language

Spanish: Distinguished Proficiency

French: Novice Proficiency

COMPUTER SKILLS

• Word-Processing • Spreadsheet Development • Data entry & Retrieval • Computer-based Presentations • MS Publisher • MS Paint (Graphics Editor) • Internet

REFERENCES

Dr. Patricia Jiménez-Latham, Project Manager

Transform Education New Mexico

Phone: 505-350-1513

Email: patricia@transformeducationnm.org

Dr. Paul Martinez, Education Policy Consultant

P.O. Box 4036

Fairview, NM 87533

Phone: 505-927-7346

Email: pemtz@hotmail.com

David Rogers, Executive Director

Dual Language Education of New Mexico

1309 4th Street SW Suite E

Albuquerque, NM 87102

Phone: 505-243-0648

Email: david@dlenm.org

CHRISTINE P. SIMS
Department of Language, Literacy, and Sociocultural Studies
College of Education, University of New Mexico
Albuquerque, NM 87131
Tribal Affiliation: Pueblo of Acoma
(505) 277-3175; (505) 277-8177 OR (505) 681-4008
csims@unm.edu

EDUCATION

Ph.D. University of California at Berkeley, December, 2004. Graduate School of Education, Division of Literacy and Cultural Studies.

Dissertation: "Maintaining an Oral Language Tradition: A Study of Language Maintenance in the Acoma Pueblo Community"

M.A. Education, New Mexico State University, Las Cruces, New Mexico, 1993

B.S. Secondary Education, History Major, University of Albuquerque, Albuquerque, New Mexico, 1973.

Areas of Specialization: Native Language Maintenance and Revitalization; Language Policy and Native American Language Issues; Native American Heritage Language Learning; Native American Language Program Planning and Language Teaching; Native American Education; Native American Bilingual Education.

PROFESSIONAL EXPERIENCE

University

- | | |
|--------------|---|
| 2012-Present | Associate Professor, Department of Language, Literacy and Sociocultural Studies (LLSS), College of Education, University of New Mexico. <ul style="list-style-type: none">• Program Coordinator, LLSS American Indian Education Program (2012-2020).• Faculty Member, LLSS Bilingual Graduate Admissions Committee (2005-Present).• Faculty Member, LLSS Bilingual Scholarship Committee (2005- Present).• Faculty Member, Educational Linguistics Department Graduate Admissions Committee (2005 to present). |
| 2005-2012 | Assistant Professor, Department of Language, Literacy and Sociocultural Studies (LLSS), College of Education, University of New Mexico. |
| 2008-Present | Director/Principal Investigator, American Indian Language Policy Research and Teacher Training Center, Department of Language, Language, Literacy and Sociocultural Studies (LLSS), College of Education, University of New Mexico. |
| 2010-2011 | Co-Principal Investigator, Institute for American Indian Education, Department of Language, Language, Literacy and Sociocultural Studies (LLSS), College of Education, University of New Mexico. |
| 1999-2005 | Lecturer, in the Linguistics Department, College of Arts and Sciences and the Department of Language, Literacy, and Sociocultural Studies (LLSS) in the College of Education. |

Graduate* and undergraduate courses taught:

Second Language Literacy* (LLSS 459/559)
Research in Bilingual Classrooms and Communities* (LLSS 503)
Language in Society (LING 331/531)*
Educating the Linguistic & Culturally Diverse Student (LLSS 315)
Introduction to Bilingual Special Education (SPCD 560)*
Native American Languages (LING 415/515)*
Seminar in Endangered Languages (LING 539)*
Native American Experience: Contemporary Education Issues (NAS 252; AMER ST. 252)
Education and Language in Southwest Native American Communities (LLSS 460/560; LING 436/536/NAS 460)*
Teaching Second Language Literacy (LLSS 493/593)*
Alternative Assessment for English Language Learners (LLSS 568)*
Teaching the Native Language to the Native Speaker (LLSS 449)*
LLSS Master's Seminar on Language, Literacy, and Sociocultural Studies (LLSS 500)*
LLSS Master's Seminar for Comprehensive Exams (LLSS 590)*
Bilingual Methods, Materials and Practices (LLSS 300)
Instructional Trends in Social Studies (LLSS 540)*
Issues in American Indian Education (LLSS 493)
Teaching the Native Child (LLSS 554)*
Current Trends in American Indian Education (LLSS 493)
Topics: Teaching the Native Language in Immersion Settings (LLSS 493/593)*
Topics: Native Language Program Planning and Teaching (LLSS 493/593; LLSS 391/591)*
Topics: Instructional Trends in Native Languages (LLSS 493/593)*
Problems Course for Graduate Students (LLSS 591)*
Advanced Field Experiences for Graduate Students (LLSS 595)*
Dissertation for Ph.D. Students (LLSS 699)*
Directed Readings for Graduate Students (LLSS 598)

PUBLICATIONS

Refereed

Minthorn, R., Belone, L., Martinez, G., & **Sims, C.** (2019). Indigenous Research Perspectives: A Historical Overview of Sovereignty in the State of New Mexico and Implications for Working with Schools and Community. In *Journal of American Indian Education*.

Non-refereed

Sims, C. (2020). First Encounters with Spanish Explorers: A Pueblo Experience. In *Indigenous Wisdom Curriculum* Project. Indian Pueblo Cultural Center, Albuquerque, NM

Sims, C. (2019). Oral and Written Testimony before U.S. Senate Committee on Indian Affairs, Oversight Hearing (August 22): Examining Efforts to Maintain and Revitalize Native Languages for Future Generations. Washington, DC.

Sims, C. (2019). *Closing Opportunity Gaps: The State of the Data, Native American Language Issues in Early Childhood Education* (February 28). Children's Equity Project and the Bipartisan Policy Center Research Policy Priorities. Washington, DC.

Sims, C. (2018). A Position Statement on Early Childhood Education: Implications for Indigenous Language Communities. American Indian Language Policy Research & Teacher Training Center.

Sims, C. (2017). Oral and Written Testimony: New Mexico Public Education Department Hearing (May 2) Regarding Proposed Changes to NM Bilingual Program Changes (BMEP Rule 6.32.2 NMAC). Santa Fe, NM.

- Sims, C.P. Martinez, G., Gchachu, K., et.al.(2017). *100 Years of State and Federal Policy: The Impact on Pueblo Nations Curriculum*. An Indian Pueblo Cultural Center Project.
- Sims, C. et.al (2017). *Language documentation, revitalization, and reclamation: Supporting young learners and their communities*. Child Language Research and Revitalization Working Group. Waltham, MA: Education Development Center, Inc.. NSF Award #1500720. Available at: www.edc.org/language-documentation-revitalization-and-reclamation.
- Meyer, R., & Sims, C. (2016). A year of rich learning for a young child. In Meyer, R.J. & Whitmore, K.F. (Eds). *Reclaiming Early Childhood Literacies: Narratives of Hope, Power, and Vision*. New York: Routledge/Taylor & Francis.
- Sims, C. (2016). Pueblo Code Talkers Unit Plan. In *100 Years of Indian Education Federal Policy: The Impact on Pueblo Nations Curriculum Project*. Indian Pueblo Cultural Center, Albuquerque, NM
- Sims, C. (2016). Pueblo Advocacy in Contemporary Times Unit Plan. In *100 Years of Indian Education Federal Policy: The Impact on Pueblo Nations Curriculum Project*. Indian Pueblo Cultural Center, Albuquerque, NM
- Lucero, S., Rankin, B., Sena, N., & Sims, C. (2016). Threads woven into a New Mexico narrative: four educators reflect on May 2015 study tour to Reggio Emilia, Italy. *Innovations in Early Education: The International Reggio Emilia Exchange*.

Invited Book Chapters

- Sims, C. (In Press). Listening to Wisdom from the Past. In Mitsy Kwang Dae Chung, Geralyn Schroeder Yu, and Jo Pollitt (Eds.). *Listening as a Transdisciplinary Pedagogy: The Right to Be Heard*. Publication in 2026.
- Sims, C. (In Press). Maintaining the well-being of children through language. In *Supporting Mental Health and Wellness among Indigenous Peoples in the US: Infants, Children, and Adolescents* (S.Schroeder, B. Luger, J.Smith-Yliniemi, L. Fox, A. McLean, Eds.) Springer.
- Sims, C. (2023). Pueblo Revitalisation in Education in Southwest USA. In T.Skutnabb-Kangas & R. Phillipson (Eds.). *The Handbook of Linguistic Human Rights*. Oxford UK and Malden, MA: John Wiley & Sons, Inc.
- Sims, C. & Blum Martinez, R. (2023). The complexities of language learning for New Mexico's Indigenous students. In G.Martinez, L.Lee, & W. Greyeyes (Eds.). *The Yazzie Case: Interrogating the Yazzie/Martinez Lawsuit*. Albuquerque, NM: UNM Press.
- Sims, C., (2020). Bilingual Education in Pueblo Country. In R. Blum Martínez, & MJ. Haberman López, (Eds). *Standing on their shoulders: A history of bilingual education in New Mexico*. University of New Mexico Press.
- Sims, C. P. (2019). Re-Centering Pedagogy on Oral Traditions. In Sherris, A. & Peyton, J.K. (Eds.) *Teaching Writing to Children in Indigenous Languages: Instructional Practices from Global Contexts*. New York/London: Routledge.
- Sims, C.P., Thompson, N., Barnes Najor, J., & Garcia, L. (2019). Southwest Tribal Perspectives on Native Language Learning and Assessment: Culture and Practice Implications for Early Childhood Education. In Tippeconnic III, J.W. & Tippeconnic Fox, M.J. (Eds.) *On Indian Ground: The Southwest*. Charlotte, NC: Information Age Publishing.

Invited Commentary

Sims, C.P. (2009). Commentary: Voices from the field: an American Indian Pueblo perspective in Virginia Collier and Wayne Thomas, *Educating English Language Learners for a Transformed World*. Albuquerque: Dual Language Education of New Mexico.

Reviewer Activities

Manuscript Review. (2023). Indigenous Language Immersion Schools—The Link to Sustainable and Healthy Indigenous Community Futures. *Wicazo Sa Review (WSR)*.

Manuscript Review. (2019). Constructing “Living” Bridges: Research and Learning in a Canadian Indigenous Pre-School. *Innovations in Early Education: The International Reggio Emilia Exchange*.

Manuscript Review. (2019). The Making of Relatives: Creating a Home Away from Home. *Interdisciplinary Education and Psychology*.

Book Review. (2018). Richard H. Frost. *The Railroad and the Pueblo Indians: The Impact of the Atchison, Topeka, and Santa Fe on the Pueblos of the Rio Grande, 1880-1930*. Pacific Historical Review.

Manuscript Review. (2017). Report from the Field: Preparing Leaders to Shape Outcomes in Native-Serving Schools. *Journal of American Indian Education*.

PROFESSIONAL PRESENTATIONS:

International Conferences (Invited)

Sims, C.P. (2021). Virtual Interview on Language Revitalization. Endangered Languages Project Festival of Indigenous Languages. Oregon.

Sims, C.P. (2013). *Indigenous Language Revitalization in the Pueblos of New Mexico, USA*. IV Congresso Internacional de Estudos Linguísticos e Literários na Amazônia. April, 2013. Federal University of Pará. Belem, Brazil.

National Conferences & Professional Meetings(Invited)

C. Sims & G. Martinez. (2025). AERA Panel/Paper Presentation, “The Yazzie Case: Settler Colonialism, Imperialist Agendas and Violation of Native American Linguistic Rights.” AERA 2025 Conference, March 25, 2025. Denver, CO.

Opening Conference Speaker: North American Reggio Emilia Alliance Conference. Albuquerque, NM Summer, 2024.

Keynote Speaker: *The Unfinished Business of New Mexico Bilingual Education: A Call to Action*. New Mexico Association for Bilingual Education. Albuquerque, NM. April 5, 2024.

Keynote Speaker: *Second Language Acquisition: Implications for Learning Native Languages*. Gallup McKinley County Schools Teacher Summit. Virtual. March 28, 2024

Invited Speaker: *Multilingual Learning and Literacy: Indigenous Languages*. SEA Indian Education Directors’ Community of Practice. January 31, 2024. Virtual Presentation.

Invited Speaker: Key Principles for Native Language Teaching. Eastern Band of Cherokee Indians Virtual Conference. April, 19, 2024.

Keynote Speaker: *The Right to Learn Your Native Language*. 2023 NAU Stabilizing American Indian Languages/American Indian Indigenous Teacher Education Conference. Flagstaff, AZ. June 24, 2023

Invited Panel Facilitator: Pre-Conference Institute, Community and School-based Indigenous Language Efforts. 2018 National Association for Bilingual Education Conference. Albuquerque, NM. February 28, 2018.

Invited Speaker: *Language Documentation and Revitalization: Research Implications for Native Children, 0-5*, 2017 Project Directors Meeting, National Office of English Language Acquisition, U.S. Department of Education. Washington, DC. November 8, 2017.

Invited Speaker: *Supporting Native Language Learning for Young Children*, National Directors Meeting for Administration for Native Americans, U.S. Department of Health and Human Services. Washington, DC. November 7-9, 2017.

Plenary Speaker: *Why Native Language Learning is Critical in Native Children's Development*. Administration for Native Americans, U.S. Department of Health and Human Services, Tribal Language Summit, Albuquerque, NM. October 23, 2017.

Keynote Speaker: *Language and Place: Cultural Literacy in Oral Traditions*. Western Conference on Linguistics, Boise State University, Boise, Idaho. October 20, 2017.

Keynote & Workshop Presenter. *Pathways to Fluency: Cultural Survival through Language Revitalization Conference*. MICA Group. Isleta Pueblo, December 12-15, 2016.

Regional Invited

Keynote Speaker (2026). *Indigenous Language & Culture: Foundations for Curriculum Development Today*. Indigenous Education Curriculum Fair, UNM Taos Office of Indigenous Outreach, UNM Institute for American Indian Education, and Indian Pueblo Cultural Center. Taos, NM. March 14, 2026.

Invited Speaker (2025). Workshop on Indigenous Early Childhood and Language Revitalization. University of Arizona, American Indian Language Development Institute. (June 27, 2025).

Invited Speaker (2025). Institute for American Indian Education, 2025 Indigenous Curriculum Fair. Indian Pueblo Cultural Center, Albuquerque, NM (November 8, 2025).

Invited Speaker: Native American Bilingual Education. Ohkay Owinghe Community Education Forum; Ohkay Owinghe Pueblo, NM. August 7, 2022.

Keynote Speaker: *Native Language Development in the Midst of Standards & Assessments: Considerations for Native Language Learners*. Second Annual American Indian English Research Association Conference. Laguna Pueblo, NM. June 12, 2018.

Invited Presenter: *Language Documentation and Revitalization: Research Implications for Native Children, 0-5*. Second Annual American Indian English Research Association Conference. Laguna Pueblo, NM. June 12, 2018.

Invited Speaker: *Supporting Native Language Development for Early Childhood*. Washington State Early Childhood Summit. Tacoma, Washington. May, 2017.

Nationally Accepted Presentation

Workshop. *Reclaiming Early Childhood Education for Native Children Through Language & Culture*. 2023 National Indian Education Association Conference. Albuquerque, NM. October 20, 2023.

Community Inspired Approaches to Indigenous Education in New Mexico. 2018 National Indian Education Association, Hartford, Connecticut. October 12, 2018.

Workshop. *Early Childhood Education: The Implications for Native Language Development among Young Children*. 2018 National Indian Education Association, Hartford, Connecticut. October 12, 2018.

Poster Presentation. *Best Practices in Language Documentation and Revitalization: Research Implications for Native Children 0-5*. 2018 National Indian Education Association, Hartford, Connecticut. October 11-12, 2018.

Learning Tribal Heritage Languages as Second Languages. 2017 National Indian Education Association Conference. Orlando, FL. October, 2017.

100 Years of New Mexico Pueblo History: A Curriculum Development Project. 2017 National Indian Education Association Conference. Orlando, FL. October, 2017.

Language Documentation and Revitalization: Research Implications for Native Children, 0-5. Poster Session presented at 2017 Native Children's Research Exchange Conference. With M. Hermes & J. Weston. Denver, CO. September 28, 2017.

Indigenous Research Perspectives: A Historical Overview of Sovereignty in the State of New Mexico and Implications for working Schools and Community. Paper presented at the 2016 National Indian Education Association (NIEA) Annual Meeting: Building Education Nations through Engaging Families, Educators, and Leaders. With G.M. Martinez, R.S.Minthorn & L. Belone Reno, NV. October, 2016.

Indigenous Research Perspectives: Working With Schools and Community. Paper presented at the 2016 American Education Research Association (AERA) Annual Meeting: Public Scholarship to Educate Diverse Democracies. With G.M. Martinez, R.S.Minthorn & L. Belone. Washington, DC. April, 2016.

Regionally Accepted Presentations

Indigenizing Education for Life Long Learning. 15th Annual Conference of Community Leaders, Cherokee Nation, Tahlequah, OK. July 12, 2019.

English Language Instruction and Considerations for Native American Students. New Mexico Association for Bilingual Education Conference, Albuquerque, NM. April 26, 2019.

Preparing Native American Language Teachers to Teach Language. New Mexico Association for Bilingual Education Conference, Albuquerque, NM. April 27, 2019.

Culturally Grounded Approaches to Native Language Assessment. Southwest Consortium of Indian Head Start Programs, Isleta Pueblo, NM. March 20, 2019.

Building a Certificated Training Program in Partnership with New Mexico Indian Affairs Department for Native Language Teachers. Native Language Symposium, New Mexico Tribal Language Consortium, UNM-West, Albuquerque, NM. March 29, 2019.

PROPOSAL AND GRANT WRITING ACTIVITIES:

Sims, C. (2022-2026). *American Indian Language Resource Project*, UNM RPSP Tribal Education Initiative. NCE to 2027.

Sims, C. (2022-2026). *English Language Learner Teacher Preparation Program*. Multi-Year project funded by NM Higher Education Department.

Sims, C. (2023-2026). *Telling Our Stories: A Pueblo Archival Project*. A 3-year project funded by the National Archives and Records Administration, U.S. Congressional earmarked funding FY2023.

Sims, C. (2020). *Native Cultural and Linguistic Instruction (NCLI) Birth-5*. A 1-year project. Funded by the New Mexico Early Childhood Education Department.

Sims, C. (2018). *Certificated Training Program for Native Language Teachers*. 1 year project. Funded by the New Mexico Indian Affairs Department.

Blum-Martinez, R., & Sims, C. (2016-2022). *English Language Learner Teacher Preparation Program*. Multi-Year project funded by NM Higher Education Department.

Sims, C. (2018-2022). Bureau of Indian Affairs Western Region Language Immersion Project. Original 1 year research project extended into 2022.

Martinez, G., & Sims, C. (2015-20) *The American Indian Educators Mentor Project*. Scholarship program for Native undergraduate students funded by the ECMC Foundation.

Sims, C. (2016-22) *American Indian Professional Educators' Collaborative*. Original 4 -Yr. Discretionary Project funded by the U.S. Department of Education, Office of Indian Education for \$1,115,647.00

Sims, C. (2018). *Enhancing Mathematical Teaching Reforms Utilizing Native American Language and Culture Resources*. COE START Summer TAG Faculty Research.

Sims, C. (2016) *Native American Community Language Institute*. 1 yr. project funded by McCune Foundation.

Sims, C. (2016) *The NM Tribal Language Resource Project*. 13-month project funded by the W.K. Kellogg Foundation.

INTERNAL COLLEGE OF EDUCATION RESEARCH GRANTS

Sims, C. (2018). *Enhancing Mathematical Teaching Reforms Utilizing Native American Language and Culture Resources*. Summer Faculty Research Grant. UNM COE W.K. Kellogg Foundation START Project. Funded for \$4,000.

AWARDS

2026	Ben Lujan Lifetime Achievement Award. 2026 New Mexico Association for Bilingual Education.
2023	Special Recognition for Life Work. 2023 La Cosecha Conference. Dual Language Education of New Mexico. Albuquerque, New Mexico.
2021-2023	The Chester C. Travelstead Distinguished Fellow, for outstanding and exemplary performance as a teacher, scholar, and educator. College of Education & Human Sciences, University of New Mexico.
2019	University Professor of the Year. New Mexico Association for Bilingual Education, 2019 Annual Conference, Albuquerque, NM.

SERVICE

National Level

(2022 – 2024) Advisory Council Member, Preparing Educators for Arizona's Indigenous Communities Project, Arizona State University.

(2022 – 2023) Advisory Council Member, Family Spirit Thrive Curriculum Project, John Hopkins Bloomberg School of Public Health, Center for Indigenous Health.

(2017-present) Member, American Indian/Alaska Native Family and Child Experiences (FACES) 2019 Survey Workgroup, U.S. Office of Head Start.

(2017-present) Member, Tribal Early Childhood Research Center, Steering Committee and Tribal Language and Culture Community of Learning Committee, University of Colorado.

(2017-present) Member, Advisory Council for National American Indian/Alaska Native Head Start Collaboration Office, U.S. Office of Head Start.

(2018) National Webinar Development: *Family and Community Engagement in Young Children's Native Language Learning and Development Webinar I and II*. In collaboration with the National Center on Parent, Family and Community Engagement and the National Office of American Indian and Alaska Native Head Start Programs. May 2 and May 9, 2018.

(2018) Oral and Written Testimony before the U. S. Senate Committee on Indian Affairs, *Examining Efforts to Maintain and Revitalize Native Languages for Future Generations*. By invitation from Senator Tom Udall, Member, U.S. Senate Committee on Indian Affairs. Senate Russell Building, Washington, DC. August, 2018.

Editorial Boards

2018 Editorial Board for *Journal of American Indian Education*, Arizona State University

State Level

Review of Draft and Final New Mexico Education Department's Martinez/Yazzie Action Plan for New Mexico Center on Law & Poverty. October, 2025.

Legislative Bill Analysis, NM Senate Joint House Memorial 3, Higher Education Bilingual Education Faculties & Degree. February 2025 Legislative Session.

Expert Testimony to the New Mexico House Education Committee on HB 60 Equity Pay for Native Language Teachers. Virtual. February 2, 2022.

Invited Virtual Testimony for Panel on Education Adequacy and Native American Students. New Mexico Advisory Committee to the U.S. Commission on Civil Rights. (December 8, 2022).

Expert Testimony to the New Mexico Legislative Education Study Committee on HB 120 Bilingual Teacher Preparation Act. NM State Capitol, Santa Fe, NM. (January 28, 2019)

Oral and Written Testimony before New Mexico Senate Committee on Indian Affairs. American Indian Language Policy Research & Teacher Training Work with Native Languages. Santo Domingo Pueblo, NM. (October 3, 2018).

Appointed Member, All Pueblo Governors' Council, Education Committee (2019).

Legislative Bill Analysis for SB 311, Legislative Finance Committee (January-February 2019).

Oral and Written Testimony presented to the New Mexico Public Education Department Multicultural Bureau Hearing on proposed Bilingual regulation changes. (June, 2018).

Invited Reviewer, of proposed state Bilingual Education regulation changes for the New Mexico Public Education Department Multicultural Bureau. (2018).

Co-PI, English Language Learner Teacher Preparation Program, a collaborative of COEs from four NM IHEs focused on increasing bilingual and ESL teachers in New Mexico. (2016-2023).

Co-Chair/Member, New Mexico Coalition for the Majority, a multicultural/multilingual professionals group, including the American Indian Language Policy Research and Teacher Training Center, that advocates for bilingual education issues in New Mexico. (2015-2017).

Chair, Indian Advisory Panel, New Mexico Museum of Indian Arts & Culture (2014-2024).

Local Organizer

Organizer/Facilitator: 2025 NALTI (Native American Language Teachers' Institute). American Indian Language Policy Research & Teacher Training Center, Albuquerque, NM. June , 2025.

Organizer/Facilitator: Mini-NALTI (Native American Language Teachers' Institute). American Indian Language Policy Research & Teacher Training Center, Albuquerque, NM. January 12-13, 2024.

Organizer/Facilitator: *Native American Language Teachers Virtual Institute*. American Indian Language Policy Research & Teacher Training Center, Albuquerque, NM. June 6-17, 2022; June 7-18, 2021; June 4-8; 2021; November 17-18, 2017; June 16-17 and July 20-21, 2016.

Organizer/Facilitator: Adobe Think Tank/UNM ECHO. Spring and Fall, 2023. Monthly virtual seminars on *Re-envisioning Native Early Childhood Education in New Mexico*. Albuquerque, NM. February – May, 2023 and October/December, 2023.

Organizer/Facilitator: *Early Childhood Language Institute*. Virtual Institute with Adobe Think Tank and UNM ECHO Early Childhood Education, June 9, 2022.

Organizer/Facilitator: *The Status of Language & Culture in Native Communities*. Virtual Workshop with Adobe Think Tank and UNM ECHO Early Childhood Education, January 27, 2022.

Organizer/Facilitator: *Envisioning Early Childhood Education for NM Native American Communities*. Virtual monthly sessions in partnership with NM Early Childhood Education Department, February – May, 2021; January – May, 2022.

Organizer/Facilitator: *Early Childhood Education & Native Language: A virtual Institute*. American Indian Language Policy Research & Teacher Training Center, Albuquerque, NM. June 10, 2021.

Organizer/Facilitator. *Pre-Conference Institute: Sustaining Tribal Language Initiatives: Exploring & Expanding Partnerships*. La Cosecha Dual Language Conference. Santa Fe, NM, November 8, 2016.

Organizer/Facilitator: *New Mexico Tribal Resource Project Workshops*. American Indian Language Policy Research & Teacher Training Center. UNM Campus. February 17, 2016 ; October 21, 2016.

Workshop Facilitator: *Keres Language Teachers' Workshops*, Bernalillo Public Schools. Bernalillo, NM. March 3, 2016; September 14, 2016; October 12, 2016.

Service to the University

- LLSS Faculty Representative, UNM OVPR Research in Excellence Working group (2016).
- Faculty member, Educational Linguistics Program (1999-Present).

Service to the College

- LLSS Faculty Representative, COE Scholarship Committee (2016-2025).
- Faculty Participant, COEHS W.K. Kellogg Grant project on Early Childhood Education (2021-22).

Chenoa Bah Stilwell-Jensen,
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505.264.5466

PROFESSIONAL EXPERIENCE

Native American Health Extension Regional Officer (HERO) December 2024 to present Office for Community Health (OCH), Family and Community Medicine Health Sciences Center, University of New Mexico

- ◆ Direct programs and initiatives designed to address Social Drivers of Health (SDOH) (housing, food access, employment, utility and safety needs) for Pueblo, Apache, Diné/Navajo, Native Nation children, adolescents, families, elders and individuals in rural and urban communities to serve their wellbeing, access to clinical, educational, and other resources provided through UNM Health Sciences Center to address the health, cultural and community needs
- ◆ Collaborate with Tribal Leaders from Pueblo, Apache and Native Nations to support their community health needs through listening sessions, community mapping, sharing of resources from UNM Health Sciences Center, contracts for UNM OCH Tribal Partner HEROs and connection with grant funding opportunities
- ◆ Administer the Native American HERO Health Extension Hub for tribal communities, including collaboration with higher education, healthcare, Indian Health Service (I.H.S.), Tribal 638 health clinics, Tribal Colleges (Institute of American Indian Arts and Navajo Technical University) Tribal housing, rural and urban housing, community health improvement and philanthropy partners
- ◆ Organize site visits with middle school and high schools in Tribal communities in traditional homelands and urban areas to promote healthcare workforce with early recruitment of Native American youth for early engagement with higher learning through advisement, professional healthcare interests, cultural safety support, scheduling of presenters from diverse Tribes, Pueblos and Native Nations who are healthcare professionals to meet with the students, mentor and share dissemination of the UNM Pre Health Pathway Resource Guide
- ◆ Coordinate the working partnership between New Mexico Department of Health (NMDOH) Office of Community Health Workers, Tribal Liaison (NMDOH), Public Health (NMDOH) and Office for Community Health for strategic mobile health units, state CHW/CHR certification, annual NMDOH CHW/CHR trainings and annual conference
- ◆ Partner with Presbyterian Health Plan and local Tribal health programs to create curriculum and pilot of the *Rooted in Resilience: Healing the Circles within the Indigenous Social Drivers of Health* for an online learning series (2025 to present)
- ◆ Uphold the contractual scope of work with philanthropic funder, Anchorum Health Foundation, for the Office for Community Health to support the strengthening of Tribal Health Hubs (Community Health Workers, Community Health Representatives, Health Councils, Tribal Health Councils, county extensions, school based health centers, schools and clinics) for the respective Pueblo, Apache, Diné and Native Nation communities in New Mexico and Arizona

- ◆ Identify and promote opportunities for new and/or enhanced programs and services, supports major grant initiatives, oversees strategic program planning and development for health promotion and disease prevention for maternal health, infants to elders, schools and Tribal communities
- ◆ Manage and administer a variety of comprehensive programs and projects related to the organization, development, and implementation of community engagement in primary health, behavioral health, and statewide closed loop referral network coordination within Tribal, Pueblo and Native Nation communities, as well as community engagement and health sciences research

Instructor, Affiliate Faculty

August 2022 to present

Pre-Health Scholars Certificate (PHSC), Health Sciences Center (HSC)

University of New Mexico, Rio Rancho Campus

- ◆ Teach in the one year, 5-course (two semesters), 15-credit transcribed Certificate for pre-health students (HSC Undergraduate and Post Graduate Certificate)
- ◆ The HSC PHSC Program offers undergraduate and post-baccalaureate students a rigorous social science-focused opportunity to strengthen their applications to professional programs and gain a foundation for their healthcare studies and future careers. Students will be awarded a professional development certificate upon completion of the program. Degree seeking undergraduate students will be awarded a transcribed certificate upon completion of the program.
- ◆ Teach and guide the pathway for students as they are being trained for professional health programs to strengthen and bridge social science and humanities knowledge with skills in healthcare education and practice. Provide holistic intercultural frameworks for the courses, lectures, assignments and community engagement.
- ◆ **Create the syllabus, course schedule and weekly class activities, grade assignments and student support for two courses in the PHSC Program:**
 - **HSCI 400/500 Fall Semester: Meanings and Culture in Health and Illness –**
 - This course is designed to help students understand and explore the complexities of meanings, cultures and social factors and how they interplay with the conceptualization, experiences and treatment of health and illness.
 - **HSCI 400/500 Spring Semester: Pre-Health Observational Learning:**
 - Create the semester schedule for students to conduct professional shadowing and community engagement. Students connected with a health care professional for guided shadowing.
 - Create and arrange the community engagement schedule for the student field trips into rural and tribal communities. During the field trips, students gather with community members to hear about their health care experiences and learn about the assets and challenges of the communities. Guest speakers provide meaningful learning of health disparities, social determinants of health and cultural differences.

HSCI 400/500 Observation and Learning

Spring 2026

HSCI 400/500 Meanings in Cultural Health and Illness

Fall 2026

HSCI 400/500 Observation and Learning

Spring 2025

HSCI 400/500 Meanings in Cultural Health and Illness

Fall 2024

HSCI 400/500 Observation and Learning	Spring 2024
HSCI 400/500 Meanings in Cultural Health and Illness	Fall 2023
HSCI 400/500 Observation and Learning	Spring 2023
HSCI 400/500 Meanings in Culture Health and Illness	Fall 2022

Senior Project Manager **September 2023 – November 2024**
Office of the Executive Vice President
Health Sciences Center and UNM Health System CEO
Strategic Program Manager, Office for Community Health
University of New Mexico

- ◆ Managed strategic planning and projects with the Chief of Staff, Deputy Chief of Staff, and the Executive Vice President for the academic health center with the deans, faculty, staff, researchers and clinicians of the UNM HSC School of Medicine, College of Nursing, College of Population Health and College of Pharmacy for the UNM 2040 Strategic Plan
- ◆ Directed the Native American Faculty Recruitment and Retention Plan with Kaufman and Associates (Indigenous owned consulting) for UNM Health Sciences with the UNM HSC Center for Native American Health
- ◆ Managed and collaborated with community health programs centered on the social determinants of health and health equity with Pueblo Health and Human Services Programs, Native Nation leaders and tribal programs of New Mexico, state of New Mexico Department of Health, UNM branch campuses in Gallup, Taos, Valencia and Los Alamos, clinics, Indian Health Service (I.H.S.), Tribal 638 clinics/hospitals, ICWA (Indian Child Welfare Act) program in urban and Tribal communities, school-based health centers, K-12 schools and non-profit organizations
- ◆ Created pediatric screening support for Pueblo of Acoma through a collaborative community planning effort focused on auditory, vision and dental screenings for K-12 students in the local public, parochial and Tribal grant schools. The planning committee was comprised of Pueblo of Acoma (POA) Health and Human Services Department and other POA programs, Managed Care Organizations (MCOs), Tribal 638 and I.H.S. staff, non profit clinics, New Mexico department of Health (NMDOH) and wellness program. I organized the plan and goals for the committee who developed community based health fairs during Earth Day and back to school events for two consecutive years (in 2024 and 2025)
- ◆ Managed the planning of the 2023 and 2024 Health Equity Summit with diverse community members who serve on a planning committee for the alignment of health plans from the State of New Mexico's Department of Health, community colleges, universities, K-12 Health Career Pathway Programs, Community Health Representatives/Community Health Workers, hospitals and nonprofit community health organizations. Led the implementation of two statewide forums: the 2nd Annual Health Equity Summit, December 12, 2023 and the 3rd Annual Health Equity Summit, October 28-29, 2024 for the community, students, staff, faculty, researchers and clinicians in Albuquerque, NM
- ◆ Advised and supported the Campus Pathways Committee aligning UNM and UNM HSC programs for student pre health program resources and transition to health professions guide

- ◆ Lead project manager for the Health Equity Implementation Team and the Student Experience Implementation Team

Supervisor, Case Management

February 2017 – August 2023

Cultural Services Provider

Traditional Wellness Program (TWP)

First Nations Community HealthSource

- ◆ Supervised case management for patient centered integrative care focused on housing, employment, education, cultural care and referrals for medical, dental and behavioral health providers. A TWP cultural needs assessments and case management plan were used with E.H.R. (electronic health records) data entry for clients, patients and families from Pueblo, Tribal, Native Nations and diverse nationalities in Albuquerque, New Mexico and Arizona communities (in person and via telehealth)
- ◆ Provided patient centered cultural care for participants with the Albuquerque ICWA (Indian Child Welfare) Court, Urban Healing to Wellness Court, Veteran's Court, and Recovery Court
- ◆ Managed referrals from New Mexico CYFD (Children, Youth and Families Department) ICWA (Indian Child Welfare Act) for integrated care services, traditional cultural care and wellness services. Supported families, parents and guardians with parenting lifeskills curriculum, housing, food access, employment, education and cultural care resources
- ◆ Guided and facilitated wellness group sessions for children, Tribal college and university students, individuals, families and elders (groups include: Food as Medicine, Nature Fitness, Healing Arts, Women's Wellness Circle, and Cultural Enrichment Wellness group) focused on Indigenous and intercultural values for holistic well-being. DAP (data, assessment and plan) notes were entered through a E.H.R. program on a daily basis.
- ◆ Organized and implemented diabetes prevention and heart health initiatives with the Good Health and Wellness in Indian Country (GHWIC), Centers for Disease Control and Prevention Grant
- ◆ Facilitated wellness activities with Indigenous children and teens for the Healthy Native Youth Grant from the Notah Begay III (NB3) Foundation
- ◆ Collaborated and implemented culturally appropriate housing resources for the diverse individuals, families and community members of New Mexico through partnerships with Native Nation tribally designated housing enterprises (TDHE), City of Albuquerque Office Equity and Inclusion (CABQ OEI), Albuquerque Public Schools, charter schools, job training programs, U.S. Department of Housing and Urban Development (HUD), Bureau of Indian Affairs (BIA) Realty Office, and non-profit organizations
- ◆ Organized and implemented monthly Cultural Safety trainings for the First Nations Community HealthSource clinicians and community health program staff

Instructor, Adjunct Faculty

January 2012 - May 2023

Combined BA/MD Degree Program

Health, Medicine and Human Values (HMHV) Course

College of Arts and Sciences, University of New Mexico

- ♦ **Created the syllabi, course schedule and weekly class activities, grading assignments via Blackboard Learn (2012, 2017) and Canvas (2023), student support, schedule guest speakers via Zoom and in person class facilitation, supported student preparation for medical school**

HMHV 310 Health and Cultural Diversity

Spring 2023

HMHV 310 Health and Cultural Diversity

Spring 2017

HMHV 310 Health and Cultural Diversity

Spring 2012

Adjunct Faculty

August 2021 - May 2022

Department of Communication & Journalism

University of New Mexico

- ♦ **Created the syllabi, course schedule and weekly class activities, grading assignments via Canvas, student support, schedule guest speakers via Zoom and in person class facilitation**

CJ COMM 2121 Intro to Interpersonal Health Communication

Spring 2022

CJ COMM 2121 Intro to Interpersonal Health Communication

Fall 2022

Instructor

August 2011 - December 2019

Department of Communication & Journalism, University of New Mexico

- ♦ **Created the syllabi, course schedule and weekly class activities, grading assignments, student support, schedule guest speakers via in person class facilitation**

CJ 320 Conflict Management and Mediation

Fall 2019

CJ 344 Interviewing (Online 2nd 8 Weeks)

Spring 2019

CJ 221 Interpersonal Communication

Spring 2018

CJ 344 Interviewing (Online)

Spring 2018

CJ 314 Intercultural Communication

Spring 2017

CJ 130 Public Speaking

Spring 2017

CJ 320 Conflict Management and Mediation

Fall 2016

CJ 320 Conflict Management and Mediation

Spring 2016

CJ 450 Health Communication

Spring 2015

CJ 450 Health Communication

Spring 2015

CJ 450 Health Communication

Fall 2014

CJ 320 Conflict Management and Mediation

Fall 2014

CJ 130 Public Speaking (2 sections)

Spring 2014

CJ 450 Health Communication

Spring 2014

CJ 314 Intercultural Communication

Spring 2014

CJ 220 Communication for Teachers

Fall 2013

CJ 314 Intercultural Communication

Fall 2013

CJ 450 Health Communication

Fall 2013

CJ 314 Intercultural Communication

Spring 2012

CJ 323 Nonverbal Communication

Spring 2012

CJ 320 Conflict Management and Mediation

Spring 2012

CJ 318 Language, Thought & Behavior (2 sections)

Fall 2011

Instructor, Adjunct Faculty

May 2015 - August 2022

School of Communication, Humanities and Social Sciences (CHSS)

Central New Mexico (CNM) Community College

- ♦ **Created the syllabi, course schedule and weekly class activities, grading assignments, student support, schedule guest speakers via in person class facilitation**

COMM 1130 Public Speaking	Summer 2022
COMM 1130 Public Speaking	Spring 2022
COMM 2120 Interpersonal Communication	Fall 2021
COMM 2221 Interpersonal Communication	Fall 2016
COMM 2221 Interpersonal Communication	Summer 2016
COMM 2221 Interpersonal Communication	Spring 2016
COMM 1130 Public Speaking (two sections)	Fall 2015
COMM 2221 Interpersonal Communication	Summer 2015

Instructor, Adjunct Faculty

January 2017 - May 2018

Institute of American Indian Arts (IAIA) Tribal College

Santa Fe, New Mexico

- ♦ **Created the syllabi, course schedule and weekly class activities, grading assignments, student support, schedule guest speakers via in person class facilitation for dual credit students**

ENGL 100-03 The Art of Public Speaking	Spring 2018
(Dual credit courses at Bernalillo High School)	Spring 2017

Faculty

July 18-22, 2016

Summer Institute for Intercultural Communication (SIIC)

July 13-17, 2015

Director, Janet Bennett, PhD

Intercultural Communication Institute

Co-taught with Dr. John (Jack) Condon (Professor Emeritus, Regents Professor, UNM Department of Communication and Journalism)

- ♦ “Embracing Intercultural Engagement: Transformative Insights from Traditional Ways”, Portland, Oregon

Director

February 2013 - October 2016

Native American Community Engagement (NACE)

New Mexico Appleseed

- ♦ Promoted tribal, national, state and local policies for children and adolescent meal programs in New Mexico focused on the prevention of hunger and promoting healthy nutrition
- ♦ Honored the sovereignty rights for Native Nations for state and federal government trust responsibilities regarding USDA-funded meals
- ♦ Developed and implemented NM Appleseed Child Food Summits with community organizations, schools, school board members, tribal government leaders, families, youth and tribal colleges to increase access for educational outcomes, jobs, economic and healthy lifestyle opportunities

- ◆ Facilitated working partnerships in a sustainable manner with school districts (public, private, grant and BIE), Native Nations, state and federal government and non-profit entities
- ◆ Managed the NM Con Alma grant and Appleseed Fellowship providing native youth with college/high school dual credit, mentorship, job opportunities and leadership experience to tee them up for success in life

Community Outreach Director

October 2005 – July 2011

Quality Improvement, Training, Consultation and Outreach

Envision New Mexico: The Initiative for Child Healthcare Quality

Department of Pediatrics, Health Sciences Center, University of New Mexico

- ◆ Managed community outreach trainings using PDSA (Plan Do Study Act) quality improvement approaches for pediatric healthcare professionals who serve adolescent Medicaid patients in New Mexico school-based health centers, community clinics, Indian Health Service hospitals, Tribal 638 hospitals, schools and public health programs. The training content comprised of evidence-based approaches (through Centers for Disease Control and Prevention and American Academy of Pediatrics) for childhood obesity prevention, treatment and community outreach.
- ◆ Co-Principal-Investigator for NICHQ (National Initiative for Child Healthcare Quality) “Be Our Voice” Childhood Obesity Advocacy Project with national partners at the American Academy of Pediatrics (AAP), California Medical Association (CMA) and supported by Robert Wood Johnson Center for Childhood Obesity. Trained healthcare professionals (pediatricians and public health researchers) to be tribal and national advocates on childhood obesity prevention policies for American Indian children, teens, families and communities in New Mexico.
- ◆ Facilitated the promotion and implementation of school wellness policies through community-based initiatives, advocacy and collaboration with healthcare professionals, schools and community members.
- ◆ Collaborated with physicians, behavioral health professionals, nurses, medical directors, registered dietitians, social workers, school health staff and community members to support the vision, mission and objectives of Envision New Mexico as it serves healthcare providers and communities in New Mexico.
- ◆ Maintained research and collaborative support with the Navajo Nation Human Research Review Board (NNHRRB), Window Rock, AZ, December 2005 – 2011.
- ◆ Provided technical assistance for grant writing for school-based health centers and community organizations.
- ◆ Facilitated adolescent healthcare and wellness presentations at national, state, tribal and local forums and conferences.
- ◆ Created and maintained working partnerships with school administrators, healthcare providers, community members, tribal nations, federal, state and local organizations and other key personnel to support children’s health and quality improvement initiatives.

Coordinator**September 2002–September 2005****Prevention/Intervention (Substance Abuse)****Health/Mental Health Services, Title IV Safe & Drug Free Schools (SDFS)****Albuquerque Public Schools**

- ◆ Grant manager for the New Mexico Tobacco Use Prevention and Control (TUPAC) contract for the school district.
- ◆ Facilitated educational leadership in professional development for substance abuse prevention within the APS district by training principals, teachers, administrators and staff on evidence-based curricula in substance abuse and violence prevention programs.
- ◆ Developed, implemented and monitored Title IV SDFS programs by determining student and community needs related to substance abuse concerns.
- ◆ Implemented staff and community development programs to ensure ongoing support for student needs and assist in identification of available community resources to aid in student success.

Prevention and Wellness Specialist**September 2000 - April 2002****Quality Management, Presbyterian Health Plan (PHP)**

- ◆ Facilitated health education classes, presented community health lectures, provided in-service trainings for health/mental health practitioners and other health/mental health providers and developed health tip articles.
- ◆ Organized and conducted statewide health fairs for rural, reservation and urban communities.
- ◆ Assessed, planned and implemented prevention and wellness materials designed to encourage healthy lifestyle behaviors for all health plan product lines: Medicaid, Medicare and Commercial.
- ◆ Member of the PHP Quality Advisor group. Trained to conduct process improvement teams for system-wide quality improvement objectives in the health plan.

GRANT AWARDS

- ◆ STTARS (Indigenous Safe Housing Center) community funding award of \$45,000 to the Southwest Indigenous Housing Justice Collaborative from the National Indigenous Women's Resource Center to plan and implement the National Tribal Housing Justice Conference, June 26-27, 2025, Albuquerque, NM.
- ◆ Community funding award for the "Sharing the Love and Warmth" event for unsheltered community members in Albuquerque on an annual basis, February 2022 to present (Traditional Wellness Program at First Nations Community HealthSource Clinic). Collaborated and partnered with Bernalillo County Commissioner Adrienne Barboa for a 2026 award of \$5,000 for the event.
- ◆ Team member, Level I Concepts, "Investigating the Holistic Development of Indigenous Children- Moving Towards Diné-based (Navajo) Milestones," UNM Grand Challenges, September 2022 to present.
- ◆ Awarded \$25,000 for the COVID-19 community health grant from NDN Collective to support patient and community care at First Nations Community HealthSource Clinic (non-profit), July 2020-July 2021

- ◆ Co-wrote grant proposal with New Mexico Appleseed and the Navajo Nation for the USDA funding opportunity (USDA-FNS-HHFK-A-DEMO-FY2015) for demonstration projects to end childhood hunger. Awarded: Total award amount: \$2.41 million (Navajo Nation awarded in March 2015), 2015-2017 duration from a \$33 million RFP. The project addressed Navajo Nation food gaps and improved access to healthy foods for youth through school meals, SNAP (food stamps), food distribution, and WIC. Food Nutrition Service (FNS), USDA, Alexandria, VA.
- ◆ Co-wrote and awarded a 2013-14 NM Con Alma mini grant (\$10,000) for NM Appleseed to support the Native American Community Engagement Program that expands Navajo children's access to healthy food, nutrition education, job opportunities and academic education.
- ◆ Co-Principal-Investigator for 2011-12 NICHQ (National Initiative for Child Healthcare Quality) "Be Our Voice" Childhood Obesity Advocacy Project (awarded \$5,000) with national partners at the American Academy of Pediatrics (AAP), California Medical Association (CMA) and supported by Robert Wood Johnson Center for Childhood Obesity. Trained healthcare professionals (pediatricians and public health researchers) to be tribal and national health advocates on childhood obesity prevention policies for Native American children, teens, families and communities in New Mexico.

EDUCATION

August 2010 – July 2021	Awarded Doctorate, PhD in Health and Cultural Communication, Dissertation Entitled: "Iina Dziil Be' At'iin (On the Path of a Strong Life): Diné (Navajo) Perceptions of Self-Care and Social Support with Diabetes Management", Department of Communication & Journalism, University of New Mexico
January 1996 – May 1997	Master of Science in Health Education, University of New Mexico, Albuquerque, New Mexico
August 1988 – December 1996	Bachelor of University Studies, University of New Mexico, Albuquerque, New Mexico

PUBLICATIONS and MULTI-MEDIA PROJECTS

- ◆ Davis, B. (2025, October 16). Yazzie/Martinez draft plan angers Indigenous education experts and advocates. *New Mexico in Depth*. Retrieved from: <https://sourcenm.com/2025/10/16/yazzie-martinez-draft-plan-angers-indigenous-education-experts-and-advocates/>

- ◆ Davis, B. (2025, November 13). Lawmakers urged to tackle housing challenges in Native communities Advocates say fewer Native Americans own their own homes than New Mexicans overall. *New Mexico In Depth*. Retrieved from: <https://sourcenm.com/2025/11/13/lawmakers-urged-to-tackle-housing-challenges-in-native-communities/>
- ◆ Chee, M.R., Lee, T.S., Stilwell-Jensen, C.B., McKenzie, J. and Greyeyes, W. (2024), T'áá Dinéji Bee Oonishgo Niha' Ałchíní Bá Hódíłzingo Atiin. *Journal of American Indian Education*, 63(1-2):11-13 (March). DOI:10.1353/jaie.2024.a983884
- ◆ Wiley, F. (2020, Spring). American Indian Graduate Center Scholar Uses Culture and Heritage to Transform Native Healthcare. *American Indian Graduate Magazine*.
- ◆ Downer, S., Balkus, O., Broad Leib, E., Blazek, K., Lee Jim, R., Jim-Martin, S., Shin, S., Begay, G., Begody, E., Bitsilly, E., Conn, R., Curley, C., Curley, L., Eldridge, D., George, C., Hale, J., Isaacman-VanWertz, D., Johnson, B., Laveta, T., Lombard, K., Lohmann, K., Morgan, A., Miller, D., Nutlouis, R., Piltch, E., Reff, D., Roy, P., Sell, K., Smith, C., Smith, C., Stilwell-Jensen, C.B., Tatem, K., Toledo, K., Tsosie, M., VanWassenhove-Paetzold, J., Velivis, B., Wilmot, T. (2012, November). Harvard Law School Food Law & Policy Clinic, Good Laws, Good Food: Putting State Food Policy to Work in Our Communities, available at <http://www.chlpi.org/wp-content/uploads/2013/12/FINAL-full-state-toolkit.pdf>
- ◆ Co-produced/co-directed and served as cultural consultant for, “Memories Come to Us in the Wind and the Rain.” A documentary featuring Navajo women and men and their experiences with uranium mining in their quest for justice against uranium corporations, Tufts University, Dave Brugge, Ph.D., 1996
- ◆ Interviewer and cultural consultant for “Legacy: American Indian Elders,” a video featuring American Indian elders and their experiences with healthcare practitioners and Indian Health Services, University of New Mexico Geriatric Education Center, 1998

TRAININGS, CURRICULUM DESIGN and CERTIFICATIONS

- ◆ Participated in the Indigenous CBPAR (Community Based Participatory Action Research) Gathering focused on re-designing the training CBPAR curriculum, Albuquerque, with Dr. Kee Straits and Dr. Doreen Bird, NM May 16-17, 2024
- ◆ Completed the Comprehensive Community Support Services (CCSS) Provider Training, New Mexico Consortium Behavioral Health Training and Research (NM-CBHTR) and UNM Department of Psychiatry and Behavioral Sciences, May 2021.
- ◆ Completed Cultural Safety Training (annual), First Nations Community HealthSource, Spring 2018-2023.
- ◆ Completed Conflict Management and Mediation Training (to serve as an instructor of record for the course), Department of Communication & Journalism, by Professor Stephen Littejohn, Fall 2012.

- ◆ Completed Indian Health Service Train-the-Trainer's Physical Activity Kit (PAK), Albuquerque, NM, with Theresa Clay, Director, Health Promotion & Disease Prevention, Indian Health Service, April 21-23, 2009
- ◆ Completed Digital Storytelling Training, Indian Health Service, Summer 2008
- ◆ Completed Motivational Interviewing Training, Envision New Mexico, 2006-2011
- ◆ Completed Navajo Medical Interpreter Training, Office of Policy and Multicultural Health, New Mexico Department of Health, October 2006
- ◆ Completed Navajo Language and Culture Certification, Office of *Dine* Culture, Language and Community Services of the Navajo Nation Division of *Dine* Education and New Mexico Public Education Department, summer 2005
- ◆ Completed policy and advocacy training for New Mexico LEND Institute, University of New Mexico Center for Development and Disability, October 2005
- ◆ Certified in Project ALERT (substance abuse prevention curriculum, grade 6-8), April 2004
- ◆ Certified as a trainer for *Second Step* (violence prevention curriculum K-8), April 2003
- ◆ Certified as a trainer for *Helping Teens Stop Using Tobacco* (TAP) and *Intervening with Teen Tobacco Users* (TEG), Community Intervention, Inc., March 2003
- ◆ Completed the media literacy training, New Mexico Media Literacy Project, January 2003

HONORS and AWARDS

- ◆ Recipient of the 2024 Clyde Warrior Civil Rights Recognition Award, sponsored by the Native Professional Advancement Center (NPAC), October 18, 2024, Albuquerque, NM
- ◆ Recipient of the American Indian Graduate Studies (AIGC) Scholarship (now known as Native Scholars Forward) Award, 2016-17, 2015-16, 2011-2012 and 1999-2000 academic terms
- ◆ NICHQ (National Initiative for Child Healthcare Quality) Award for Adolescent Healthcare, American Academy of Pediatrics, Elk Grove, Illinois, May 2011
- ◆ Recipient Navajo Nation Graduate Scholarship Award, Doctoral Studies, 2011-12 and 2010-11
- ◆ Nominated and selected as a member of Leadership Albuquerque, Greater Albuquerque Chamber of Commerce, August 2003 - June 2004
- ◆ Recipient of the Minority Health Professions Foundation and Centers for Disease Control and Prevention Summer Fellowship Award, Atlanta, Georgia, May – August 1998.
- ◆ Recipient of the Association for Teachers of Preventive Medicine Fellowship Award, January-May, 1998
- ◆ Recipient of the Navajo Nation Fellowship Award, 1997-98
- ◆ Nominated and selected as an AIO (Americans for Indian Opportunity) Ambassador, Class of 1996 (LaDonna Harris, Executive Director)

MEMBERSHIPS/BOARD AFFILIATIONS

- ◆ Co-Chair, UNM Native American Budget and Policy Institute (NABPI) Governance Council, November 2025 to present
- ◆ Southwest Indigenous Housing Justice Collaborative, September 2020 – to present

- ◆ Dine Hataalhti Association (DHA), Navajo Nation Traditional Medicine organization, Window Rock, Arizona
- ◆ Member, Tribal Advisory Council, First Nations Community HealthSource, Albuquerque, NM, December 2010 – 2016
- ◆ Wellness Advisory Member, Native American Community Academy (NACA), charter school, Albuquerque, NM, 2005 - to present

PRESENTATIONS

- ◆ Guest Presenter and Emcee Health Professional Panel for the 2nd Annual 2025 Lighting the Flame: Indigenous Healthcare Leaders of Tomorrow, UNM Health Sciences Center, Office for Diversity, Equity & Inclusion, February 9, 2026 for Native American middle school and high school students for health career pathway programs from Pueblo, Tribes and Native Nations.
- ◆ Keynote speaker and trainer for staff of Tiisyakin Residential Hall (Tribal grant boarding for students who attend Holbrook High School, Holbrook, Arizona), Talking Stick Resort, Scottsdale Arizona, on the Indigenous lands of the Salt River Pima Maricopa Nation, July 24-25, 2025
- ◆ Guest Presenter, Cultural Humility/Cultural Safety, Health Careers Academy, UNM Health Sciences Center, Office of Diversity, Equity and Inclusion, Rio Rancho Campus, June 16, 2025
- ◆ Keynote speaker, International Network of Indigenous Health, Knowledge, and Development: Reclaiming Ecologies of Love Conference, Indigenous Wellness Research Institute (IWRI), Tamaya, Santa Ana Pueblo, New Mexico, May 1, 2025
- ◆ Guest Presenter, 1st Annual 2025 Lighting the Flame: Indigenous Healthcare Leaders of Tomorrow, UNM Health Sciences Center, Office for Diversity, Equity & Inclusion, January 31, 2025 for Native American middle school and high school students for health career pathway programs.
- ◆ Guest Presenter, Cultural Humility/Cultural Safety, Health Careers Academy, UNM Health Sciences Center, Office of Diversity, Equity and Inclusion, Rio Rancho Campus, June 11, 2024
- ◆ Guest presenter, Food Sovereignty, Undergraduate Health Sciences Enrichment Program (UHSEP), UNM Health Sciences Center, Office for Diversity, Equity & Inclusion, June 7, 2025
- ◆ Guest presenter, Cultural Humility/Cultural Safety, Undergraduate Health Sciences Enrichment Program (UHSEP), UNM Health Sciences Center Office for Diversity, Equity & Inclusion, June 4, 2025
- ◆ Guest Presenter, Cultural Humility & Cultural Safety, ClinEd pre-health students, UNM Health Sciences Center, Office for Diversity, Equity & Inclusion, May 14, 2024
- ◆ Guest presenter, Uniting our Hearts with the Land, Lifeways and Our Communities, Go Red for Native Women, American Health Association, Indian Pueblo Cultural Center, February 2, 2024
- ◆ Health and Wellness presenter, Native American Partnership, at UNM Continuing Education, November 2023
- ◆ Keynote Speaker, UNM Health Professions Symposium, Student Union Building, April, 2023

- ◆ Guest presenter, Indigenous Food Sovereignty Panel, virtually via Zoom, Rou Dalagurr Food Sovereignty Lab & Traditional Ecological Knowledge Institute, Cal Poly Humboldt University, March 8, 2023
- ◆ Guest presenter, Nourishment from the Land, Plants and Foods, online webinar, Centers for Medicare & Medicaid Services, (CMS) February 22, 2023
- ◆ Keynote speaker, Health and Wellness, Native American Partnership, at Southwest Indian Polytechnic Institute (SIPI), November 2022
- ◆ Guest presenter, Wellness and Self-Care, for teachers, Rio Rancho Public Schools, sponsored by Dr. Laura Burton and UNM Health Sciences Center (HSC), June 16, 2022
- ◆ Guest presenter, Cultural Humility, High School Health Careers Academy, UNM Health Sciences Center, Office of Diversity, Equity and Inclusion, Rio Rancho Campus, June 23, 2021 and June 6, 2022
- ◆ Guest presenter, Learning from Nature, Plants and Food as Medicine, *Saad K'idilyé*, Dine (Navajo) language learning program for new parents, Albuquerque, NM (via online), June 3, 2021
- ◆ Guest presenter, Self-care and Wellness for teachers and staff, Navajo Preparatory School, August 2020 (via online)
- ◆ Guest presenter, Holistic Wellness for teachers and staff, Kayenta School District, Navajo Nation, August 2020 (via online)
- ◆ Guest presenter, health and intercultural communication, COMM 333 (course taught by Professor Ailesa Ringer, PhD), Minnesota State University, July 28, 2020 (via online)
- ◆ Cultural Resource Panelist, Traditional Medicine Summit, Tribal Health Research Office, National Institutes of Health (NIH), November 20-22, 2019, University of Colorado in Denver
- ◆ Keynote speaker, Navajo Department of Workforce Development Conference, August 29, 2019, Albuquerque, NM
- ◆ Keynote speaker, Navajo Nation Human Resources Summit, July 25, 2018, Albuquerque, NM
- ◆ Cultural presenter, 2016 Medicine Words: Indigenous Psychology Conference (Warrior Spirit, Native Wholistic Specialists, LLC), "Cultural Protective Teachings for our Lifeways: Female Traditions, Ethics and Responsibilities," November 16, 2016, Albuquerque, NM
- ◆ Keynote speaker, Teacher, Staff and Administration In-Service, Lukachukai Community Schools, Gallup, NM, May 2016
- ◆ Co-facilitator, Dine Intercultural Retreat, 3-day journey to the Navajo Nation traditional homelands with local care providers, May 2016
- ◆ Cultural presenter, White Shell Woman Conference, Gallup, NM, October, 2015
- ◆ Co-facilitator, Dine Cultural Seminar, four-day intercultural seminar with individuals from national and international cultures traveling throughout the Navajo Nation, October 2015
- ◆ Cultural presenter, Dine Youth Leadership Academy, Two Grey Hills Academy, Tuba City, AZ, March 2014
- ◆ Cultural presenter, Honoring Indigenous Women Forum, Tsehootsoi Medical Center, September, 2013

- ◆ Keynote speaker, Dedication of new campus, Native American Community Academy (NACA), September 2013
- ◆ Keynote speaker, White Shell Woman Workshop, Farmington, NM, March 2012
- ◆ Co-Presenter, 2nd Annual Indian Health Service (I.H.S) Adolescent Navajo Health Conference, Farmington, NM June 3, 2011
- ◆ Co-Presenter, I.H.S. Adolescent Health Summit, Albuquerque, NM, May 6, 2011.
- ◆ Keynote speaker, 8th grade promotion, Native American Community Academy, May 23, 2011
- ◆ Presenter, “*Dine* Philosophy with Youth in Adolescent Health Care – K-12 Schools,” *Dine* Philosophy of Education Conference, TeecNosPos, AZ
- ◆ Co-presenter and panelist, “Native American Culture, Gender and Healing Project,” Fetzer Institute (Kalamazoo, Michigan) and School of Social Work, University of Michigan (Ann Arbor), October 2010
- ◆ Presenter, Native American Studies summer prep class, University of New Mexico, July 2010
- ◆ Presenter, “Get More Energy - Promoting Health and Wellness for Children,” Shiprock Associated Schools, Inc., Annual Parent Conference, September 25, 2009
- ◆ Co-presenter, “Healthy Lifestyles: Working with Providers, Schools and Communities for Childhood Obesity Prevention, “Early Care and Healthy Start” Parent Conference, Window Rock, AZ, August 27, 2009
- ◆ Presenter, “Importance of *Dine* Philosophy with Youth in Adolescent Health Care – K-12 Schools,” *Dine* Philosophy of Education Conference, TeecNosPos, AZ, July 15, 2009.
- ◆ Keynote address, “Childhood Obesity Awareness,” Public Health Week, Ft. Defiance I.H.S., April 8, 2009
- ◆ Co-presenter and panelist, “Obesity Prevention: The Envision New Mexico Model,” Third International Meeting on Indigenous Child Health: Many Voices into One Song,” Albuquerque, NM, March 8, 2009
- ◆ Guest speaker, Summer Student Program, Southwest Indian Polytechnic Institute (SIPI), Albuquerque, NM, July 28, 2009
- ◆ Presenter, “Health and Well-Being for Children, Families, Schools & Communities,” Santo Domingo Headstart, Santo Domingo Pueblo, NM, May 6, 2009
- ◆ Presenter, “Overweight Prevention, Treatment Initiatives in School-based Health Centers, Clinics and Schools.” Fit to Achieve: The Role of Physical Education & Physical Activity in Academic Success, sponsored by Northern Navajo Medical Center, Farmington, NM, July 9-10, 2008
- ◆ Co-Presenter, “Quality Improvement Initiative 2007-08,” National Assembly on School-based Healthcare (NASBHC), Los Angeles, CA, June 2008
- ◆ Co-Panelist, “Nutrition Education on Tribal Lands”, Tribal/State Nutrition Collaboration Meeting, University of New Mexico, May 15, 2008
- ◆ Co-Presenter, “Envision New Mexico/Office of School and Adolescent Health School-based Health Center Quality Improvement Initiative.” 12th Annual Head to Toe School Health Conference, Albuquerque, NM, April 2008
- ◆ Co-Presenter, “Obesity Prevention: Experiences from Providers in American Indian Communities” National Initiative for Child Healthcare Quality (NICHQ) Q-Call (national phone webinar), January 16, 2008

- ◆ Co-Presenter, Navajo Nurses Research Conference, Flagstaff, Arizona, October 2007.
- ◆ Presenter, “Wellness and Traditions,” Navajo Nation WIC Nutrition Program All Staff Workshop, Gallup, New Mexico, June 26, 2007
- ◆ Co-Presenter, “Obesity Prevention: Building Collaboration and Partnerships to Make the Environment Healthy for Kids.” 11th Annual Head to Toe School Health Conference, Albuquerque, NM, April 2007.
- ◆ Co-Presenter, “Community Innovations in Childhood Obesity”, 6th Annual Forum for Improving Children’s Health National Initiative for Child Healthcare Quality, San Francisco, CA, March 20, 2007.
- ◆ Presenter, community partnerships panel, and co-presenter for Envision NM presentation, National Congress on Obesity, sponsored by National Initiative for Child Healthcare Quality (NICHQ), Washington, DC, September 2006.
- ◆ Presenter, 9th Annual “What’s New in Breast Cancer” Seminar, Lovelace Women’s Hospital, September, 2006.
- ◆ Co-Presenter, School Health Summit, Indian Health Service, “Helping Children and Teens to ‘Get More Energy!’: National, State and Tribal Health Campaigns.” Fort Lewis, Colorado, June 2006.
- ◆ Co-Presenter, “Overweight Children: The Role of Healthcare Providers and Communities in Prevention and Management.” New Mexico Diabetes Advisory Council (NM DAC), January 2006.
- ◆ Motivational speaker, 6th Annual “Sharing the Seeds of Knowledge: Safe Schools Leadership Conference,” Harmony in Action, Inc., Santa Ana Pueblo, New Mexico November 2005.
- ◆ Co-Presenter, “Spiritual Wellness,” with Shannon Douma (Laguna and Tewa-Hopi) for the “Tribal Young Women’s Health Summit,” Albuquerque Area Indian Health Board, Santa Ana Tamaya Resort, New Mexico, June 2005.
- ◆ Presenter, 2nd Annual “Our Past, Our Present, and Our Future: Youth Leadership Enrichment and Wellness Education Forum,” Harmony in Action, Inc., Albuquerque, New Mexico, April 2005.
- ◆ Presenter, Freshman students and families, Navajo Preparatory School, Farmington, New Mexico, October 2003.
- ◆ Presenter, Navajo Nation culture and spirituality conference, Albuquerque, New Mexico, sponsored by Office of Continuing Education, *Dine* College, July, 2002.
- ◆ Keynote speaker, Navajo Nation culture and spirituality conference, Albuquerque, New Mexico, Office of Continuing Education, *Dine* College July 2001.
- ◆ Keynote speaker, Navajo Nation culture and spirituality conference, Gallup, New Mexico, Office of Continuing Education, *Dine* College June, 1996.
- ◆ Cultural consultant, presentation on *Dine* lifeways in Austria: Salzburg, Graz, and Vienna, January, 1993.
- ◆ Cultural consultant, presentation on *Dine* lifeways, Universidad Complutense, San Lorenzo del Escorial, Spain, August, 1993.

REFERENCES

- 1) Laura Burton, PhD, Director, HSC Operations Rio Rancho Campus, Health Sciences Center, University of New Mexico, lauraburton@salud.unm.edu, 505-859-8224 (cell)
- 2) Carmen Martinez-Tittmann, LPCC, LMSW, MINT, Motivational Interviewing Trainer, carmenmtittmann11@yahoo.com
- 3) Jeffrey Powell, MD, Chief Medical Officer, Four Corners Regional Health Center, Red Mesa, Arizona, Jeffrey.powell@ihs.gov, 970-749-5361 (cell)
- 4) Kerry Harrison, Safety Risk Officer, First Nations Community HealthSource Clinic, 505-262-6573 (o) and 505-514-7633 (cell)

Michelle Valverde, Ph.D.
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EDUCATION

- Ph.D. New Mexico State University, Las Cruces (2000) Educational Management and Development, W.K. Kellogg Fellow, Hispanic Border Leadership Institute: *Emphasis on shaping education policy to close educational opportunity gaps.*
- M.S.W. University of California, Berkeley (1992) Social Welfare, Management and Planning: *Emphasis on organizational development, evaluation/continuous improvement, and coalition building.*
- B.A. University of Arizona, Tucson (1987), Major in Sociology, Minor in Art: *Emphasis on historical and contemporary social issues.*

AREAS OF EXPERTISE

- Educational equity/closing opportunity gaps
- Education policy analysis
- Educational systems change and alignment
- Participatory evaluation and research
- Program planning and organizational development
- Youth leadership development
- Coalition building

PROFESSIONAL PROFILE

A highly knowledgeable, dedicated, and experienced equity advocate working to close educational opportunity gaps in New Mexico. Excellent policy analysis and workshop facilitation skills, deep knowledge of preK-12 systems level change, and keen ability to motivate and bring people together. Extremely adept at integrating evaluation as a continuous improvement management tool, fostering youth leadership development, coalition building, and applying an asset/strengths-based approach. Well established statewide network with community and youth leaders, teachers, administrators, and equity advocates.

EMPLOYMENT HISTORY

Equity Analyst, 2024 to present, Transform Education New Mexico; conduct primary and secondary data analysis, content development, and policy analysis to support the coalition in advocating for mindsets, policies, and practices that create optimal learning environments for every student, remote, NM.

Co-Founder and Manager/Facilitator, 2020-2024, LAB Learning Action Buffet; conducted outreach presentations, recruitment and training of staff and volunteers, grant writing, development of policies, board orientations, and event and program coordination, Las Cruces, NM.

Independent Contractor, 2016 to present; specializing in participatory evaluation, youth leadership development, and education policy and systems change. *Please refer to Consultancies below.*

Policy Analyst, 2017 and 2018 Legislative Sessions, New Mexico State Senate; directly supported the Chair of the Senate Education Committee by conducting research and analyzing education bills, Santa Fe, NM.

Director of Community Outreach, Research Assistant Professor, 2013-2016, Borderlands Center for Educational Studies (BoCES), College of Education, New Mexico State University (NMSU); conducted and disseminated policy analyses and facilitated partnerships, Las Cruces, NM.

Education Program Coordinator, 2005-2007, Colonias Development Council; facilitated the Boleta Para el Exito Project/Report Card for Success which included parent and community workshops, Doña Ana County, NM.

Independent Contractor, 2000-2013; specialized in participatory evaluation and meeting/workshop facilitation. *Please refer to Consultancies below.*

Adjunct Assistant Professor, 1996-2006, NMSU, Sociology and Anthropology Department, *Instructor*, Sociology of the Chicano Community; *Principal Investigator*, 2001-2006, Health Resources and Services Administration, NM Border Health Initiative, Las Cruces, NM.

Internship/Policy Project Assistant, 1999, Intercultural Development Research Association (IDRA); assisted the Policy Director in analyzing a variety of education policies with an emphasis on charter schools, San Antonio, TX.

Graduate Assistant/Instructor, 1997-1999, NMSU, Educational Management and Development Department; taught a variety of classes and assisted faculty with research, Las Cruces, NM.

Various positions coordinating programs and coalitions in education and health, 1986-1997, California, New Mexico, and Arizona.

Consultancies

Education Specialist and Operations Consultant, *LAB Learning Action Buffet*, remote, 2024 to present; provide support to the education and operations teams.

Equity Analyst, *New Mexico Center on Law and Poverty*, remote, September-November 2025; submitted a report with an analysis of the NM Public Education Department's Martinez-Yazzie Action Plan.

Policy Analyst, *New Mexico Public Education Department*, Santa Fe, NM, January-May 2019; provided analysis and research support to the policy team during and after the 2019 session.

Evaluator, *NMSU College Assistance Migrant Program*, Las Cruces, NM, 2017-2025 and 2008-2013; oversaw the evaluation which included all aspects of data collection and analysis.

Evaluator, *NMSU Research Experience for Undergraduates*, Las Cruces, NM, 2018; provided support to the Principal Investigators in evaluating the National Science Foundation funded project.

Evaluator, *La Semilla Food Center*, Las Cruces, NM, 2011-2013; oversaw data collection, analysis, and interpretation.

Evaluator, *El Paso Community College Widening Information Security Education in Virtual Worlds Initiative*, El Paso, TX, 2010-2012; oversaw all aspects of data collection and analysis.

Evaluator, *Doña Ana County Health and Human Services Department, Outreach and Education Division*, Las Cruces, NM, 2008-2012; oversaw all aspects of data collection and analysis.

Evaluator, *Division of Vocational Rehabilitation, Cultivando Habilidades Program*, Las Cruces, NM, 2008-2010; oversaw all aspects of data collection and analysis.

Evaluator, *International Sonoran Desert Alliance*, Ajo, AZ, 2008; oversaw the evaluation which included all aspects of data collection and analysis.

Focus Group Facilitator, *Community Action Agency of Southern NM, ELEV8 Program*, Anthony, NM, 2008; facilitated three focus groups with parents with school age children.

Evaluator, *New Mexico Voices for Children*, Albuquerque, NM, 2007-2008; oversaw data collection, analysis, and interpretation.

Research Facilitator, *Community Action Agency of Southern New Mexico*, Las Cruces, NM, 2006; facilitated a research project with key informant interviews.

Evaluator, *Families and Youth, Inc. AmeriCorps Program*, Las Cruces, NM, 2005; analyzed existing data and compiled a report.

Evaluator, *Project Literacy, College of Education, NMSU*, Las Cruces, NM, 2005; analyzed existing data and compiled a report.

Research Facilitator, *Colonias Development Council, Report Card for Success Project*, Hatch, NM, 2004-2005, facilitated a research project involving semi-structured interviews.

Evaluator, *Camino de Vida Center for HIV Services, the New Mexico Border Health Initiative*, Las Cruces, NM, (see Adjunct Assistant Professor) 2001-2006; oversaw all aspects of data collection and analysis.

Evaluator, *Success by Six Early Childhood Program*, Las Cruces, NM, 2001-2002; oversaw data collection analysis, and interpretation.

Policy Analyst and Advocate, *Southern New Mexico Enlace Initiative*, Las Cruces, NM, 2000-2001; assisted the Enlace Director in framing and advancing policy advocacy issues.

RESEARCH AND CREATIVE ACTIVITY

Refereed Journal Articles

Bejarano, C., & **Valverde, M.** (2012). From the Fields to the University: Charting Educational Access and Success for Farmworker Students Using a Community Cultural Wealth Framework. *Association of Mexican American Educators Journal*, 6(2), 22-29.

Ruiz, M., & **Valverde, M.** (2012). Transformative Hispanic-Serving Institutions: Realizing Equity Praxis Through Community Connections and Local Solutions. *Journal of Latinos and Education*, 11, 189-194.

Chávez, R. C., García, H. S., Greene, D., Lara, A. S., Lara, D. M., Posadas, C. E., Medina, C. A., Oesterrich, H., Ruiz, M., & **Valverde, M.** (2012). Cultural Citizenship in Hispanic Serving Institutions: Challenges for Transformation. *Journal of Latinos and Education*, 11, 143-149.

Felderman, J., & **Valverde, M.** (2007). A Structured Interview Approach to Evaluate HIV Training for Medical Care Providers. *Journal of the Association of Nurses in AIDS Care*, 18(4), 12-21.

Lain, A., & **Valverde, M.** (2007). Late Entry into HIV/AIDS Medical Care: The Importance of Past Relationships with Medical Providers. *AIDS Care*, 19(2), 190-194.

Valverde, M., & Lain, A. (2006). HIV/AIDS Outreach in Southern New Mexico: From Design to Implementation. *Special issue of the Journal of HIV/AIDS & Social Services*, 5(2), 55-71.

Valverde, M., & Armendáriz, A. (2003). The *Ganas* to Lead in Delegitimizing Negative Biases Toward Students of Mexican Ancestry. *Scholar-Practitioner Quarterly*, 1(4), 27-40.

Valverde, M., & Rodriguez, R. (2002). Increasing Mexican American Doctoral Degrees: The Role of Institutions of Higher Education. *Journal of Hispanic Higher Education*, 1(1), 51-58.

Non- Refereed Publications and Media

Lara, D., Montoya, A., & **Valverde, M.** (2020). *SUCCESS Snapshot: Infusing equity into the fabric of our education system*, Las Cruces SUN News, Las Cruces, NM.

Valverde, M. (2016). *Shining Light on the Facts*, NMSU Borderlands Center for Educational Studies, Las Cruces, NM.

Valverde, M. & Vaughn, L. (2012). Supporting Success radio spots, NMSU Borderlands Center for Educational Studies and the Doña Ana Community College Creative Media Technology Program, Las Cruces, NM.

Valverde, M., & Lain, A. (2008). Camino de Vida Center for HIV Services: *New Mexico Border Health Initiative*, in *Growing Innovative Care: Strategies for HIV/AIDS Prevention and Care Along the U.S. Mexico Border*. The Health Resources and Services Administration, HIV/AIDS Bureau.

Valverde, M. (2000). *The Interaction of the NM Public School State-Level Attendance and Student Count Policies in Relationship to Funding: The Impact on Hispanic Students*; Doctoral Dissertation, NMSU, Las Cruces.

Technical Reports

Valverde, M. (2008-2012 and 2017-2025). *Annual Evaluation: NMSU, College Assistance Migrant Program*, Las Cruces, NM.

Valverde, M. & Stiles, A. (2018). Co-author: Overview of Restorative Practice and Recommendations for the Las Cruces Public Schools, Las Cruces, NM.

Valverde, M. (2018). *External Evaluation Report* for the NMSU Immigrant and Border Community Research Experience for Undergraduates, Las Cruces, NM.

Valverde, M. & De la Rosa, M. (2017). Lead author: *Final Report; Policies Affecting Youth Impact in Doña Ana County*, NMSU Borderlands Center for Educational Studies and Ngage NM, Las Cruces, NM.

Valverde, M. (2016). *Three Year Summary Evaluation Report: La Semilla Food Center*, Las Cruces, NM.

Valverde, M. (2015). *Closing the Opportunity Gap (COG) Project Data Summary*, Las Cruces, NM.

Valverde, M. (2012, 2013). *Annual Evaluation: La Semilla Food Center*, Las Cruces, NM.

Valverde, M. (2012). *Final Evaluation: El Paso Community College Widening Information Security Education in Virtual Worlds Initiative*, Las Cruces, NM.

Valverde, M. (2010). *Convening Report Summary* for the Community Action Agency of Southern New Mexico, Las Cruces, NM.

Valverde, M. (2008, 2009). *Evaluation for the State of New Mexico Public Education Department, DVR Cultivando Habilidades/Cultivating Abilities Program*, Las Cruces, NM.

Valverde, M. (2008). *Increasing Parent Participation at the Gadsden Middle School*, Community Action Agency of Southern New Mexico, Las Cruces, NM.

Valverde, M. (2008). *A Review of the Literature: Youth Focused Alcohol, Tobacco, and Other Drug Prevention Programs that Work*, Doña Ana County Health and Human Services Department, Outreach and Education Division, Las Cruces, NM.

Valverde, M. (2008). *A Preliminary Needs Assessment of Prevalence and Risk of Alcohol, Tobacco, and Other Drug Use Among Youth, Resources, Gaps, and Readiness*, Doña Ana County Health and Human Services Department, Las Cruces, NM.

Valverde, M. (2007-2011). *Annual Evaluation: The Alcohol and Other Drug Prevention Program for Youth*, Doña Ana County Health and Human Services, Las Cruces, NM.

Valverde, M. (2006). *Survey Results in Defining Poverty: The Perspectives of 21 Diverse Community Members*, Community Action Agency of Southern NM.

Valverde, M. (2006). *Final Evaluation Report for the New Mexico Border Health Initiative, Health Resources and Services Administration*, Special Project of National Significance, Camino de Vida Center for HIV Services, Las Cruces, NM.

Valverde, M. (2004). *Evaluation of Project Literacy: Academic Achievement through Listening, Speaking, Reading, and Writing*, NMSU Department of Curriculum and Instruction, Las Cruces, NM.

Valverde, M. (2001, 2002). *Independent Evaluation for the United Way of Southwest New Mexico, Success by Six Begin at Birth Early Childhood Collaborative*, Las Cruces, NM.

Valverde, M. (2002). *Independent Evaluation for the "United Way of Southwest New Mexico, Success by Six Early Childhood Education Initiative"*, Las Cruces, NM.

Valverde, M. (2001). *Independent Evaluation for the United Way of Southwest New Mexico, Success by Six Early Childhood Education Initiative*, Las Cruces, NM.

Valverde, M. (2001). *Moving Toward Community Driven Environmental Health Assessments: A Pre Assessment of the Six Border Counties in NM*, NM Border Health Office.

Sandoval, R., & **Valverde, M.** (2000). Co-author: *A Snapshot of Hispanic Hopes and Understandings; Focus Group Report* for the Southern New Mexico ENLACE Project, Las Cruces, NM.

Valverde, M., & Rubio, F. (1996). Lead author: *Project Valor, Phase I Report*, Hispanic Dropout Prevention Project, Doña Ana County, NM.

Valverde, M. (1993 and 1994). *Maternal Child Health Plan*, Doña Ana County, NM.

Leahy, S., & **Valverde, M.** (1992). Co-author: *Annual Contra Costa County Childhood Injury Report*, Pleasant Hill, CA.

WORKSHOPS AND PRESENTATIONS

Martinez, G., Yazzie W., Leno, M., Sims, C., Green, T., Sandoval, A., Stilwell-Jensen, C., **Valverde, M.** (November 21, 2025). *Analysis of the NMPED's Yazzie/Martinez Action Plan* at the People's Review: A Public Report-Back on the NMPED Education Plan, Bernalillo, NM.

Valverde, M., Montoya, A., & Barker, M. (February 5, 2025). Co-presented *Community Co-Creation: Designing Authentic Learning Projects Part I – Developing a Shared Vision*, NEA NM Center for Community Schools, virtual.

Valverde, M., Dominguez, D., & Montoya, A. (2021-2024). Co-facilitated the NEA NM Ed Justice Fellowship, primarily virtual with in-person convenings in Albuquerque.

Lara, D., Martinez, K., Lara, A., Uribe, A., Sanchez, V., Myers, K. & **Valverde, M.** (March 2, 2024). *NMSU BEST Southern NM Lesson Writing Collaborative*, EdUprising Conference, Albuquerque, NM.

Lara, D., Araujo, B., Ibarra Johnson, S., Badoni, G., Torres, D., & **Valverde, M.** (July 10 and 11, 2023). Co-facilitated *Ethnic, Cultural, and Identity Studies Implementation*, a professional development workshop hosted by the NM Public Education Department, Las Cruces, NM.

Valverde, M. (June 29, 2022). Presented *Introduction to Education Policy*, Generation Justice Leaders for Change Fellows Workshop, virtual.

Lara, D., Montoya, A., & **Valverde, M.** (September 10, 2020). *Issues & Answers: Equity in Education*, All Things Considered KRWG news segment.

Lara, D., Montoya, A., & **Valverde, M.** (2019-2022). Co-facilitated the Southern New Mexico Equity Forum, an extension of Transform Education NM, virtual.

Valverde, M. (October 27, 2019). Presented *Introduction to the Developmental Model*, NEA NM Diversity Conference, Albuquerque, NM.

Valverde, M. (October 26, 2019). Facilitated Many Voices One Vision opening activity, NEA NM Diversity Conference, Albuquerque, NM.

Valverde, M. (August 7, 2019). Presented *Knowing Who our Students Are – Culture and Language*, Cuba Independent School District Professional Development Convening, Cuba, NM.

Barentine, J. & **Valverde, M.** (October 5, 2018). Co-presented to the New Mexico Center on Law and Poverty on the topic of the SUN Project, Las Cruces, NM.

Valverde, M. & Arrellano, A. (July 26, 2018). Lead facilitator of *Drumming for F.U.N.* at the For Unity Now Youth Conference, Empowerment Congress of Doña Ana County, Anthony, NM.

Stiles, A. & **Valverde, M.** (June 11 and 12, 2018). Co-facilitated *Re-imagining Education in New Mexico: Where Teachers are Valued and Supported to Succeed with All Students*, NM Teacher Leader Series, Las Cruces Public Schools and NEA-NM Teacher Leader Workshop, Las Cruces, NM.

Barentine, J. & **Valverde, M.** (May 3, 2018). Co-presented to the W.K. Kellogg Executive Director and Program Officer on the topic of the SUN Project, Albuquerque, NM.

Valverde, M. (March 10, 2018). Small group facilitator at the 8th Annual Enlace Youth Action Research Conference, Doña Ana Community College, Las Cruces, NM.

Barentine, J. & **Valverde, M.** (October 21, 2017). Co-presented at the NMSU College of Education Symposium on Re-imagining the Future of Learning Conference, Las Cruces, NM.

Valverde, M. (December 2, 2016). Co-presented at the NEA NM Statewide Leaders Meeting on the topic of coalition building in the education arena, Albuquerque, NM.

Valverde, M. & Torres-Velásquez D. (November 30, 2016). Co-presented at the NM Health Equity Partnership Policy Follow-up Gathering on the topic of Creating a Comprehensive Plan for Public Education in NM, Albuquerque, NM.

Barentine, J. & **Valverde, M.** (October 17, 2016). Co-presented at the first annual Alignment Conference on the topic of the SUN Project, Creating a Comprehensive Plan for Public Education in NM, Albuquerque, NM.

Valverde, M. (February and September 2016). Guest presented in EDUC150 at NMSU on the topic of education policy, Las Cruces, NM.

Valverde, M. (2015-2016). Developed and facilitated a 5-week workshop titled *Education Policy 101* in partnership with the Enlace Southern NM Program, Las Cruces, NM.

Valverde, M. (Fall 2015 and 2016). Guest presented in EDUC150 on the topic of NMSU Community Engagement, Las Cruces, NM.

Valverde, M. & Torres-Velásquez D. (June 16, 2016). Co-presented at the NM Health Equity Partnership Statewide Gathering on the topic of the SUN Project, Creating a Comprehensive Plan for Public Education in NM, Albuquerque, NM.

Adams, C. & **Valverde, M.** (June 14, 2016). Co-presented on the topic of culturally responsive teaching at the Borderlands Writing Project Teacher Leader Workshop, Las Cruces, NM.

Valverde, M. (October 12, 2015). Presented on the *Closing the Opportunity Gap (COG) Project Data Summary and Next Steps*, Las Cruces, NM.

Valverde, M. (January 28, 2015). Lead facilitator, *Creating Positive Family Engagement in Schools* mini-conference coordinated by Cooperative Educational Services, Las Cruces, NM.

Valverde, M. (July 24, 2014). Presented on the topic of *Harnessing and Building on New Mexico's Strengths through Outreach at NMSU* at the leadership conference coordinated by the New Mexico Coalition of Educational Leaders, Albuquerque, NM.

Valverde, M. (August 19, 2014). Presented *Outreach and the Alliance for the Advancement of Teaching and Learning* in the College of Education at the Fall 2014 Opening Program, Las Cruces, NM.

Valverde, M. (2012-2015). Lead facilitator and coordinator of the *NMSU Role Model/Leadership Workshop* for the BoCES Closing the Opportunity Gap Project, Las Cruces, NM.

Valverde, M. (2012). Presented *The History of Educational Improvement Efforts in Southern NM* for the W.K. Kellogg Board of Trustees visit to Las Cruces, NM.

Valverde, M. (2014). Presented *The Social Determinants of Health Disparities: A Prioritization Exercise*, conducted in Dr. Mary Alice Scott's Anthropology 357 class, NMSU, Las Cruces, NM.

Valverde, M. (2012) Facilitated the *Place Matters Rhythm Workshop*, Opening Session, Place Matters National Action Lab, Washington, D.C.

Valverde, M. (2012). Presented *The Collective Impact Initiative in Education in Southern New Mexico* at the W.K. Kellogg Convening, Las Cruces, NM.

Valverde, M. & Kurtz, D. (2012). Co-facilitated *A Discussion about the Collective Impact Initiative* at the W.K. Kellogg Convening, Las Cruces, NM.

Valverde, M. & Fischmann, S. (2012). Co-presented *Collective Impact, Why Now in Southern New Mexico* with the CEO of the W.K. Kellogg Foundation and the Director of NM Programs, Las Cruces, NM.

Valverde, M. (2011). Facilitated the *Parent Leadership Workshop and Youth Leadership Workshop for the Building Community Capacity for Educational Excellence Project*, BoCES, Las Cruces, NM.

Valverde, M. (2011). Lead facilitator for the *Community Dialogues for the Building Community Capacity for Educational Excellence Project*, BoCES, Las Cruces, NM.

Valverde, M. (2010). Facilitated *Prioritizing Contributing Factors and Best Practices* for the Hispanic Education Taskforce, Las Cruces, NM.

Valverde, M. (2010). Presented *Evaluating the DWI/ATOD Prevention Program for Youth*, Doña Ana County Health and Human Services, Las Cruces, NM.

Valverde, M. (2010). Co-authored and presented *The Educational Landscape in Southern New Mexico* with the NMSU Hispanic Serving Institution Working Group, Las Cruces, NM.

Valverde, M. (2008). Co-facilitator of *Communication Tools to Build Family Friendly Schools* at the Gadsden Independent School District, Parent Outreach Ambassador Training, Santa Teresa, NM.

Valverde, M. (2008). Facilitated the *Border Café*, New Mexico Community Foundation Southern New Mexico Grantee Convening, Las Cruces, NM.

Valverde, M. (2007). Co-facilitator of *The World Café: What is Policy?* at the W.K. Kellogg Rural People Rural Policy Peer Learning Session IV, Nebraska City, NE.

Valverde, M. (2007). Co-presenter of *Fair Lending Practices: Reframing Predatory Lending* at the W.K. Kellogg Rural People Rural Policy Peer Learning Session III, Little Rock, AR.

Valverde, M. (2007). Lead author and facilitator of *Boleta Para el Éxito Project and Promotora de Educación Curriculum* for the Colonias Development Council, southern NM.

Valverde, M. (2005). Poster-presentation titled *Addressing Client Understanding of HIV Disease Management in Southern New Mexico* at the U.S./Mexico Border Health Association, Laredo, TX.

Valverde, M. (2004). Poster-presentation titled *Going Beyond Structural Barriers: Using a Qualitative Approach to Explore How Relationships Affect Late Entry into HIV/AIDS Medical Care* at the HRSA Ryan White All Titles Conference, Washington, DC.

Valverde, M. & Salcido, V. (2004). *Identifying Factors Affecting Entry into HIV/AIDS Medical Care by Hispanics/Latinos Living Along the U.S./Mexico Border* at the HRSA Ryan White All Titles Conference, Washington, DC.

Valverde, M. & Salcido, V. (2003). *Surviving the Learning Curve: How to Integrate HRSA Care Act Resources in a New Agency* at the National Conference on Social Work and HIV, Albuquerque, NM.

Valverde, M. & Salcido, V. (2003). *Issues that Affect Implementation of HIV/AIDS Services for Hispanics Residing Along the U.S./Mexico Border* at the Fifteenth Annual National Conference on Social Work and HIV, Albuquerque, NM.

Valverde, M. (2003). Poster-presentation titled *The New Mexico Border Health Initiative, HIV Outreach Utilizing Health Outreach Workers* at the U.S./Mexico Border Health Association, San Diego, CA.

Valverde, M. & Salcido, V. (2001-2002). *The New Mexico Border Health Initiative* at the U.S./Mexico Border HIV/AIDS Conference, Tucson, AZ; NM Public Health Association, Las Cruces, NM; U.S./Mexico Binational Health Council, Deming, NM; American Public Health Association Conference, Atlanta, GA.

Valverde, M. & Derlin, R. (2001). *When Students Count (and When They Don't) The Relationship of New Mexico Student Attendance and Formula Funding Student-Count Policies: Consequences for Students*, paper presented at the American Education Finance Association Conference, Cincinnati, OH.

Valverde, M. (2001). Co-presenter of *ENLACE NM* at the NM Legislative Round Table, Santa Fe, NM.

Valverde, M. & Sandoval, R. (2000). Co-presented *A Snapshot of Hispanic Hopes and Understandings: Focus Group Report* for the Southern New Mexico Enlace Project Las Cruces, NM.

Valverde, M. (1998). Co-presenter of *Hispanic Leadership Study in New Mexico: Bilingual Education* at the National Association of Bilingual Educators, Denver, CO.

Valverde, M. (1996). Facilitated *Chicano History*, Doña Ana County Detention Center, Las Cruces, NM.

Valverde, M. (1995). Presented *Intercultural Communication and Border Health*, NMSU Health Sciences Department, Las Cruces, NM.

Valverde, M. (1995). Presented *New Mexico Border Health and the Carrying vs. Caring Debate*, NMSU Sociology Department, Las Cruces, NM.

Valverde, M. & Dolier, A. (1994). Co-facilitated *Intercultural Communication*, the Maternal Child Health Council, Las Cruces, NM.

Valverde, M. (1993). Facilitated *Building Effective Coalitions* at the Maternal Child Health, State Conference, Albuquerque, NM.

PROGRAM AND EVENT COORDINATION (Other Consultancies)

Video Producer, *New Mexico Community Foundation*, Las Cruces, NM, 2009-2010; coordinated the creation of two videos highlighting grantees in southern New Mexico.

Event Facilitator, *Annual AmeriCorps Launch*, Court Youth Center, Las Cruces, NM, 2009; served as the lead facilitator of the event.

Event Facilitator, *The Arc of Southern New Mexico*, El Poder de los Jovenes Annual Conference, Las Cruces, NM, 2009; co-facilitated the conference.

Event Facilitator, *Division of Equity and Inclusion*, University of New Mexico, Albuquerque, NM, 2009; co-facilitated the staff retreat.

Network Facilitator, *Taskforce for Immigrant Advocacy and Services (TIAS – SNM)*, New Mexico Community Foundation, Las Cruces, NM, 2008-2010; co-facilitated the monthly meetings and provided technical support related to resource development.

Network Coordinator, *Kellogg Rural People Rural Policy Southwest Network*, Las Cruces, NM, 2008-2009; coordinated the tri-state network with approximately 15 nonprofit organizations.

Event Planner and Facilitator, *The New Mexico Integrated Services in the Schools Summer Institute*, New Mexico Community Foundation, Las Cruces, NM, 2008; served as the lead planner and facilitator.

PROFESSIONAL DEVELOPMENT EXPERIENCES

- NM Acequia Association Congreso de las Acequias, Las Vegas, NM, December 2025.
- Future Focused Education, EdUprising Conference, Albuquerque, NM, March 2024.
- Partnership for Equity & Education Rights (PEER) Conference, Memphis, TN, September 2023.
- Humanities Action Lab, Climates of Inequality Summer Convening, Rutgers University, Newark, NJ, June 8-10, 2022.
- The Aspen Institute Education and Society, a Richer Vision of Student Success Convening, Aspen, CO, July 8-12, 2019.
- NMSU Borderlands Writing Project, Teacher Leader Convening, TorC, NM, June 2016.
- NM Place Matters Statewide Gathering, Gallup, NM, June 2014.
- NM Coalition of Educational Leaders/Cooperative Educational Services 2013 Education Symposium, "Ready or Not: Next Generation Assessments", Albuquerque, NM, October 2013.
- Place Matters National Action Lab, Washington, D.C, July 2013.
- NM Department of Health, Evaluation/Alcohol and Other Drug Prevention, Santa Fe, NM, 2009.
- W.K. Kellogg Rural People Rural Policy Peer Learning Sessions, Little Rock, AR, 2007, Nebraska City, NE, 2007, and Morgantown, NE, 2008.
- U.S./Mexico Border Health Association, Laredo, TX, June 2005.
- HRSA Ryan White All Titles Conference, Washington, DC, August 2004.
- National Conference on Social Work and HIV, Albuquerque, NM, May 2003.

- The Fifteenth Annual National Conference on Social Work and HIV, Albuquerque, NM, May 2003.
- U.S./Mexico Border Health Association, San Diego, CA, May 2003.
- U.S./Mexico Binational Health Council, Las Cruces, NM, October 2002.
- U.S./Mexico Border HIV/AIDS Conference, Tucson, AZ, September 2002.
- New Mexico Public Health Association, Las Cruces, NM, April 2002.
- American Public Health Association Conference, Atlanta, GA, October 2001.
- Hispanic Border Leadership Institute Annual Meeting. 1997-2000.
- National Association of Bilingual Educators, Denver, CO, 1998.
- Maternal Child Health State Conference, Albuquerque, NM, 1993.

COMMUNITY SERVICE AND BOARD MEMBERSHIP

Steering Committee Member, Transform Education New Mexico, 2020-2024

Board President and Co-Founder, LAB Learning Action Buffet, 2016-2019

Member, NM Public Education Department Transition Team, November-December 2018.

College of Education Dean's Representative, NMSU Community Engagement Council, 2014-2016

Co-Coordinator, SUN Project, 2014-2019

College of Education Dean's Representative, LC Chamber of Commerce Education Committee, 2013-2015

Co-Organizer, the For Unity Now Youth Leadership Conference, 2013-2015

Advisory Member, DACC Creative Media Technology Program Committee, 2011-2013

Member, the Legal Services Advisory Committee for Catholic Charities, 2010-2011

Core Committee Member, Hispanic Education Taskforce, Senator Jeff Bingaman's Office, 2009-2014

Committee Member, Hispanic Serving Institution Working Group, October 2009-2011

Member, New Mexico Family Parent Involvement Advisory Council, 2008-2010

Member, Southern NM Work Group and Parents Reaching Out, 2008-2009

Member, New Mexico Community Foundation Advisory Committee, 2008-2009

Proposal Reader, The Next Generation Fund, June 2008

Vice-President, La Academia Dolores Huerta Middle School, 2003-2006

Parent Member, Las Cruces Public Schools, Superintendent Search Committee, 2003 and 2006

Volunteer, Rito Medina Leadership Institute, 2003-2005

Member, Doña Ana County Health Services Department, Funding Advisory Committee, 2003-2004

Parent Volunteer, Rio Vista del Sur Youth Soccer Team, 2002-2006

Member, Southern New Mexico Enlace Initiative Steering Committee, 2000

Student Member, National Advisory Panel, W.K. Kellogg's Enlace Initiative, 1997-1999

Co-Chair, Project Valor, The Hispanic Dropout Prevention Taskforce, 1995-1996

Secretary, Mesilla Valley Youth Foundation, 1995

Member, Healthier Communities Advisory Board for Doña Ana County, 1994-1995

Parent Volunteer, Central Elementary, 1994-2004

Member, Young Children's Continuum Legislative Task Force, 1993-1994

SCHOLARSHIPS, HONORS, AND AWARDS

- Doña Ana Arts Council Community Arts Award, presented to the LAB Learning Action Buffet, Las Cruces, NM, October 8, 2023.
- W.K. Kellogg Doctoral Fellowship, NMSU, Hispanic Border Leadership Institute, Las Cruces, NM, 1997-2000
- Hispanic Leadership Program, Las Cruces, NM, 1996
- Various academic scholarships, 1982-1991

Emily Wildau
ewilliamsmarie@gmail.com
(575) 910-8769
3119 Rio Maria Dr SW, Albuquerque, NM 87121

EDUCATION

New Mexico State University	December 2014
B.A. English Rhetoric, Digital Media, & Professional Communication	
Minors in Government & Music	
University of New Mexico	May 2021
Master of Public Policy, Education Concentration	

WORK EXPERIENCE

New Mexico Voices for Children	March 2020 - Present
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- *Director of Policy*
 - Support executive leadership team's development of annual policy agenda & strategy
 - Build relationships with key legislators, staff, & state agencies
 - Manage and write special policy projects relevant to the organization's mission
 - Build & manage systems to track policies & plan advocacy efforts in the state legislature
 - Monitor & analyze federal policy changes & the impact on New Mexico
 - Lead tax policy analysis & data projects
 - Registered lobbyist
 - Supervise analysts working on policy research & analysis in early childhood & K-12 education, immigration, fines & fees, & economic security & housing
- *Senior Research and Policy Analyst/KIDS COUNT Coordinator*
 - Research policies that support child & family well-being; lead analyst for KIDS COUNT data, K-12 education, higher education, and food security
 - Write briefs, reports, & fact sheets to advocate for policies in NM Legislature
 - Support grant writing as needed
 - Manage, analyze, & communicate secondary data sources through online database & data research products
 - Work with a variety of community partners & stakeholders to develop successful coalitions
- *Research and Policy Analyst/KIDS COUNT Coordinator*

Central New Mexico Community College	July 2017 - March 2020
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REFERENCES UPON REQUEST

Emily Wildau
ewilliamsmarie@gmail.com
(575) 910-8769
3119 Rio Maria Dr SW, Albuquerque, NM 87121

- *Grant Writer*
 - Authored & submitted grants for CNM, CNM Foundation, & CNM Ingenuity
 - Ensured scopes of grant-funded projects were realistic & measurable
 - Built processes to strategize and maximize return on investment
 - Led drafting of Fiscal Impact Reports for NM legislation in higher education
 - Worked with external evaluators & CNM Institutional Research Department
 - Assisted in drafting Institutional Review Board applications
 - Member of Single Moms Success Design Challenge Core Team
 - Member of Multigenerational Strategic Direction Team

Roadrunner Food Bank

February 2015 - July 2017

- *Community Initiatives Grant Manager*
 - Authored, submitted, received, & managed 47 grants
 - Responsible for an average of \$1.7 million in revenue per 13 months
 - Created language for partner communications with over 500 agencies
 - Assisted in organizing sessions for annual agency conference
 - Member of Safety Committee
- *Volunteer Coordinator*

Other Experience

- Advisory Board member for Transform Education New Mexico, 2025-present
- Community reader for NewMexicoWomen.Org's inaugural data book *The Landscape of Gender Justice in New Mexico*
- Board member for Dar a Luz Birth & Health Center, 2023-present
- Yoga teacher, RYT-200 & trauma informed
- Board member for On Q Chorus, 2020-2022
- Board member, member of fundraising committee, & volunteer grant writer for the New Mexico Symphonic Chorus, March 2017 - August 2018
- Peer reviewer for the New Mexico Committee for Community Volunteerism's Competitive Grant Application for the 2018-19 AmeriCorps Program, December 2017
- Full-time volunteer with Invisible Children, scheduling and presenting documentary screenings, fundraising, & teaching advocacy skills, January-December 2012

REFERENCES UPON REQUEST

DANIEL YOHALEM

ATTORNEY AT LAW

**1121 PASEO DE PERALTA
SANTA FE, NEW MEXICO 87501
505-690-2193 FAX 505-989-4844
daniel.yohalem@gmail.com**

September 30, 2025

Via Email Only (taylor@roblesrael.com)

Taylor S. Rahn
Robles, Rael & Anaya, P.C.
500 Marquette Ave NW, Suite 700
Albuquerque, NM 87102
taylor@roblesrael.com

Re: *Yazzie/Martinez v. State of New Mexico, et al.*, - September 24, 2025 Draft Plan

Dear Taylor,

Thank you for sending us a copy of the State's September 24, 2025 draft Remedial Action Plan ("Draft Plan"). The Yazzie Plaintiffs are extremely disappointed with this Draft Plan and believe it fails to comply with the Court's May 20, 2025 Order in several ways. Indeed, it appears to be more of a plan to create a plan, and lacks essential components, detailed actions, funding estimates, and State accountability. In addition, the draft Plan apparently was not written with the participation of the LANL Foundation and the LESC and ignores crucial stakeholder recommendations.

First, the Court's May 20, 2025 Order requires PED to develop, with stakeholder and Plaintiffs' participation, a comprehensive draft by October 1, 2025 that "identif[ies] all the components and elements necessary for a constitutionally sufficient and uniform education for at-risk students," taking into consideration "the components and elements raised in [Plaintiffs'] briefing." Plaintiffs' Motion and Reply set forth plan components that are essential to address the many violations of Plaintiffs' constitutional right to education found by the Court in 2018 and 2025: (1) Multicultural & Multilingual Framework; (2) Accountable system for Special Education; (3) Curriculum/Instructional Materials/Assessments; (4) Educator training, recruitment, placement, evaluation, and retention; (5) Essential Technology; (6) Student & Family Supports; (7) Finance; (8) Accountability; and (9) PED Capacity. For each of these components an effective Remedial Action Plan should include specific actions, responsible State actor/agency, funding estimates and resource analysis, and objective measures of progress - year-by-year for 5 years. The Draft Plan fails to include all the remedies necessary to address New Mexico's dismal educational system. In addition, it is vague and lacks detailed actions, funding estimates, and State accountability.

Second, the Draft Plan does not reflect the participation of stakeholders or Plaintiffs. Although the State held meetings with stakeholders, their many suggested remedies are not included in the

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Draft Plan. Indeed, it appears that the State held these meetings merely as a show and not as a way of learning about the remedies necessary to restore Plaintiffs' constitutional rights.

Third, the LANL Foundation was not involved in drafting the Plan and was excluded from this part of the process. It also appears that the LESC staff were also not involved in drafting the Draft Plan.

To try to address these serious shortcomings, by mid-October Plaintiffs will provide you a detailed critique of the Draft Plan and proposed changes. We request that during the last two weeks of October PED and WestEd meet with Plaintiffs' attorneys, the LANL Foundation and the LESC staff as often as necessary to draft major plan revisions in advance of the November 3, 2025 deadline for submission of a Remedial Action Plan to the Court. This Plan must be detailed and adequate to remedy the many violations of Plaintiffs' constitutional rights in a reasonable period of time.

In addition, Yazzie Plaintiffs reiterate our request for the "accompanying documentation" to the Draft Plan mentioned in your September 24 email and requested by us via email on Sept. 25, 2025. Yazzie Plaintiffs also request all underlying data relied upon or referenced in preparing the Draft Plan. Finally, please also provide us with the complete stakeholder-engagement record and notes, and a crosswalk showing why this input was not reflected in the Draft Plan. Please provide this information by Monday, October 6, 2025, so it can be considered as we draft our critique and proposed changes.

Thank you for your consideration of these comments and requests..

Sincerely,

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cc: James Grayson, NM Department of Justice, Attorney for Defendant State of New Mexico
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John Sena, LESC Staff Director

October 20, 2025

Via Email Only (taylor@roblesrael.com)

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Re: Yazzie/Martinez v. State of New Mexico, et al., - October 1, 2025 Draft Action Plan

Dear Taylor,

Our review of Defendants' October 1, 2025, Draft Remedial Action Plan ("Draft Plan" or "Plan") shows that the Draft Plan does not meet the requirements of the Court's May 20, 2025 Order, and provides no credible basis to conclude that the State will remedy the constitutional violations or extensive deficiencies identified in the Court's 600-page *Findings of Fact and Conclusions of Law* (Dec. 20, 2018). Rather than a detailed, costed, and enforceable remedial plan, the document is a general narrative of ongoing initiatives that fail to remedy the constitutional violations identified by the Court. Across every major area -- funding, accountability, bilingual and multicultural education, Native education, educator workforce, special education, behavioral health, and student well-being, etc. -- the Draft Plan is largely a vague and unenforceable list or description of existing programs and activities, not a concrete, detailed, and enforceable strategy for achieving compliance, offering no credible assurance that the State can or will achieve constitutional compliance.

The *Yazzie* Plaintiffs submit the following critique of the Draft Plan, following up on the shortcomings identified in our letter dated September 30, 2025. This critique is not intended to be exhaustive, but rather to underscore the Draft Plan's systemic deficiencies and the urgent need for a comprehensive rewrite. It is deeply troubling that, despite clear and repeated orders from the Court, the State has submitted a Draft Plan that falls so far short of the Court's mandate and perpetuates the very systemic failures found unconstitutional.

As summarized below, the Draft Plan remains noncompliant with the Court's order because it: (i) fails to align actions with the specific constitutional violations and unmet needs of at-risk students; (ii) is excessively vague, lacking specificity as to content of programmatic actions, and precludes meaningful implementation or evaluation; (iii) lacks cost estimates, funding sources, and any comprehensive resource analysis; (iv) minimizes or omits the mandates of state and federal education laws; (v) is a fragmented framework with no integrated goals, an inadequate timeline,

and fails to build PED's capacity to support implementation; (vi) reflects superficial stakeholder engagement and insufficient Tribal consultation.

1. Failure to Connect Actions to the State's Violations of At-Risk Students' Constitutional Rights

The Draft Plan does not connect proposed actions to the specific violations the Court identified. Instead, it repackages existing programs without showing how they address deficiencies in curriculum, teacher preparation, or supports for Native American, English Learners, low-income, and students with disabilities. Without connecting initiatives to both the un-met needs of at-risk students and the systemic barriers they face, the Draft Plan fails to demonstrate how it will achieve compliance or provide an effective remedy.

The Draft Plan also fails to target reforms to at-risk students. Broad, undifferentiated strategies that do not directly address their unique needs will not close existing opportunity gaps and may, in fact, deepen them. The Court's order requires an equity-centered remedial plan that explicitly targets disparities in both inputs and outcomes for these groups and establishes clear mechanisms for accountability.

2. Excessive Vagueness Prevents Implementation and Evaluation

Most actions are framed in vague, generic terms, such as "provide training," "monitor implementation," or "evaluate impact," without specifying programmatic content, short- and long-term implementation steps, performance standards, measurable outcomes, or evaluation mechanisms. This lack of specificity renders the Draft Plan unmeasurable and unenforceable, giving the illusion of a plan without accountability or results. Such indeterminate action items and undefined targets fail to provide the Legislature and Executive Branch with the clear guidance the Court's Order requires.

3. No Cost Estimates or Resources Analysis

The Draft Plan does not include comprehensive cost estimates to determine the necessary investments – both existing and future – to fund the proposed actions and programs. Without a comprehensive cost analysis – one that considers progressive action steps to achieve compliance – the Legislature (and the Executive) cannot make informed budgetary and appropriation decision, districts cannot plan implementation, and the Court, students and their families cannot hold the state accountable for providing adequate resources. Further, the Draft Plan provides no mechanism to ensure that "at-risk" dollars will be tracked and used to improve outcomes for at-risk students. *See* Decision and Order, 2019 at ¶ 3. ("...ensure that New Mexico schools have the resources necessary to give at-risk students the opportunity to obtain a uniform and sufficient education that prepares them for college and career.").

4. Minimizes & Omits Mandates of State and Federal Law

The Draft Plan fails to meaningfully incorporate or implement the requirements of the Indian Education Act, Bilingual Multicultural Education Act, Hispanic Education Act, Black Education Act, and the Individuals with Disabilities Education Act (IDEA). These foundational statutes are treated as peripheral references or omitted altogether, rather than as binding mandates requiring concrete implementation frameworks. Key concepts are left undefined, rendering obligations unmeasurable and unenforceable. As a result, the Draft Plan fails to translate statutory requirements into actionable, accountable commitments, leaving critical legal obligations unaddressed.

5. Fragmentation and Lack of Coherent Framework

The Draft Plan reads as a list of disconnected initiatives rather than a comprehensive, unified strategy focused on remedying the violations found by the Court. It lacks statewide goals, integrated timelines, and alignment across funding, accountability, and instructional systems to address the needs of at-risk students. The three-year window is unrealistically short for ensuring the state's education system is constitutionally adequate, with most actions deferred to Years 2 and 3 and no baseline data, metrics, or performance benchmarks to gauge progress or compliance. In addition, PED identifies itself as the responsible party for hundreds of actions but provides no plan to build the internal capacity, expertise, or infrastructure necessary to implement or oversee them. The Plan also fails to explain how the other responsible entities (*e.g.*, the Legislature, Institutions of Higher Education, school districts, ECECD) will accomplish their respective action steps and be held accountable for doing so.

6. Deficient Stakeholder Engagement and Tribal Consultation

Stakeholder input appears to have been superficial and largely symbolic. The Draft Plan does not evidence input from the regional planning meeting by New Mexico communities, students, educators, or Tribes informed its development. Engagement is treated as a procedural formality with no mechanisms for ongoing, institutionalized collaboration to ensure recurring consultation and accountability. At-risk students - the central focus of this litigation - are excluded entirely from the structures that will allow them to monitor compliance (*i.e.*, the creation of a reliable, transparent, and appropriate quantitative and qualitative data collection system that allows progress toward implementation of the components set forth above to be measured and reported publicly in real time, especially for budgeting and to identify and implement additional metrics. Moreover, the Draft Plan disregards the government-to-government relationships mandated by the Indian Education Act, failing to recognize that the Tribes and Tribal education departments are co-equal partners in the Draft Plan's development and implementation.

Conclusion

Given the extent of the deficiencies outlined above, the *Yazzie* Plaintiffs do not believe it would

be productive to engage in negotiations over the particulars of the current Draft Plan. As written, the Draft Plan falls so far short of the Court's requirements that only a comprehensive rewrite, not incremental revisions, can bring it into compliance.

The *Yazzie* Plaintiffs therefore request that the State re-write the Draft Plan to remedy these deficiencies and to fully address each of the nine components and elements identified in Plaintiffs' briefing, with clearly defined actions, detailed cost analyses, designated responsible entities, and objective measures of success. The revised plan must also incorporate and build upon the extensive community-based frameworks and expert analyses already developed within New Mexico, such as the Transform Education New Mexico's Platform for Transformation, the Tribal Remedy Framework, the feedback gathered through statewide community engagement sessions held in August 2025, and the research and reports produced by New Mexico experts on bilingual and special education. If relevant, the State should also draw from the unreleased plans developed by PED between 2021 and 2023, which apparently contain substantially greater detail than the current Draft Plan, but were put aside by the Governor. The Plaintiffs further expect that this revised version of the Draft Plan be completed and shared for review **prior to the submission of the Final Plan due to the Court on November 3, 2025**, to allow for a meaningful evaluation and review.

In addition, the *Yazzie* Plaintiffs renew our request for all data and materials relied upon or referenced in preparing the Draft Plan, the complete stakeholder engagement record, meeting notes, public comments received in response to the October 1 Plan, and any crosswalk or analysis showing why this input was not incorporated. We also request copies of any draft plans prepared by WestEd and submitted to PED and all unreleased plans developed by or for PED between 2021 and 2024. Not only are we entitled to receive these documents in this litigation, they are all public documents obtainable through the Inspection of Public Records Act. If the PED declines to produce any of these materials, please provide the basis for that position in writing. We ask that all requested documents be provided no later than **October 27, 2025**.

Thank you.

Sincerely,

/s/ DANIEL YOHALEM

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Gwen Warniment, LANL Foundation
John Sena, LESC Staff Director

EXHIBIT 3 - YAZZIE PLAINTIFFS OBJECTIONS REPLY

TO: New Mexico Center on Law and Poverty
FROM: Disability Rights New Mexico (Laurel Nesbitt, Senior Attorney)
RE: DRNM Reply to PED Defendants' Response to Yazzie Plaintiffs' Objections to Final Plan, and Exhibit H (3-19-26 Memo Jill Vice to Secretary Padilla)
DATE: April 21, 2026

The New Mexico Center on Law and Poverty (NMCLP) has asked Disability Rights New Mexico (DRNM) to provide thoughts in reply to PED's Defendants' Response to Yazzie Plaintiffs' Objections to Final Plan as it addresses students with disabilities, including to Exhibit H, a March 19, 2026 memorandum written by Jill Vice, Deputy Secretary of the Office of Special Education, to Secretary Marianna Padilla, regarding "PED's Response to Opinion of Laurel Nesbitt" (Exh. H). By "Opinion of Laurel Nesbitt," I understand that Ms. Vice references Plaintiffs' Exhibit 16 to *Yazzie* Plaintiffs' Objections to Defendant Public Education Department's Final Remedial Action Plan, which is DRNM's Evaluation of the State's 11-3-25 Final Remedial Action Plan (Pls' Exh. 16).

The following memorandum provides thoughts in reply. Because Deputy Secretary Vice's comments address me personally, I use first person pronouns in this response where appropriate.

I. Reply to PED Defendants' Response to Yazzie Plaintiffs' Objections to Final Plan

The PED Defendants' Response to Yazzie Plaintiffs' Objections to Final Plan (PED Defs' Resp.) addresses Yazzie Plaintiffs' objections specific to students with disabilities at pages 21-22.

Defendants begin with the unremarkable observation that federal law (seemingly referring to IDEA and Section 504) primarily governs the rights of students with disabilities in

special education, though there are also, of course, parallel New Mexico statutes and rules which also set out those rights, with reference to IDEA. *See*, <https://web.ped.nm.gov/bureaus/special-education/laws-rules-and-guidance/>. The point is not whether this Court has authority to enforce IDEA or Section 504 compliance, but whether such compliance is part of the Court’s vision of educational equity and constitutional sufficiency. The original rulings are instructive in that respect at least as to IDEA/IDEIA.

Defendants claim the Martinez-Yazzie Action Plan (Final Plan) “embeds students with disabilities within general education actions because IDEA requires that they have meaningful access to, and make progress in, the general education curriculum.” Defendants further claim Yazzie Plaintiffs “have ignored educational wisdom and the Court’s explicit findings that students with disabilities are general education students first.” PED Defs. Resp. at 21-22. While it is true that students with disabilities very often are served in general education classrooms by general education teachers, it does not follow that any Final Plan element describing actions for general education students *necessarily* will benefit students with disabilities or is designed with their needs in mind. This is where the mantra “special education students are general education students first”—appealing in its simplicity—risks oversimplification and misunderstanding.

Many students with disabilities whose least restrictive environment (LRE) is determined to be the general education setting still need substantial, appropriate special education support (specialized instruction and related services) to gain access to and benefit from that setting. Furthermore, it is inappropriate to justify the Final Plan’s failure to demonstrate critical reflection and appropriate modification as an intentional effort to avoid “marginalizing” students with disabilities through the “stigma” of difference. This “difference stigma” language itself

signifies a deep lack of disability awareness, and underscores the potential harm inherent in assuming (rather than planning for) “inclusion.” *See* Section II *infra*.

II. Reply to Deputy Secretary Vice’s General Comments (Exh. H at 1)

Deputy Secretary Vice (Ms. Vice) criticizes DRNM’s “opinion and recommendations” as speculative, lacking supporting information for the validity of the recommendations, and advancing my own “purely personal preferences” without explaining their “potential added benefit to students with disabilities.”

DRNM’s final report was intended to be limited to “larger themes and...key examples” (Pls.’ Exh. 16 at 1), as opposed to the lengthier, more detailed analysis and explanation which originally accompanied the DRNM final report as Attachment 1 (An annotated version of DRNM’s evaluation of the draft remedial plan). Attachment 1, a lengthy document which was not filed by Yazzie Plaintiffs, is included again for reference with this reply. (*See, e.g.*, explanations in Attachment 1 at 17-20 (Behavioral Intervention Support), 22-25 (Strengthen Postsecondary Transition Supports), 39-41 (Restorative Justice Practices in All Schools)). Even DRNM’s final report alone, without Attachment 1, provides explanation Ms. Vice claims is lacking, for example, Exh. 16 at 9-10 (Post-Secondary Transition Supports). Moreover, the “potential added benefit to students with disabilities” is evident in the framing of the specific recommendations. *See, e.g.*, Exh. 16 at 17-18 and Section III(m)(3) *infra* (DRNM Recommendations, Behavioral Intervention Support).

As an example of a “purely personal preference,” Ms. Vice points to what she understands to be my suggestion “that ‘MY students’ be replaced across the plan with the four student groups.” Exh. H at 1. It is unclear what she refers to here, as that was not my suggestion. However, Ms. Vice may be pointing to my critique on pp. 5-6 of Pls.’ Exh. 16, where I conclude

that PED has done a poor job of identifying “Student Groups Served” (and students with disabilities specifically) in any meaningful way throughout the plan. I noted that while making such identification of “Student Groups Served” for each year’s actions for each plan element “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.” Pls.’ Exh. 16 at 5-6. Ms. Vice merely restates this, remarking that “[e]ach student group impacted is listed by name at the end of each action item.” Exh. H at 1. She finds my concern to be a “purely stylistic recommendation,” *Id.*, where in fact my criticism goes to the heart of the Final Plan’s “inability to envision equity for SWD¹ consistently throughout [the Final Plan].” Pls.’ Exh. 16 at 1-2. Instead of mechanically listing all four student groups (including students with disabilities) for most of the plan elements, without elaboration, I recommended that each element include “student groups served (ensuring that the description of action(s) clearly includes any groups listed).” Pls’ Exh. 16 at 13. This recommendation is substantive, not merely a stylistic choice. It reflects a concern that PED has invested insufficient real thought (and certainly no explanation on the face of the Final Plan) as to how various elements *in fact* serve students with disabilities, outside the elements and actions contained in the one section specific to students with disabilities, Section 1.3. *See* Section I *supra*.

Ms. Vice further seeks to limit my experience and knowledge to “special education compliance matters” (presumably referring to my advocacy role as she sees it), questioning whether I have “experience in the actual systemic implementation of special education programs for students with disabilities at the state or local level,” and noting, “PED is unaware of such

¹ The phrase “students with disabilities” was shortened to “SWD” throughout DRNM’s Evaluation of the State’s 11-3-25 Final Remedial Action Plan

experience.” If Ms. Vice questions whether I have worked in public school systems as a teacher or administrator, it is true that I have not. However, because of my own professional experience and that of Disability Rights New Mexico in advocating for students with disabilities, I have been involved since 2020—frequently at the request of the State—in numerous systems discussions about the needs of students with disabilities, many of which have been direct responses to the *Martinez-Yazzie* decision. My resume, submitted with this memorandum, highlights some of this experience. *See* Attached Resume of Laurel Nesbitt at 1 (non-exhaustive list of systemic advocacy efforts for students with disabilities). I have also experienced special education in New Mexico as the parent of a student with autism.

In particular, I point to the Special Education Transformation Team (SETT) work from 2020-2022. In the early part of that group’s work, then NMPED Deputy Secretary Timothy Hand requested that I lead a discussion addressing the identified unmet needs of students with disabilities. To the extent NMPED and other State entities like the Legislative Education Study Committee and Developmental Disabilities Council have involved organizational stakeholders in its *Martinez-Yazzie* discussions, I have been at the table to collaborate and strategize at every opportunity. As a representative of DRNM, I also participate in a standing monthly meeting with OSE Family Engagement (together with representatives of our State’s Parent Training and Information Centers) to share our observed patterns and emerging issues in the unmet needs of students with disabilities.

More importantly, “actual systemic implementation of special education programs for students with disabilities” is not meaningfully addressed in the Final Plan, nor are measures for “actual systemic implementation” provided.

III. Reply to Deputy Secretary Vice’s Specific Comments/Rebuttals to Opinion (Exh. H at 1-5)

a. High Quality Instructional Materials (Exh. H at 1, referencing Pls’ Exh. 16 at 2; and Exh. H at 4, referencing Pls’ Exh. 16 at 14)

The discussion in Exhibit H seems to suggest that HQIM can be generalized and blurred to “provide high-quality standards based on curriculum for all students,” in an effort to undercut DRNM’s seemingly uncontroversial point that HQIM needs to be intentionally designed and implemented to meet the needs of students with disabilities. *See* Pls’ Exh. 16 at 2 (pointing to the Final Plan’s “failure to address the need for HQI/HQIM [for SWD], including evidence-based interventions, materials.”) The Final Plan makes little effort to differentiate appropriately, and to recognize those unique needs. (See, e.g., the definition of HQIM at Final Plan p. 166.)

Ms. Vice does acknowledge that “HQIM should consider accessibility and other factors to support students with disabilities,” but asserts that “it is the instructional practices of special education[] teachers that support with the access to General Curriculum.” (Exh. H at 1.) This seems to suggest that it is the teachers, not the specialized curriculum or materials, that make the difference for students with disabilities, in their ability to access and make progress in the general curriculum.

Educators and their instructional practices are of course an integral part of the picture. However, Ms. Vice’s broad conclusion fails to acknowledge several well-known, unfortunate realities in our state. To list just a few:

- the chronic shortage of special educators and related service providers;
- relatedly, the fact that there are a number of special education classrooms across the state that are staffed with long- term substitutes, not licensed special education teachers;

- many districts lack access to appropriate curriculum for students with disabilities—for example, evidence-based dyslexia-specific curricula, and teachers with sufficient expertise to implement it.

Again, the definition of HQIM on page 166 of the Final Plan defines *materials*, not instructional practices of teachers. In her memorandum, Ms. Vice refers to the 9 components of HQIM, and further mentions without explanation a partial articulation of the *Endrew F.* standard for providing students with disabilities a free, appropriate public education (FAPE) in compliance with the Individuals with Disabilities Education Act (IDEA). (Exh. H at 4.) That standard requires “a school must offer an [individualized education program or “IEP”] reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 399, 137 S.Ct. 988, 999. The Final Plan itself makes no attempt to wrestle with the FAPE standard as it relates to providing HQIM for students with disabilities.

b. Inclusive Practices (Exh. H at 1-2, referencing Pls’ Exh. 16 at 3; Exh. H at 4, referencing Pls’ Exh. 16 at 14)

The definition of “inclusive practices” (Final Plan at 167) is very broad. So broad, in fact, that it is not possible to envision what such practices (presumably *improved* practices under the Final Plan) would look like for SWD. Respectfully, Ms. Vice’s further explanation adds little or no texture to the definition, again asserting, “Inclusive practices are seen in the instructional approach, classroom culture, and intentional planning within any setting where services are delivered.” Exh. H at 2. She further observes, “Similar to LRE, inclusive practices should be utilized to the extent practicable for the individual student. This may have different meaning for different students, depending on their LRE.” While these statements provide vague answers to

my questions about how the term “inclusive practices” relates to the Least Restrictive Environment (LRE) requirement under the IDEA, the point of my criticism was that the Final Plan itself makes no effort to grapple with this central tenet of special education law, and shows no real insight about the complexity of making all settings “inclusive” for all students with disabilities, and failing to specify actions to expand successful inclusion in New Mexico’s classrooms.

c. Career-Connected Learning (Exh. H at 2, referencing Pls’ Exh. 16 at 3).

Ms. Vice explains simply, “Career-Connected learning is available to all students and can be leveraged to support students with disabilities’ post-secondary transition plans and services.” While this general reassurance is appreciated, the problem once again is that the Final Plan itself does not make that connection clear, and it should. Because transition services are required to be provided to students in special education with IEPs, it is reasonable to ask *how* the plan envisions career-connected learning opportunities “available to all students” are to be implemented in such a way that students with disabilities can access and benefit from them. Neither Ms. Vice’s assurance nor the Final Plan itself explains this.

d. Corrective Action and Accreditation (Exh. H at 2, referencing Pls’ Exh. 16 at 5).

Ms. Vice correctly points out that “the potential imposition of corrective action is included within specific action[s] in the plan.” A word search for “corrective action” in the Final Plan documents shows 7 occurrences, all of which were either contained in or cross-referencing the only section in the plan specific to SWD, Section 1.3. While I certainly appreciate that the Office of Special Education acknowledges the potential for corrective action, and has thought to weave it into the elements of Section 1.3, it is still concerning that PED does not describe that

important function as one of its “typical roles.” Instead, PED sees itself “providing help” when schools are not “meeting expectations.” That was, and remains, my concern.

As for accreditation, I am familiar with the ten accreditation factors set out in 6.19.4.8 NMAC, and with the potential consequences to school districts or schools should they receive disapproval accreditation status (6.19.4.12 NMAC). However, this is a program which is still in its pilot year (2025-26 SY), in which schools have been assured they will all receive approved accreditation status. *See* 7/14/25 Memorandum from Secretary Padilla to Superintendents and Charter School Administrators, available at, https://web.ped.nm.gov/wp-content/uploads/2025/07/Pilot_Year_SY_2025%E2%80%9326_Accreditation_Status_Letters_and_Office_Hours_7_14_25_SIGNED.pdf. It remains to be seen whether any schools or school districts will in fact receive consequences for failing to meet accreditation standards, particularly with respect to meeting the needs of students with disabilities, in the upcoming school year.

- e. Office of Special Education and Statewide IEP Template* (Exh. H at 2, referencing Pls’ Exh. 16 at 5).

Ms. Vice repeats the general talking points about the value of codifying the OSE and implementing the IEP template. While DRNM recognizes both these actions as positive, the question is what tangible actions will be taken as a result of “elevating the voices of students with disabilities” to “enhance access and resources in all PED initiatives.” It is this question—how (specifically) access and resources are to be enhanced by these structures—that the Final Plan should speak to with clarity. What specific improvements, apart from what is set out in Section 1.3 of the Final Plan, does OSE intend to bring about as part of the *Martinez-Yazzie* effort? Now that OSE is officially codified, the expectation is that it will fulfill its promise.

f. Professional Development Specifically Behavior Related (Exh. H at 2, referencing Pls' Exh. 16 at 5).

While it is true that behavior intervention is a component of the Multi-layered System of Supports (MLSS) and that MLSS (including tiered behavioral interventions) is mapped to the resources/training community concern on page 69 of the Final Plan, my point was that there was no mention of the more detailed “regional educator training and support to build statewide capacity for evidence-based behavior practices and to minimize exclusionary practices,” described in Element 1.3c (pp. 51-52) of the Final Plan. As discussed more thoroughly in Section III (i) *infra*, Element 1.3c is one of the more promising elements of the plan, and certainly relates to community input that “[a]dequate resources and training for teachers are not available to effectively support special education and diverse learning needs.” (Final Plan at 69.) My observation was that Element 1.3c was missing from the list on Final Plan p. 69. This was merely an example of how cross-referencing within the plan could be improved as to clarity and comprehensiveness.

g. Lack of Support for Rural Districts (Exh. H at 2-3, referencing Pls' Exh. 16 at 5).

DRNM's report pointed out that an important piece of community input which had been included in the draft plan in Critical Need 2 no longer appears in the Final Plan: “There are barriers to professional development and accessing resources in rural and underserved areas.” Ms. Vice does not acknowledge the removal of this input, but instead points to parts of the plan which potentially relate to the removed concern. While I respect Ms. Vice's reading of the plan elements, this still does not explain why the final plan does not itself more directly, explicitly and intentionally address the specific, widely-recognized problem of rural access, in answer to community input. DRNM, together with the Native American Disability Law Center, provided

written comment on the State’s draft remedial plan in October 2025 which highlighted the particular problem of rural access for Native American students with disabilities.

- h. Essential Standards and Structured Literacy* (Exh. H at 3, referencing Pls’ Exh. 16 at 7; Exh. H at 5, no clear reference to Pls.’ Exh. 16).

I appreciate Ms. Vice’s explanation of what “Essential Elements” or “essential standards” references on page 66 of the final plan on the projected outcome: “All students with disabilities [will] have IEP services that support grade-level or essential standards.” However, the larger concern DRNM was voicing in that section of the report is that the general outcomes listed after each Critical Need section are “normally not particularly ‘concrete,’ ‘measurable,’ or even realistic,” using this outcome as an example. Pls’ Exh. 16 at 7. To elaborate, *how* will all students with disabilities have IEP services supporting grade-level or essential standards? How will that be measured, such that anyone will know it happened? If a student with an IEP has only one such service that supports grade-level or essential standards, but needs others to make progress toward IEP goals, is the objective met? These are examples of the bigger problem with the Final Plan’s imprecise outcomes statements.

Similarly, I generally agree with Ms. Vice’s general definition of structured literacy and her observation that the International Dyslexia Association endorses structured literacy, though I note that students with dyslexia require much more intensive evidence-based structured literacy approaches than what is referenced in the Final Plan. DRNM currently has multiple clients in middle and high school who have not received appropriate evidence-based, dyslexia-specific instruction at the intensity of service level they need throughout their school experience, and are reading at an early elementary school level.

However, the point being made on page 7 of DRNM’s report is that the outcome going to structured literacy merely recites what students will *receive* (structured literacy interventions), providing no metric for whether such interventions actually benefit students who are “identified for needing interventions or who are not on grade level in literacy or mathematics.” Final Plan at 66. How will anyone know the interventions are in fact *successful*, rather than just *provided*?

Moreover, it is not clear what Ms. Vice intends with her comments about the Literacy Center, Structured Literacy, and Serving English Learners with Disabilities Manual. Exh. H at 5. On those topics, please see DRNM Recommendations Section III(m) *infra*.

i. Behavior Intervention Support (Exh. H at 3, referencing Pls’ Exh. 16 at 8)

Element 1.3c (Behavioral Intervention Support) is one of the elements DRNM found to “show real promise, with further development.” I agree with Ms. Vice that there are other elements in the Final Plan that *can* align with Element 1.3c toward improved student behavior support capacity, though I again note that the Final Plan needs to more explicitly and intentionally explain that alignment on the face of the document.

Nonetheless, the critique on page 8 of DRNM’s report was not about whether the plan includes actions to expand behavior support capacity, but rather the shortcomings of the monitoring action in year 3 of Element 1.3c, which reads, “Monitor special education improvement plans and incorporate the results of behavior goals, functional behavior assessments, and [Behavior Intervention Plans (BIPs)] compliance into school district and charter school accountability reviews and annual determination letters.” (Final Plan at 51-52.) My point had been that such monitoring should focus not just on individual students’ behavior goals, Functional Behavioral Assessments (FBAs), and BIPs, but on district and school

capacity/practices to support behavior needs, as well as manifestation determination review (MDR) findings, informal removal, and restraint and seclusion data. *See* Attachment 2 (also submitted with DRNM Final Report and provided here for reference) at 4. It may well be that some of these factors are already envisioned in the Year 3 monitoring, but that is not clear from the Final Plan language.

- j. Lack of Transition Outcomes and Reduced Restraint and Seclusion* (Exh. H at 3, referencing Pls' Exh. 16 at 9-11)

DRNM's report observes that the Transition Support elements of the Final Plan (Elements 1.3g and 1.3h) are among those which "show real promise, with further development." Pls' Exh. 16 at 8. The development still needed for these elements includes some articulation of measurable outcomes, so that the success of the actions included in the transition support elements is ascertainable. If I am understanding her correctly, Ms. Vice suggests that we look to a different part of the plan entirely, Element 4.3b (Final Plan at 151-52) which she says "[a]ddresses indentifying outcome metrics for student success through community input." Respectfully, I am unable to make the connection, nor to understand how Element 4.3b answers the question of how we will know that the actions proposed in Elements 1.3g and 1.3h are successful.

Element 1.3d (Reduced Restraint and Seclusion) is another promising element, and I appreciate Ms. Vice's accurate observation that restraint and seclusion is included in OSE monitoring systems in Year 3 of Element 1.3d, and that targeted improvement plans for LEAs' disproportionate rates of restraint and seclusion appears in Year 2 of related Element 1.3c. I agree these are important and helpful actions, indeed some of the better actions for students with disabilities in the entire plan. However, there is still no objective measure nor standard

articulated. What is a disproportionate rate of restraint and seclusion? What is an acceptable rate? How do we know the actions in Year 2 of Element 1.3d (limiting legislation [which did not pass in the 2026 session], statewide guidance by NMPED, and mandatory training by NMPED) have been successful?

Again, where there are no truly measurable outcomes nor evaluation structures in place with respect to individual actions in the Final Plan, the document is merely aspirational rather than operational.

k. Removal of Literacy Coaches (Exh. H at 3, referencing Pls' Exh. 16 at 11)

In the draft remedial plan, there were elements which explicitly mentioned MLSS instructional coaches (Element 1.11) and aligned them with structured literacy efforts (Element 1.1m). DRNM had noted the potential of these elements, but they were removed in the Final Plan. Ms. Vice correctly states that SB 37, forecasted in Element 1.1d, did in fact pass during the 2026 session, and that the statute provides in Section 22-15G-5(D) for literacy instructional coaches with certified academic language therapist (CALT) level or similar qualifications. However, as Ms. Vice mentions, the only schools that will receive the benefit of these coaches, beginning in the 2027-28 school year, are those with an "average reading proficiency in the bottom quartile for reading proficiency in the state." Section 22-15G-5(B). While this is a help, it is not sufficient to meet the dire need for CALT support throughout all districts in the state, not just in the lowest quartile. The availability of appropriate, effective supports for students with dyslexia needs to be greatly expanded. *See Recommendations on Structured Literacy/Science of Reading*, Pls' Exh. 16 at 15.

- l. Native American Advisory Counsel [sic] for Students with Disabilities* (Exh. H at 3-4, referencing Pls' Exh. 16 at 12)

DRNM's criticism of Final Plan Element 1.3e (Support for Native American Students with Disabilities) centered on the complete inadequacy of that element, which appears to lay the responsibility of identifying and meeting the needs of Native American students with disabilities at the feet of a volunteer advisory panel.

Ms. Vice's primary response is that the Department has a role in adding members to the IDEA Part B Advisory Panel. However, even the bylaws section Ms. Vice cites clarifies that role is limited to the decision to *approve* proposed expansion of membership beyond the composition set out in the bylaws, and does not include unilateral authority to *require* the panel to expand its membership. See <https://web.ped.nm.gov/wp-content/uploads/2025/01/4.26.2024-IDEA-Advisory-Panel-Bylaws-Final.pdf>. The bylaws further do not grant NMPED authority to "[c]reate a subcommittee to address policy and budget issues specific to Native American students with disabilities" (Final Plan Element 1.3e, Year 1), which are established by the panel chair. This is especially true since the IDEA Panel is not itself empowered to "address" policy and budget issues beyond advising and making recommendations to NMPED. See *Id.* at Section III (Duties and Functions).

Still, DRNM's critique of Element 1.3e is not primarily about NMPED overstepping its authority with the IDEA Panel, nor about expanding and elevating Native American voices within Panel membership (which would clearly be a positive development). Nor is there any reason to disbelieve Ms. Vice's comment that community feedback on the draft plan requested "an advisory mechanism within PED to address the needs of Native American students with disabilities." Exh. H at 4. The crux of the issue is that Element 1.3e fails to explain what PED plans to do to address the specific needs of Native American students with disabilities, either in

response to or in addition to recommendations from the IDEA Panel. It is an entirely passive gesture.

m. Capacity Building, Evidence Based Practices, Positive Behavior Supports (Exh. H at 4, referencing Pls' Exh. 16 at 13-14)

Pages 13-14 of DRNM's Report set out the introduction to DRNM's specific recommendations, prioritizing those going to Capacity Building, as well as Evidence Based Practices and Positive Behavioral Supports and Interventions for students with disabilities. Ms. Vice's response seems to suggest that DRNM has missed mention of these matters in the plan. That is clearly not the case, though with respect to the capacity-building element in particular, I note the Final Plan makes little or no effort to address PED's *own* need for "expanded expertise, oversight and technical assistance capacity," distinct from the districts' capacity and training needs. Nonetheless, the use of these terms in Pls. Exh. 16 at 13-14 is meant only to introduce DRNM's specific recommendations, including color coding to identify particular recommendations going to one of the three priority categories listed. Because the color coding did not transfer in the scanned copy of the report used as Exh. 16, I again list here DRNM's specific recommendations for the plan, at least those going to Capacity Building, Evidence-Based Practices, and Positive Behavior Supports.

1. Capacity Building

- (Elements 1.1c-1.1e, 1.1f) The State should [build capacity] 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.
- (Elements 1.1c-1.1e, 1.1f) The State should ensure that its New Mexico Literacy Center centers programs are designed, staffed, and overseen by CALTs (including ones with experience teaching reading to English Learners)...

- (Elements 1.1k-1.1m) **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 structured literacy instruction, the State should ensure the coaches are CALT certified and have substantial expertise in dyslexia specific instruction.
- (Element 1.3c) 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.
- (Critical Need 2) 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.
- (Element 2.1e) The State should clarify how Element 2.1e impacts, expands, improves, monitors, and evaluates the Special Education Teacher Mentor Program already being implemented.
- (Element 2.1g) The State should ensure that individuals with deep expertise regarding the academic...need 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...needs of SWD...
- (Element 2.1h) 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.
- (Element 2.2b) 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.

- (Element 2.2f) 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.
- (Element 2.2f) The State should research and implement national best practices for providing effective non-monetary supports for all teachers serving SWD toward improving retention.
- (Goal 2.3) 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.”
- (Goal 2.3) 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.
- (Critical Need 3) The State should include in the Final Plan elements that ensure staffing and appropriate behavior training necessary to support successful behavior interventions for SWD.
- (Goal 3.1) 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.

2. Evidence-Based Practices

- (Critical Need 1) The State should incorporate both “evidence-based” and “appropriate in light of students’ individualized needs” to requirements for HQI and HQIM.
- (Elements 1.1c-1.1e, 1.1f) The State should ensure that its New Mexico Literacy Center programs are...able to provide and support direct, intensive dyslexia-specific interventions for students with dyslexia.
- (Elements 1.1c-1.1e, 1.1f) 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 at edweek.org/teaching-learning/how-the-science-of-reading-can-support-english-learners/2025/09).

- (Element 1.3f) 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.
- (Element 1.3f) Please also see recommendations specific to Structured Literacy/Science of Reading, Elements 1.1c-1.1e.

3. Positive Behavioral Supports and interventions

- **(Element 1.3c) 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.~~
- (Element 1.3c) 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.
- (Element 1.3c) 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).
- (Element 1.3c) 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).
- (Element 1.3c) 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.
- (Critical Need 2) 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.*”

- (Element 2.1g) The State should ensure that individuals with deep expertise regarding the ...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... 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.
- (Critical Need 3) 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).
- **(Element 3.1b) NEW RECOMMENDATION:** The State should require all transportation workers to receive Universal Baseline Behavior Training, as proposed in connection with Element 1.3c.
- (Element 3.3b) 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.
- 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.

n. Monitoring of IEPs (Exh. H at 5, referencing Pls' Exh. 16 at 15)

Though it is not entirely clear, I believe that Ms. Vice is stating that the PED's current IEP monitoring system already addresses my recommendation, "The State should monitor IEPs

for students below grade level in reading and math, as it plans to do for implementation of academic improvement plans, in Year 2 actions for both Element 1.1d (literacy) and 1.1f (mathematics).” To the extent current monitoring of present levels of performance, annual goals and benchmarks, and progress monitoring does in fact already identify problems of students with disabilities being substantially under grade level in reading and math, that monitoring is not currently resulting in resolution of those problems, given the number of cases DRNM is seeing where students with learning disabilities in middle and high school are—year after year—assessed at emerging or early elementary reading and math levels, without progress. This is a trend that DRNM has reported to OSE Family Engagement in at least two meetings in early 2026.

o. Behavior Intervention Supports (Exh. H at 5, referencing Pls’ Exh. 16 at 17)

In addition to the phrases Ms. Vice cites from Element 1.3c, please see DRNM’s recommendations for the plan, as to Positive Behavioral Supports and Interventions, Section III(m)(3) *supra*. While DRNM had previously proposed a specific recommendation for Uniform Baseline Behavior Training for school personnel based on initial discussions, experts who have been part of these ongoing discussions have instead suggested a more tiered approach, providing different levels of training for school staff in different roles. The Behavior and Discipline subcommittee of the IDEA Panel, which I chair, is actively discussing behavior training options for school personnel, and plans to make recommendations in the IDEA Panel’s final report. Moreover, the subcommittee is pleased to be collaborating with the Office of Special Education’s professional development team in that work.

p. Identification of English Learners (Exh. H at 5, referencing Pls' Exh. 16 at 18)

Please see DRNM recommendations with respect to Support for English Learners with Disabilities (Pls. Exh. 16 at 18). Specific to the English Learners with Disabilities manual mentioned by Ms. Vice, there is a problem with the manual's failure to acknowledge that in addition to English Learners being *overidentified* as students with disabilities, the opposite is also true. In other words, there is an issue with *underidentification* of students with disabilities as English Learners, which commonly happens because: 1) the initial language surveys are often misdone by districts; 2) there is still a binary educational culture of "one or the other" ("EL or SWD"); and 3) the schools foster and support parents who do not want identification of disability. The manual, while useful in some respects, seems to maintain a bias against identification for special education eligibility, which can delay or prevent entirely receipt of services by SWD. This is particularly problematic for dyslexic students who may be "pulled" for ELD classes in grade school for "reading help" rather than receiving needed structured literacy instruction.

q. Post-Secondary Transitions (Exh. H at 5, referencing Pls' Exh. 16 at 18)

Ms. Vice points to Elements 1.3g and 1.3h (which DRNM has already praised as having potential, with development), noting the availability of "work based transition opportunities are based on individual needs and interests," as well as the Year 3 activities of Element 1.3h involving evaluation and expansion of "regional college- and career transition program pilots into a statewide model." DRNM's recommendations go to improved quality and effectiveness of transition services and work-based transition opportunities for students with disabilities, particularly the need to ensure that such services are more "robust and successful" than they are

currently, and that work-based opportunities “involve appropriately challenging, diverse and integrated experiences, designed to lead to post-secondary education or competitive integrated employment.” Pls’ Exh. 16 at 18. Unfortunately, this is not currently what transition opportunities typically look like for students with disabilities in New Mexico.

r. Recruitment Stipends (Exh. H at 5, referencing Pls’ Exh. 16 at 21)

Ms. Vice comments, “PED is currently in year 2 of 3 of the current program.” While this reports on the current status of the special education retention stipend program, it does not address DRNM’s recommendation that “[t]he 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.” Pls’ Exh. 16 at 21. DRNM’s focus is on evaluating whether the existing and previous programs have been effective in expanding special educator capacity. Reporting that the current program is in year 2 of 3 does not get to this, and the Final Plan does not address whether these efforts—which the State proposes to continue and build on—are achieving their purpose.

s. Behavior Training for Transportation Employees (Exh. H at 5, referencing Pls’ Exh. 16 at 22)

Ms. Vice explains that the training for transportation employees currently requires a “professional development course on de-escalation strategies and positive behavioral interventions and support.” (Exh. H at 5.) In the draft remedial plan, this behavior training seemed like a strong piece of the plan, given the common occurrence of school removals and other exclusionary practices resulting from disability-related behavioral incidents on buses. However, as explained in DRNM’s report, the Final Plan clarifies that this is an online course

(seemingly a recorded presentation), rather than a more intensive, interactive training including modeling of interventions. (Pls' Exh. 16 at 11.) Accordingly, DRNM now recommends that transportation workers receive more substantive "Uniform Baseline Behavior Training" as proposed for school personnel. *See* Section III(m)(3) *supra*.

- t. Wraparound Services for Students Experiencing Homelessness* (Exh. H at 5, referencing Pls' Exh. 16 at 22)

DRNM's concern was not whether students with disabilities would be among those receiving wraparound services, but rather whether such wraparound supports would specifically include "evaluation, where appropriate or parentally requested, for special education and related services," as well as "IEP supports for students with disabilities and their families."

IV. Conclusion

As DRNM previously noted in Exhibit 16, Section 1.3 of PED's Final Plan contains elements that respond to stakeholder input and, with further development, hold potential for improved educational experience and outcomes for students with disabilities. However, the Final Plan (including the promising parts) still lacks measurable outcomes, evaluation structures, accountability details, and cost measures. And as explained in Sections I and II *supra*, it assumes "inclusion" of students with disability and presents a blurry notion of "inclusive practices," without designing actions across the entire plan to *effectuate* inclusion.

DRNM does not consider PED's Final Plan to be final, but offers ongoing collaboration and support in the efforts to make it so.

TO: New Mexico Center on Law and Poverty
FROM: Disability Rights New Mexico (Laurel Nesbitt, Senior Attorney)
RE: Evaluation of the State's 10-1-25 Draft Remedial Action Plan
DATE: October 13, 2025, ANNOTATED 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 Draft Remedial Action Plan addresses special education and the needs of students with disabilities, through an equity lens, assessing its approach, policies, programs, its use and quality of data and accountability measures,” and to submit this written report by October 13, 2025.

I. THE COURT’S FINDINGS RELATED TO STUDENTS WITH DISABILITIES

When this case was decided in 2018, the Court addressed the unmet needs of students with disabilities (SWD) in several findings. My notes on these findings from my close review in 2020 include the following:¹

¹ My notes on the Court’s findings with respect to the evidence on educational “outputs” for SWD reflect:

- ¶2355: For 2015-16 SY in NM, 93 percent of SWD not proficient in reading, 93 percent of SWD not proficient in math, and 84 percent of SWD not proficient in science. Koscielniak, 7/19/17 at 235:1-10; ex. P-2521 at 4.
- ¶2356: NM ranked consistently low, in bottom 10-15% among states and jurisdictions for % of SWD in grades 3-8 who received a valid and proficient score in reg reading and math assessments. P-2798 at ¶68.
- ¶2357: Overall in NM, for 2013-14 year, over half of all SWD scored at Beginning Step in reading compared to about 16% of the non-special ed students, representing at 36% gap. Only 11% of SWD scored at Proficient. Gaps within the 7 districts (Albuquerque, Espanola, Gadsden, Las Cruces, Magdalena, Santa Fe, and Zuni, at which Dr. McLaughlin looked specifically) are all w/the 30+ 12 percentage points. P-2798 at ¶69.
- ¶2358: For 2015 in NM, 85% of state’s 4th graders and 79% of 8th graders identified as having disability scored Below Basic in reading. In math, 60% of 4th graders identified as having a disability scored Below Basic and 80% of 8th graders scored at that lowest level in math. P-2798 at ¶71.

- **Evaluation** ¶2329: Cites 34 C.F.R. §300.301(b) about request for evaluation by parent or public agency. Dr. McLaughlin testified there is evidence that some districts in NM are failing to address requirements to identify children suspected of having a disability.
- **Evaluation, Autism Spectrum Disorder (ASD)** ¶2330: Dr. McLaughlin--many districts in NM lack sufficient number of well-trained individuals who are able to diagnose ASD.
- **Educational Diagnosticians** ¶2331: Dr. McLaughlin—PED certification standards for educational diagnosticians are not particularly specific concerning required skills or types of assessment tools diagnosticians must be qualified to use.
- **Identification of SWDs who are ELLs** ¶2332: Dr. McLaughlin—chronic shortages of bilingual psychologists, educational diagnosticians, and special education teachers in NM (under-i.d. and over-i.d. of ELLs)
- **Least Restrictive Environment (LRE), Lack of Inclusion.** ¶2333: Dr. McLaughlin—NM educates fewer students w/IEPs in general ed classrooms and is substantially above the national average in placing students outside of general ed anywhere from 20-60 percent of school day.
- **LRE** ¶2345: Not sufficient emphasis on getting special ed students in NM what they need so they can rejoin regular classroom. Stewart, 6/20/17 at 203:1-5.
- **LRE** ¶2346: Not sufficient funding allocated for professional development opportunities necessary to have special ed students join more in the general education setting. Stewart, 6/20/17 at 204:14-18
- **Ancillary Personnel.** ¶2341: Having ancillary personnel in classroom important to meet needs, and not sufficient funding in NM to provide ancillary personnel. Stewart, 6/20/17 at 192:11-25
- **Ancillary Personnel.** ¶2342: PED doesn't pay ancillary personnel well enough because the legislature is not allocating sufficient funding to provide salary that would be necessary. Stewart, 6/20/17 at 193:9-14; 195:5-13.
- **Money for Classrooms** ¶2343: Special ed classrooms in NM receive very little supply money and no curriculum money. Stewart, 6/20/17 at 198:18-19
- **Class Size** ¶2344: Smaller class sizes have beneficial effect on students. Stewart, 6/20/17 at 201:18-20.
- **Tutoring Opportunities** ¶2348: important for special ed students, but no funding in NM to provide tutoring to special ed students, Stewart, 6/20/17 at 205:17-206:17
- **Personnel and other Resources** ¶2351: State has role in providing the personnel resources and other resources that are needed for districts to establish and deliver programs. Reschly, 8/2/17 at 146:25-147:1-3.
- **Resources for Recruitment/Training** ¶2352: It takes resources to recruit and train skilled special ed teachers, psychologists, speech-language pathologists, physical therapists, and social workers. [This excludes occupational therapists and board certified behavior analysts (BCBA's)]. Reschly, 8/2/17 at 152:13-153:3.

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- ¶2359: Dr. McLaughlin testified that a review of other academic indicators in NM, including Advanced Placement (AP) enrollment rates, AP Exam completion rates, and dual credit enrollment rates, indicate small percentages of SWD enrolled or participating. Fewer than 2 percent of all students who completed one or more AP exams in the 2015-16 year were SWD. P-2798 at ¶76, 77.
 - ¶2360: In 2015-16, no SWD completed AP exams in four school districts in NM: Espanola, Las Cruces, Magdalena, and Zuni. P-2798 at ¶77.

- **Professional Development** ¶2354: Most professional development for special ed in NM is done electronically. Koscielniak, 7/19/17 at 240:17-20.

Of particular importance, and key to the extensive stakeholder efforts undertaken since 2018, are the Court’s findings going to:

- o **LRE:** The State’s obligation (and failure) to educate SWD in their least restrictive environment;
 - o As addressed in greater detail below, the need for improved positive behavioral interventions and supports, including staffing and training to facilitate the same, is critical to ensuring SWD are able to learn in their LRE.
- o **Capacity and Professional Development:** The need for sufficient numbers of appropriately trained special educators, diagnosticians, and ancillary staff;
- o **Transition Services:** The need for SWD, as one of the four at-risk groups, to be “college or career ready,” which implicates transition services for SWD.
- o **Evaluation and Identification of SWD**

In its May 20, 2025 Order Requiring Remedial Action Plan, the Court held, “The NMPED shall develop this draft comprehensive plan with the participation of the stakeholders and the Plaintiffs, taking into consideration the components and elements raised in their briefing.”

Specific to SWD, Plaintiffs’ briefing had identified the following components:

A transparent, cohesive and accountable system of delivering special education supports and services must be created so that students with disabilities receive an inclusive, integrated and equitable education. This includes (a) appropriate and timely identification and evaluation, individualized, evidence-based, and fully funded programs, services, curriculum, and student behavior supports; (b) sufficient and adequately trained teachers, educational assistants, and ancillary personnel; (c) sufficient assistive technology and transportation; (d) full and informed parental participation; (e) adequate and effective safeguards, *all of which achieves full compliance with the Americans with Disabilities Act, Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and New Mexico State Standards*, as well as standardized measures that accurately report and eliminate the use of removal, restraint and seclusion of students with disabilities, and minimize their removal from school informally and by way of exclusionary discipline.

Plaintiffs’ Joint Non-Compliance Motion and Request for Remedial Action Plan (“Joint Motion”) at 109 (emphasis added).

II. GENERAL OBSERVATIONS ABOUT THE DRAFT PLAN AS IT RELATES TO STUDENTS WITH DISABILITIES

Legal Framework—Students with Disabilities. It is important to remember, as the Joint Motion excerpt quoted directly above emphasizes, that the State is required to comply with detailed, comprehensive federal and state law protecting the rights of SWD, even in the absence of the Court’s landmark decisions in this case. The State tends to lose that thread in many of the Draft Plan elements addressing SWD. *See, e.g.*, discussion of element 1.3a below. The Court’s decisions in this case serve to reiterate and underscore the State’s systemic failures to comply.

As Attachment 1, I have included a 2-page overview of IDEA and 504 basics, providing brief explanations of core concepts like free appropriate public education (FAPE), least restrictive environment (LRE), specialized instruction, related services, accommodations/modifications, transition services, the “six pillars” of IDEA, and the basic requirements of Section 504. Because these laws, and IDEA in particular, provide such an elaborate and comprehensive legal framework to require compliance on an individual student level, the focus of SWD stakeholder work in Y/M discussions has usually been building general capacity, expertise, and programming to ensure equity for SWD, particularly around (1) expanding positive behavior supports (which relates closely to LRE concerns) through teacher preparation and professional development, (2) post-secondary transition services for SWD, and (3) parent participation and engagement. *See also* Section V(C) *infra* (recommendations made in previous stakeholder engagement and workgroup efforts).

Need for Definitions. **There is now a glossary of terms, which is at least somewhat helpful in clarifying the State’s use of certain words. See below.** The Draft Plan as a whole suffers from abstraction and imprecision. This is a theme that will appear throughout my comments on specific elements. While the State may benefit from keeping language broad and

vague, the four groups at issue in this case (termed “MY students” in the Draft Plan)—including and particularly students with disabilities—do not. The Draft Plan gets ahead of itself by loosely using words it has not bothered to define, leaving us to wonder what the State’s fundamental vision is. For example,

- What is meant by “equity” and “equitable education”—terms that are used throughout? What is the State’s understanding of these terms, which are at the heart of the lawsuit? **Still no definitions of these fundamental terms.**
- What is the State’s definition of “culturally and linguistically responsive”? How, if at all, does it see disability addressed in that definition? **There is a definition provided, but seemingly does not include SWD: “Validating and affirming an individual’s home culture and language to create connections with other cultures and languages in various social contexts.”**
- What are “inclusion” and “inclusive practices” for purposes of this plan? For example, on p. 4: “Enables full student participation in the curriculum, along with responsiveness to and inclusion of all student groups.” For SWD, “inclusion” is a term of art, referring to a setting in which specialized instruction and/or related services are delivered in the regular education classroom alongside neurotypical or “non-disabled” peers. However, in IDEA there is also the requirement (discussed above) that a SWD must be served in their LRE, which is not for every SWD the regular education (inclusion) setting. **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.**² **There is no definition of “inclusion” but there is now a definition of “inclusive practices:” “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.” Still not clear how it relates to LRE.**
- What does the State mean when it refers to “diverse learning needs” (*see, e.g.*, p. 4)? Is this a euphemism for disability, or is it meant to signify a broader group of students? **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.**
- What are “career-connected learning” (*See* Element 1.4f [1.4e]) and “career-connected learning transition programs” (*See* Element 1.3g [1.3f])? Is the phrase “career-connected” simply a term of art? Does it reference specific programs already in place? **There is a definition of “career-connected learning” now, though it is fairly general: “Integrates**

² As explained in Section III below, I will try when making specific recommendations in stray comments throughout to emphasize them with bold font and underlining.

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.” Still no effort seems to be made to explain the relationship of “career-connected learning” with transition services for SWD. And there is no definition of “career-connected learning transition programs.”

- o What are “Individualized Academic Plans” and how do they relate to IEPs for SWD? The term “Individualized Academic Plan” seems to have been removed from the final version. However, I notice that a new term, “Academic Improvement Plan,” is introduced in some parts of the Final Plan. Where “Academic Improvement Plan” is mentioned (e.g. 1.1d, 1.1f) the plan does seem to clarify that such plans do not supersede a student’s right to evaluation and IEP.

The State should include in the final plan a Definitions section, which includes these and other terms which are critically important to all four MY student groups.

Source of “Themes” for each Core Issue. In the introductory sections for all four Critical Needs, there are tables that purport to summarize or synthesize themes related to each core issue that “community members shared.” Below each table is the language, “Source: Stakeholder engagement meetings, August 2025.” This is problematic on several levels.

First, it is impossible to believe that the summaries provided comprehensively capture the stakeholder input from the meetings themselves. The themes seem cherry-picked and incomplete, as stakeholder information requested by counsel will no doubt show.

Second, in the stakeholder engagement process, the State indicated it was collecting information not just through the regional community meetings, but also through direct submissions through the online portal. TENM members were encouraged to email Dr. Timothy Hand any documents that were too large to submit through the portal. I know that I personally submitted dozens of documents, each of which included detailed descriptions of problems, as well as a number of specific proposals. Dr. Hand, as well as Gwen Warniment of LANL Foundation and Kate Wright of WestEd, acknowledged receipt of the documents, thanked me, and assured me they would be reviewed.

Finally, the reference to the stakeholder meetings as the source for all community member input ignores the extensive history of stakeholder work for the MY student groups, including SWD. The dozens of documents I submitted (which I forwarded to NMCLP counsel) included: (1) **information gleaned from NMPED’s 2019 special education listening sessions**, (2) information about and recommendations of the Special Education Transformation Team (SETT), which conducted work for approximately two years (2020-2022), at some point under the leadership of NMPED’s hired consultant EmpowerEd, (3) previous comments by DRNM, Organizing Parents Education Network (OPEN) and others in response to the State’s previous draft plan in 2022, (4) **LESC Report—2023 Special Education Listening Sessions (Attachment 2)**, (5) 2024 LESC Report (Restraint/Seclusion) and **Senate Memorial 68 conclusions and recommendations (Attachments 3 and 4)**, (6) documents related to 2019 sessions conducted by PED, and others. I sent this information to try to honor and capture that previous work, conducted by knowledgeable, generous individuals who gave their time and expertise in good faith on the premise that they were helping the State to build something better. If the State has in fact drawn its “themes” only from its stakeholder meetings held hurriedly over a period of fewer than two months, that is unfortunate and myopic. **NMPED now includes a “References” Section, but this section seemingly still omits the items above in red font.**

III. ELEMENTS OF THE STATE’S DRAFT REMEDIAL ACTION PLAN RELATED TO STUDENTS WITH DISABILITIES

Notes on Process and Organization. In this section, I identify and analyze goals and proposed action items/elements (“elements”) which are “SWD-relevant”—that is, they explicitly address, fail to address, or stand to impact SWD and special education. Like the Draft Plan itself, I have organized this section sequentially according to the four critical needs.

For each critical need, I first provide general commentary on the framing and explanation of relevant “Core Issues” identified, followed by analysis of the SWD-relevant elements.

Because the State renumbered the elements in the copy posted on its web page for public comment, my citations are to the numbering version filed with the court, followed in brackets by the new number in the public comment version. For example, Element 1.3d [1.3c] Behavioral Intervention Support. For each specific element I discuss, I try to address, as appropriate,

- Nexus: Whether the element clearly supports the goal and core issue in the Draft Plan;
- Target or Outcome: Whether there is a clear target or outcome for SWD.
- Accountability Measures: Whether they are clearly defined and appropriate; **A note here that the Final Plan includes, on pp. 8-11, a list of “Responsible Partners,” “What they do” and their “Typical roles.” It is worth looking at how NMPED envisions its role, particularly as there is very little in there about monitoring and ensuring accountability aside from “providing help” when schools are not “meeting expectations.” Interesting. Also, this does very little to clarify how “what they do” and their “typical roles” will relate to any given element/action in the plan. So my comments on accountability in the specific elements below stand.**
- Evaluation Measures: Whether they are clearly defined and appropriate;
- Potential: What, if further developed, holds potential in the proposed action/element;
- Problem Areas;
- What is Missing: In this section, I will make specific **recommendations (indicated by underlining and bold font)** as appropriate. I will then collect these recommendations, with citations to particular element and page numbers, in Section V(B) *infra*.

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

1. Comments on Introductory Section(s)

Core Issue #1, High Quality Instruction and Curricula. (Same) The explanation of “high-quality instruction” and “high-quality instructional materials” on page 4 is missing any requirement that instruction and materials be: (1) evidence based, and (2) appropriate in light of students’ individualized needs and IEP goals. *See* Attachment 1 (Under *Endrew F* standard, an IEP must be “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances,” requiring an “appropriately ambitious” and “challenging” educational

program). For students with disabilities, it is very important in light of this standard that instruction and instructional materials are both evidence-based and individualized to meet their needs as set out in their particular IEP goals. **The State should incorporate both “evidence-based” and “appropriate in light of students’ individualized needs” to requirements for HQI and HQIM. Same**

On page 5, one theme related to HQI and HQIM is, “Students with special education needs do not have the same access to academics and activities as their peers do.” This seems an odd overall reflection on the struggles of students with disabilities, framed in Section 504 (providing access and preventing discrimination) terms rather than in IDEA (ensuring FAPE in LRE) terms. We have to remember that “equity” for students with disabilities involves looking through both lenses. SWD are not being treated equitably if they are getting a lesser education than their non-disabled peers. But they are also not being treated equitably if they are not being provided the specialized instruction, related services, accommodations and modifications, etc. their IEP teams have determined are necessary and appropriate for them. **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.** There are only minimal improvements to the plan with respect to this recommendation.

Core Issue #3, Opportunity to Learn. Similar to above, one of the themes for SWD related to Opportunity to Learn is, “Students with disabilities lack the same access to activities and resources as their peers.” Again, this looks at equity only through a discrimination (Section 504) lens, and fails to acknowledge that to equity involves assurance that students will be participate in “activities” and be provided “resources” set out in their IEPs. It is again unclear what the State means by “activities and resources,” particularly given that “activities” was

already referenced in the HQI/HQIM section). It is also unclear which elements support this theme involving “activities and resources” for SWD. In the final plan, the State has tried to line up “PED actions” with themes drawn from stakeholder input. (See, e.g., Final Plan at 18). However, the nexus between the theme and some of the actions mapped to it is often still unclear. For example, this “activities and resources” theme is related to creation of OSE and adoption of the IEP template how?

Same. On page 6, it is difficult to see here how the unique needs of SWD are being addressed in the bullet list of what is required for “opportunity to learn.” Possibly in the second bullet, which very generally states, “Meeting the foundational needs of students and families to be able to participate in the curricula.” But this seems like a missed opportunity. For example, it is clear that behavior supports and staffing are critical to SWD’s “opportunity to learn,” but that is not addressed in this section. Another question is whether “[a]ccess to advanced courses, industry-recognized career credentials, and other supports tied to college and career readiness for students” includes transition services for SWD, required by their IEPs? IDEA requires that transition services are required to be provided to SWD beginning at age 16. State law requires that such services begin earlier, at age 14. See Attachment 1.

2. Analysis of Individual Elements

Goal 1.1: Districts and schools statewide provide culturally and linguistically responsive education through culturally relevant curricula, instructional programs, and student assessment from preschool through secondary school.

I notice there is an effort in this section of the Final Plan to insert words here and there like “fully accessible to students with disabilities” (See, e.g., Final Plan 1.1a) as an add-on to CLR, which is symbolically a good thing, but substantively thin. In most cases I have seen so far, there are no efforts to explain in depth how that “accessibility” is to be achieved. The same goes for the listing of “Student Groups Served” with each element/action which is a new feature of the Final Plan. I do like added detail in 1.1b that special-education licensed teachers will be invited to

participate in the PED Summer Review Institute where HQIM determinations are being made, but it's surprising that this isn't happening already.

Similarly, in the math elements (1.1f-1.1h) I notice there is some more intentional effort to address SWD, and that these elements (which I did not address in this first report) are somewhat better developed. I am thinking in particular of 1.1f (numeracy instruction) and 1.1h (Career-Connected Math Course Offerings)

Elements 1.1(c)-(d): Improve Literacy Learning Outcomes (structured literacy/science of reading). Structured Literacy and Science of Reading are evidence-based commitments by the State to generalized familiarity with curricula and teaching methods that can help in identifying and teaching students with reading disability, including dyslexia. Element 1.1d includes (in Year 1) legislation “require[ing] structured literacy instruction, parent notification, and student interventions. Then (in Year 2) training of “school leaders to use structured literacy classroom observation rubrics,” and (in Year 3) monitoring and enforcement of “implementation of structured literacy.”

- **Nexus:** There is a clear nexus to HQI and HQIM here. Structured literacy and Science of Reading are evidence-based, effective interventions for readers broadly, particularly students with reading disability. Whether there is a nexus with the goal (focused on culturally and linguistically responsive education) is, I know, a focal point of other experts. I was recently provided an article about experts in Texas who have been making adaptations to Science of Reading principles and methods to effectively serve English Learners and address biliteracy concerns. *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>
- **Target or Outcome:** There is no specific target or outcome stated for any MY students, including SWD, and there needs to be. Very general outcomes related to structured literacy are added at the end of Critical Need 1 on p. 66, specifically:
 - “100 percent of students with disabilities, English Learners, Native American students, and economically disadvantaged students identified for needing interventions or who are not on grade level in literacy or mathematics receive structured literacy interventions.” This is far too general, and doesn’t state actual measurable outcomes for students except what they are to “receive” (unspecified “structured literacy interventions”)

- “All teachers who complete an elementary educator or special educator preparation program after 2028 have been fully trained in the science of reading.” This is a fairly clear, straightforward outcome.
- **Accountability Measures:** Responsible entities (Year 1: PED/Legislature, Years 2 and 3: PED) listed only, without explanation of actions they will take to ensure accountability. I notice that with respect to Year 2 actions in 1.1c, the Final Plan notes, “Noncompliance [with implementation of HB156 (2025)] may result in loss of program accreditation or withholding of funds.” This is fairly strong language, albeit in discretionary terms.
- **Evaluation Measures:** None provided. There is not even mention of evaluation of the proposed action. **Same, for both 1.1c and 1.1d.**
- **Potential:** Structured literacy (generally), as described in HB156, is critical to students with students with reading disability. If there is in fact development of monitoring and enforcement of implementation in Year 3, that is a strength.
- **Problem Areas:** Lack of accountability and evaluation measures, deferring monitoring and enforcement until Year 3. **For 1.1d, they did move monitoring and enforcement to Year 2, at least.**
- **What is missing:**
 - There needs to be a level of expertise, statewide, beyond this generalized structured literacy knowledge. **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.**
 - Relatedly, the New Mexico Literacy Center being established needs to house appropriate expertise. **The State should ensure that its New Mexico Literacy Center centers programs that are designed, staffed, and overseen by CALTs (including those 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. The Final Plan in 1.1e, Year 2, does not specify, “The center will include dedicated expertise in dyslexia and evidence-based reading interventions,” which is an improvement, but it still doesn’t meet the recommendation I’m making here.**
 - Implementation may require enhancements to address the biliteracy needs. **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.**

- Also, just generally, Goal 1.1 makes no mention of SWD, instead qualifying the entire goal with the language “culturally and linguistically responsive” or “culturally relevant.” **The State should broaden Goal 1.1 to more explicitly include SWD. Same. 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.**

Elements 1.1k-1.1m [Now just 1.1i] (Goal: MLSS Accelerated Learning for All). I

discuss these three elements as a group, with specific references to individual elements in the analysis that follows. For all three of these, the State describes its “progress to build on” as: “The statewide MLSS framework has been implemented; MLSS interventions have been defined to include culturally and linguistically relevant instruction, and inclusive practices.”

- **Nexus:** New Mexico’s Multilayered System of Supports (MLSS) was developed about six years ago as part of a national trend toward such multi-tiered systems as best practice, and as such, there seems to be a loose nexus with HQI and HQIM. As for the goal, it again makes no mention of SWD. Also, the language of these elements lacks clarity in important ways, for example:
 - **1.1k (Training and Professional Development, proficiency scales):**
 - What are the “inclusive practices” and “inclusive learning” that are referenced in Years 1 and 2? (need for definition) **There is now at least a definition in the glossary.**
 - How will MLSS “accelerate learning for all,” particularly since MLSS itself is not an innovation? **Still not clear.**
 - What does this training and professional development look like for SWD? **Still no detail on this, though this element does at least include the language, “delivering tiered academic and behavioral interventions.”**
 - Who does the State envision will receive the training and professional development? **“Educators,” but no more detail than that.**
 - Year 3 (proficiency scales): Does the State envision “MY students” subject to the proficiency scales to include SWD? If so, how will the proficiency scales align with their IEPs, if they are special education students? **There is no longer any reference to proficiency scales.**
 - **1.1l (Administrators and Instructional Coaches): This element was eliminated entirely, and there is no mention anymore of coaches.**

- o Again, what are “inclusive practices” that the administrators and instructional coaches would be trained on, in addition to MLSD, HQIM, CLRI;
 - o What training would be specific to improving delivery of special education to SWD?
 - o How is the State identifying the “schools in need of improvement”?
- **1.1m (MLSS Coaches, and Structured Literacy Alignment): Again, no more mention of coaches, nor structured literacy alignment, which I had found to be a potential strength.**
 - o How are these MLSS Coaches different from the Instructional Coaches in 1.1l?
 - o Are structured literacy coaches yet another type of coach? Or are these just MLSS coaches with expertise in structured literacy?
 - o What does “school improvement” mean in Year 2? What kind of improvement? How are schools being identified for improvement?
- o **Target or Outcome:** There is no specific target or outcome stated for any MY students, including SWD, and there needs to be. **Same.**
- o **Accountability Measures:** Responsible entities (mostly PED, School Districts, and Charter Schools) listed only, without explanations of actions they will take to ensure accountability. (There is no indication how the coaches described in 1.1l and 1.1m will be funded.) **Same.**
- o **Evaluation Measures:** None provided. There is not even mention of evaluation of the proposed action. **Same.**
- o **Potential:**
 - Instructional coaches (Element 1.1l) could certainly be a help for SWD, assuming that any of the “MLSS, HQIM, CLRI, and inclusive practices” addresses the unique needs of SWD. **Eliminated in the final plan.**
 - Alignment of MLSS coaches with structured literacy efforts in (Element 1.1m), assuming an appropriate level of expertise (CALT certified), could be quite promising for students with dyslexia. **Eliminated in the final plan.**
- o **Problem Areas:** MLSS is not an innovation. It has been around for over 5 years. How will it accelerate learning for MY students, particularly SWD? The instructional coaches (Element 1.1l), assuming the substance of their coaching would be helpful to SWD, are only to be “deployed” (terrible word) in Year 3. Likewise with the MLSS Coaches (Element 1.1m). Are all these coaches PED employees? District employees? Third party employees? How are they funded? Also see issues with lack of clarity in Nexus bullet.

- **What is Missing:** What is missing is any actual acknowledgment of the unique needs of SWD in these three elements, as well as any clarity as to outcomes, evaluation, etc. See Problem Areas bullet. **The State should ensure that the MLSS and/or Structured Literacy Coaches, to the extent they are supporting structured literacy instruction, are CALT certified and have substantial expertise in dyslexia specific instruction.** This is now entirely eliminated in the plan, which is unfortunate.

Goal 1.3: Students with Disabilities receive a high-quality, inclusive education with sufficient supports.

Interestingly, this is the only SWD-specific goal in the Draft Plan, and it is where nearly all of the SWD-specific elements are located. I appreciate that the State endeavors to break out the MY student groups (at least three of them, excluding economically disadvantaged students) to address the particularized needs of these groups under Critical Need 1. However, as to this SWD-specific goal, the lack of any definition of the word “inclusive” forces us to guess how the goal aligns with the LRE requirement (same), including how the initiatives here will provide a “high-quality...education with sufficient supports” to students in more restrictive placements than the regular education classroom (same). As will be repeated below with individual elements, it is entirely unclear *how* the State envisions that the elements in this section will make education for SWD more “inclusive.” Same, except as noted below.

Michelle Valverde very helpfully provided me with notes reflecting her crosswalk between the previous draft plan provided to counsel in September 2025, as compared to the current language. Where applicable, I will make notes in brackets in the introduction of each element of Goal 1.3, to show where there were revisions that hinder rather than help.

Element 1.3a: Office of Special Education (OSE). As the “progress to build on” column correctly explains, “The OSE was established [by Executive Order, in 2023] within

PED; PED and ECECD collaborated to develop shared responsibilities in the administration and monitoring of preschool special education services.” While DRNM does not oppose formalizing/codifying the OSE by any means, we also do not believe that this action, without more, promises meaningful change for SWD, particularly on the timeline proposed by the State. [Previous draft included language in Year 1 (pass legislation to codify OSE): “and to ensure the provision of student supports through early childhood through college and career.” Year 1 also previously included, “Align special education statute and rule [Responsible: PED].”]

- **Nexus:** There is no explanation of how formally establishing the OSE will advance HQI and HQIM for SWD. There is also no clear nexus with the goal of providing to SWD “a high-quality, inclusive education with sufficient supports.” This is particularly true of the “inclusion” piece. **Same.**
- **Target or Outcome:** There is no specific target or outcome stated for SWD, and there needs to be, particularly as to the laundry list of general “training, technical assistance, monitoring, and enforcement of corrective action plans” in Year 2 of this element. **There is only general reference in Year 2 to “improved outcomes for SWD.” There is nothing in the list of outcomes that appears at the end of the Critical Need 1 section that clearly maps to the OSE element/action.**
- **Accountability Measures:** Responsible entities (Years 1-3: PED/ECECD) listed only, without explanation of actions they will take to ensure accountability. Again, the list in Year 2 is particularly vague and problematic, particularly given the importance of the issues listed there. **There is now language that states, “Noncompliance may result in corrective action or conditional funding,” but it is unclear what the noncompliance is in relation to—corrective action plans? IDEA more generally? Also, what is “conditional funding”?**
- **Evaluation Measures:** None provided. There is not even mention of evaluation of the proposed action. **Same.**
- **Potential:** It is actually impossible to assess potential, because there is no explanation of how the formal codification of an office which has been in existence for over two years and is not already “provid[ing] consistent training, resources, and accountability for special education services” [Year 1] will immediately be empowered to do so upon codification. Although the piece in Year 2 includes issues/words that are important to families and advocates (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), the fact that these items are crammed into a single list in a

single element, is a huge problem that underscores the PED's current lack of expertise to craft specific elements for each of these important issues. **This is still a problem, with way too much attached to this OSE element without any real structure. Some of the language is better, providing slightly more helpful explanation, but nothing real.**

- o **Problem Areas:** See Potential bullet above. The Draft Plan overall suffers from abstraction and overbreadth, but Element 1.3a is one of the most egregious examples in the elements going to SWD. Some specific problems:
 - o In Year 2, what will the “expansion” consist of, and who will actually be doing that work? Will there be greater capacity and expertise at OSE? At PED? **[There is now language in Year 1 which states, “Assess staffing and capacity needs in the PED to ensure expertise in key areas such as inclusive practices, behavior supports, transition, and fiscal monitoring. However, there is no follow-up action in Years 2 or 3 to address gaps in staffing and capacity.”]** At ECECD? What roles will be created? How many FTEs? What will this expansion cost? Or is the “expansion” simply an expansion of the activities of the now existing office/staff, which is fairly sparse following recent losses of top leadership within OSE?
 - o It is important to remember that most of the activities in Year 2, especially monitoring, enforcement of corrective action plans, and IDEA compliance generally, is ***already required of the NMPED (as State Education Agency), regardless of whether the OSE exists or not.*** It is therefore absurd that those activities are not listed in Year 1. **They are now listed in Year 1, for what that is worth.**
 - o In Year 2, because the State has crammed far too much language in there, it is unclear how the points in their list relate. For example, do the “training” and “technical assistance” relate to the corrective action plans? **Same.**
 - o CAP monitoring and enforcement is fairly thin presently, and there is no indication here about ***how*** the OSE would get to more rigorous enforcement. **Same.**
 - o I am certain, based on the input I provided and I know others provided in the past 5 years and in the most recent stakeholder input meetings, that the list of focal points in Year 2 is incomplete. **Same.**
- o **What is Missing:** This element ignores nexus altogether. It simply defaults to auto pilot, singing the same tired tune about the primacy of the need for OSE. While listing words that mean things to families and advocates, it defers any vague “expansion” actions related to those words to Year 2.

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.

The State should build out an element for each of the issues acknowledged in Year 2 (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. Same.

Element 1.3b: Unified IEP to Improve Student Services. The State’s “progress to build on” column again correctly states that “[a] unified IEP template has been developed.” That was done in 2023 and 2024, and was circulated for stakeholder input and comments in mid-2024, when the State’s Office of Special Education Ombud conducted a series of stakeholder meetings to review the template. [Previous draft (Year 1) included language, “The template will support improved monitoring of special education services.” There was also a whole other piece which read, “Provide technical assistance, conduct IEP audits, and require corrective actions as needed. [Responsible: PED]” *A note here that this removal of TA, audits, and corrective actions is far less robust in the current draft. Probably worthy of pointing out by Yazzie counsel.*] Some of this seems to be added back in. See Year 3.

- **Nexus:** There is no clear nexus with either HQI or HQIM. Nor is there a clear nexus with providing for SWD “a high-quality, inclusive education with sufficient supports” This is now improved slightly, with language added in year 1 “so that IEP planning and effective monitoring are consistent statewide, ensuring that SWD receive services and supports tailored to their learning needs and educational goals.”
- **Target or Outcome:** There is no specific target or outcome stated for SWD, and there needs to be. Same, and there is nothing in the list of outcomes that appears at the end of the Critical Need 1 section that clearly maps to this IEP template element/action.
- **Accountability Measures:** Responsible entity (PED) is listed only, without explanation of actions the Department will take to ensure accountability. There is now mention in Year 2, “Monitor implementation of the statewide IEP template,

including through student file reviews” and in Year 3 of “publish[ing] a statewide IEP template implementation report.”

- **Evaluation Measures:** None provided. There is not even mention of evaluation of the Unified IEP and its success in “improv[ing] Student services.” This has improved, with the following language in Year 3: Evaluate implementation of the statewide IEP template and require corrective action plans and targeted technical assistance for LEAs that demonstrate noncompliance.”
- **Potential:** There does stand to be some improved consistency in services statewide in implementation of the Unified IEP. However, please see Problem Areas.
- **Problem Areas:** Particularly with the removal of the language previously included in the September draft (supporting improved monitoring of special education services, and providing related TA, IEP audits, and required corrective actions) it is impossible to know from the face of this document how providing a unified form will in fact lead to improvement of Student services. Some improvement—See Year 3. Even if there is improved consistency in delivery of “student services,” those services are only as good as the resources and capacity of any given district or school. (Same) As it stands in this draft, the requirement that districts begin using the form will not be imposed until Year 2 (Same) , and any training, monitoring, and technical assistance (without corrective action) will not begin until Year 3 (This is improved now.). Furthermore, this template has been sitting dormant for over a year, reportedly because there were technical complications in aligning it with student data systems, if I recall correctly. In Year 1, what is the “professional development” referenced, and who needs to receive it “to support adoption” of the template? (Same)
- **What is missing:** 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.” This actually is fairly well addressed in the final plan.

Element 1.3(d) [1.3c]: Behavioral Intervention Support. A regular and pervasive theme in stakeholder input over the five years has been the need for improved positive behavior interventions and supports for students with disabilities. Often, students have disability-related behaviors which interfere with their learning, and the question of whether that interference is happening is a required component of any IEP. Behavioral need is also a component of MLSS, discussed above. The State notes that its progress to build on is “[i]n-person and virtual training

is *offered* to school districts and charter schools on behavioral interventions.” (emphasis added).

The word “offered” is telling here. Having resources available online or at District request is not enough. And it begs the questions, What is offered, how is it offered, and to whom is it

offered? [Previous draft provided in September included, for Year 2, “Monitor behavior

intervention plans for compliance and quality and provide feedback and technical assistance,”

and for Year 3, “Sustain practice through continued professional development and monitoring.”

However, I have strong skepticism about the value of focusing primarily on “monitoring BIPs”

to begin with, which I address below.]

- **Nexus:** I know that I (and other advocates) see a strong nexus between appropriate positive behavior supports and successful “inclusion”—in other words, students being able to learn in their least restrictive environment. This element also clearly relates to “sufficient supports.” That nexus could be made more explicit in the plan, however. It’s also true that the language of the Year 1 and Year 2 proposed actions is not sufficiently precise. See “Problem Areas” bullet. *There has been significant improvement of nexus in the language which has been added to this element.*
- **Target or Outcome:** There is no specific target or outcome stated for SWD, and there needs to be. *The only language going to outcome is nonspecific: “to build statewide capacity for evidence-based behavior practices and to minimize exclusionary practices.” Still, it is an improvement. However, there is nothing in the list of outcomes that appears at the end of the Critical Need 1 section that clearly maps to this behavior intervention support element. Behavior isn’t mentioned in that list of outcomes at all.*
- **Accountability Measures:** Responsible entity (PED) is listed only, without explanation of actions they it will take to ensure accountability. *There is some reference in Year 2 to “Monitor IEP compliance for behavioral supports, measurable behavior goals, and BIPs.” But this is still focused on IEPs themselves and not on district capacity. It also not clear who is going to do this monitoring. BOTH NMPED and the LEAs? There actually is good language in 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.” But it is still too exclusively focused on IEPs/BIPs, with no focus on district capacity.*
- **Evaluation Measures:** None provided. There is not even mention of evaluation of the proposed actions. *Same, except for the “monitoring” in Years 2 and 3, which are not clearly aimed at monitoring the State’s action, only LEA compliance.*

- **Potential:** Both “training” and “support” with behavior interventions and supports are certainly assistance that districts need. The state takes a swing at the general issue of unmet behavior needs of SWD—which is a good thing—but misses. **This action is somewhat improved by the additional detail given in Year 1 about the substance of training: PBIS, identification and response to diverse disability needs in the classroom, FBAs and behavior interventions, de-escalation strategies, discipline and MDR. I definitely appreciate these developments.**
- **Problem Areas:** There are several concerns I have about the State’s proposed actions related to “Behavioral Intervention support.”
 - The language in the Year 1 action around “identifying and responding to diverse disability needs in the classroom” is vague and could be made more concrete. **Same.**
 - Also with respect to the Year 1 action, what is the “support” referenced in “Provide regional training and support”? **Same.**
 - What is the regional training itself? [**Same.**] What are the regions? [**Same.**] Who will conduct the training? [**Same.**] Who will be trained? [**Same—only says “educators” but needs to be broader than that. Needs to reach administrators (in particular) and other staff.**] Will it be required training, or simply “offered”? [**Same. Now says “provide” but not clearly required.**] What is the substance of the training? [**This part is improved. See above.**] Are specific behavior interventions going to be taught and modeled? [**Same**] ***The type of training envisioned really matters. See “What is Missing” below.***
 - For Years 2 and 3 actions, it is unclear what value there is in PED providing “technical assistance on behavior intervention plans for compliance and quality.” What is meant by “compliance”? Is it compliance between a student’s BIP and the actual interventions being used? Is it compliance between a student’s BIP and some standard set by PED? Either way, having read many, many BIPs, I know that the BIP is only as good as the ideas and capacity of the district or school personnel tasked with designing and implementing it. Districts and schools’ lack of knowledge and expertise about positive behavior interventions, as well as staffing incapacity to meet SWD behavior needs are normally the reasons for unsuccessful BIPs. [**Same.**]
 - **What is missing:** Having appropriate, effective BIPs does matter, and is one factor, but the focus should be on adding tools to District and School toolkits so that better, more effective interventions can be imagined to begin with. The focus should also be on building behavioral expertise and staffing capacity so that districts are better able to meet behavior needs of SWD. [**Some improvement here, in Year 1, but still needs development.**] Recommendations include:

- 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. We have issues with this 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.
- 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.
- 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. 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 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. I note there is a **NEW ELEMENT 1.3d Reduced Restraint and Seclusion**, which does address (to some degree) the need for legislation further limiting and clarifying restraint and seclusion practices. However, this bill has been run several times (different iterations) and there is always tremendous push-back. 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 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. But this entire new element again suffers from a lack of measurable outcomes and evaluation structures.

- 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.

NEW ELEMENT 1.3e—Support for Native American Students with Disabilities. This entire element is really problematic because it shifts responsibility for “supporting” Native American Students with Disabilities to the IDEA Advisory Panel and a subcommittee it 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. 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 is going to do, either with respect to or in addition to such recommendations. No targets/outcomes, no accountability structures aside from an advisory panel, and no evaluation structure. To put it bluntly, this action item is absurd.

Element 1.3(e) [1.3d] [Now 1.3f]: Support for English Learners with Disabilities.

The State identifies its “progress to build on” as development of a manual, the *Identifying and Serving English Learner Students with Disabilities Guidance Manual*, as well as a related online course. I was able to do a brief review of the 66-page manual, but was not able to find the online course that was referenced. Other experts may have familiarity with the course, and may be able to assess the substance of the manual more comprehensively. All in all, the manual does appear to address a number of important considerations in identifying and providing appropriate services to students with disabilities who are English Learners.

However, on a first review, the manual seems never to acknowledge that in addition to the problem of *overidentifying* EL students as SWD, there is also a problem with

underidentification of SWD who have been labeled EL. This commonly happens because 1) the initial language surveys are often misdone by districts; 2) there is still a binary educational culture of “one or the other” (“EL or SWD”); 3) the schools foster and support parents who do not want identification of disability. It seems that the manual did not appropriately include people with special education expertise in its development, and that it has a bias against identification for special education eligibility, which can delay or prevent entirely receipt of services by SWD. This is particularly problematic for dyslexic students who may be "pulled" for ELD classes in grade school for "reading help" rather than receiving needed structured literacy instruction. **Same—everything in this paragraph.**

[The previous Draft Plan provided in September specified (for Year 1) the recipients of the training: “Include professional development on implementing the English Learners with Disabilities Guidance Manual in regional trainings for educators and administrators.” It also proposed that it would (in Year 2) “Develop an online professional module based on feedback from training participants.”]

- **Nexus:** The nexus is reasonably clear between the primary actions described in this element (training on the guidance manual, and monitoring) and the goal of ensuring that SWD receive sufficient supports. The manual itself does address LRE considerations, so depending on how the training addresses this, it could promote “inclusive” education as well. It is less clear, as with the other SWD elements of Goal 1.3, how the actions described here promote HQI and especially HQIM. **There is some development in Year 1 to add language, “to reduce the over-identification of English Learners as SWD.” But it doesn’t address the under-identification problem I describe above.**
- **Target or Outcome:** There is no specific target or outcome stated for SWD, and there needs to be. Same. **And there is nothing in the list of outcomes that appears at the end of the Critical Need 1 section that clearly maps to this action.**
- **Accountability Measures:** Responsible entity (PED) is listed only, without explanation of actions they it will take to ensure accountability. **The Monitoring piece in Year 2 is somewhat of an improvement: “Monitor statewide data on the identification of services for and outcomes of English Learners with disabilities to ensure equity, strengthen instructional practices, maintain compliance with state and federal requirements, and**

support appropriate identification.” However, there is still no identification of the outcomes sought.

- **Evaluation Measures:** None provided. There is not even mention of evaluation of the proposed actions. Same, except to the extent the monitoring is also focused on PED’s action itself, which it isn’t clear that it is.
- **Potential:** The manual is a good and helpful resource, although it seemingly does not address problems of underidentification of SWDs who are ELs. As for the actions proposed, the intention in Year 2 to “[m]onitor statewide data on identification, services, and outcomes for [Els] with disabilities...” seems to be a positive, but presumably (as with 1.3a) PED is already required to do this in order to ensure, at a minimum, “compliance with state and federal requirements.” Same.
- **Problem Areas:** Certainly under the current Draft Plan, it is unclear who is being trained, who is doing the training, and (again) what these “regions” are that are referenced without specification. Same. What will be the next step, after the monitoring described in Year 2? Same. Who specifically will conduct the monitoring, and how will it “ensure equity, improved instructional practices, and compliance with state and federal requirements?” Same. Is there a connection between the monitoring in Year 2 and the creation in Year 3 of “supplemental tools, including checklists and family engagement guides, to support educators”? This has been moved to Year 2 and expanded to include “culturally and linguistically responsive evaluation templates (which seems good), but I am still skeptical of the efficacy of these “tools”. If so, this seems to be a fairly weak intervention to provide to districts identified through monitoring to be struggling to provide equitable, improved, and compliant services to SWD who are English Learners. Same.
- **What is Missing:** Other experts with greater content knowledge of the needs of ELs may have more detailed insight about what is missing with these actions, but on the face of the Draft Plan, what seems most obviously to be missing is any tangible intervention or response by PED for Districts discovered through monitoring to be failing to meet the needs of SWD who are ELs. Same.

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.

The State should plan for more meaningful, detailed interventions following Year 2 monitoring than simply creating “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 instructional practices, and compliance with state and federal requirements.” Same, even given the expansion of the “tools” as addressed above.

Element 1.3f-1.3i [1.3e-1.3g] [Now 1.3g and 1.3h]: Strengthen Postsecondary Transition Supports [Now “Educator Supports for Transition” and “Student Supports for Transition” respectively. One of the previous elements, Transition Hub, is now eliminated.]. I discuss these three elements as a group, with specific references to individual elements in the analysis that follows. For all three of these, the State describes its “progress to build on” as: In-person and virtual training is offered for districts and charters to support students who are transitioning out of high school into college and career. *As with PED’s current behavior training description, the word “offered” is telling here. Having resources available online or at District request is not enough. And it begs the questions, What is offered, how is it offered, and to whom is it offered?* [There have been some improvements here, with clarification that the training will be “provided” to “general and special educators, counselors, and school leaders.”] It also seems that the limitation of “progress to build on” to this training demonstrates that the author of this portion of the Draft Plan is not familiar with the range of transition service resources, limited though it may be. For example, there is no mention of Project Search (which exists in 8 Districts in the State), see <https://www.dvr.state.nm.us/project-search/>, nor initiatives highlighted in PED’s 2022 draft plan, such as the “Stay in School” or “Advancing Measurement at PED” (AMP) project piloted in Deming and Farmington. As the following analysis emphasizes, the Draft Plan focuses on what appear to be **regular education** resources for post-secondary transition, without addressing how it would include and support SWD. This focus underscores the State’s lack of acknowledgement of both the SEA’s obligation (under IDEA) to provide appropriate transition services, and its understanding of what those services currently look like for SWD. [In the previous Draft Plan provided in September, there was an action included which has been entirely omitted in the current draft, Element 1.3h, which

specified for Year 1, “Conduct trainings to support schools in improving transitions and graduation rates for students with disabilities,” and repeated this action for years 2 and 3. It is possible that this action was eliminated as overly vague, but interesting that it acknowledged the need for improved transition and graduation rates for SWD.]

- o **Nexus:** The three actions addressed in this section have a clear nexus to the overall purpose of the lawsuit (ensuring that MY students are college and career ready), and perhaps to the part of the goal which seeks to provide “sufficient supports” to SWD. There are pieces of each of the three elements that lack clarity:

- o 1.3f [1.3e] Diploma Pathway and Transition Plan Components (Year 1) and transition trainings for students (Year 2)): **This “components” bit is now eliminated, and probably good riddance.**

- What are these “components for students with disabilities?” Are they individualized as to students, or stock “components” designed by PED?
 - What are the regional graduation trainings?

There is improvement in the final plan with description of what the trainings will focus on: “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 good that PED plans to “collect data on family experiences with postsecondary transition planning” to inform these trainings. There is also improvement in Year 3 of both 1.3g and 1.3h (see below).

- o 1.3g [1.3f] Career-Connected Learning Transition Programs

- The Draft Plan does not clarify what is being referred to as “career-connected learning transition programs.” (definition needed) It is unclear whether these are specifically designed as transition programs for SWD, or whether they are more career technical education (CTE) oriented efforts designed primarily for regular education students. *See discussion of Element 1.4f [1.4e] below.* **There are improvements for this piece, which was folded into “Student Supports for Transition”, using more identifiable transition services language.**

- o 1.3i [1.3h] Special Education Transition Resource Hub

- There is no clarification of what the Transition Resource Hub would consist of. **This is eliminated. I found out more about this “Transition Resource Hub” and it does seem that it could be helpful in clarifying what’s out there. But there wasn’t enough detail in the draft to be able to tell whether it would have any substance.**

- o **Target or Outcome:** There is no specific target or outcome stated for SWD for any of these three actions. This is particularly concerning, given that it would seem the success

of these three actions would be measured by actual post-secondary outcomes for SWD. Same. Shockingly, there is nothing in the list of outcomes that appears at the end of the Critical Need 1 section that clearly maps to transition services for SWD specifically, or even to graduation rates for any of the four groups.

- **Accountability Measures:** For Elements 1.3f [1.3e] and 1.3i [1.3g], the responsible entity (PED) is listed only, without explanation of actions they it will take to ensure accountability. Element 1.3g names PED, the Division of Vocational Rehab (DVR), and Workforce Solutions (whose role is unclear), but omits the New Mexico Commission for the Blind (NMCB), which is also involved in providing transition services to SWD. In any event, none of these entities' roles is defined. The list adds HED, which is good, but still it is unclear what any particular agency's role is in the "cross-agency transition framework" (which it seems has yet to be developed). The framework could be a real help in defining roles, though. The data collection from family experiences in 1.3g, Year 1, informing training, is a good piece, but doesn't really reach "accountability" fully. The best pieces are in 1.3g Year 2 (cross-agency transition framework) and Year 3 ("Audit high-quality compliance of age 14+ transition plans. Implement targeted improvement plans for districts in need of improvement.")
- **Evaluation Measures:** None provided. There is not even mention of evaluation of the proposed actions. This is not really improved for 1.3g, but is addressed better in 1.3h: "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."
- **Potential:** The most concrete and interesting element is Element 1.3g [1.3f], which involves "a statewide survey of existing career-connected learning transition programs" in Year 1, the development and pilot of "regional career-connected learning transition programs" in Year 2, and the creation in Year 3 of "regional career-connected learning programs to serve school district and charter schools across the state." Depending on what the "career connected learning transition programs" actually are, it is possible that this could in fact strengthen postsecondary transition supports for SWD. However, see, Problem Areas bullet. There was actually some better clarification of this in Year 1 of 1.3h (now using language "college- and career- readiness transition programs") and the actions in years 2 (pilot regional college- and career- connected transition programs that align with the findings of the statewide survey; capstone projects) and 3 (see above) are interesting.
- **Problem Areas:** None of these elements seem to be very fully conceived or planned for SWD. The most interesting, 1.3f [1.3g] does not explain whether and how SWD are currently involved in "career-connected learning transition programs," nor what such programs seek to accomplish for SWD. The element addressing "diploma pathway and transition plan components" (Element 1.3f [1.3e]) does not explain what is meant by "components" nor "regional trainings to improve graduation rates for students with

disabilities,” so it is unclear whether these actions could lead to improvements. The element proposing a “special education transition resource hub for schools and families” (Element 1.3i [1.3g]) is particularly unpromising, sounding like yet another passive portal or collection of online resources, rather than actual services to support post-secondary outcomes. **Significant Improvements. See above.**

- o **What is Missing:** Element 1.3f [1.3e] does not in any way address the need to monitor and support individual transition plans to ensure improved transition services. Similarly, the “training” for students in Year 2 does not address the need to make the transition services for those students more robust and successful. The services are to be provided by the District, in conjunction with transition partners like DVR and NMCB, not by families and students themselves. **Clear, measurable objectives/targets are the biggest deficits. Some of the actions, accountability measures, and evaluation pieces are real improvements.**
- o **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.** **Again, the measurable outcome piece is still lacking.** But the actions themselves have been substantially improved, by people who obviously understand transition services for SWD and were thoughtful in articulating the values at stake.
- o **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 competitive integrated employment.** **The focus on competitive integrated employment and the “challenging” nature of experiences could still be emphasized, I think.**

Goal 1.4: MY students [now listed] and their families have equitable access to opportunities outside of traditional academic experiences.

The elements listed for Goal 1.4 do not address SWD with any particularity, and Elements 1.4a, 1.4b, 1.4e [1.4d], and 1.4f [1.4e] in particular need clarity as to their application to SWD as MY students. Full analysis of these Elements (Accountability and Evaluation measures, etc.) is not done for these elements because they do not appear specifically intended for SWD.

Elements 1.4a and 1.4b (Individualized Academic Plans). **[now eliminated]** These two elements address creation of “individualized academic plans,” including monitoring

implementation of such plans (Element 1.4a, Year 3), identifying students who are not meeting goals and are not on grade level for math and reading (Element 1.4b, Year 1) and providing “technical assistance and guidance for interventions and individualized academic plans” (Element 1.4b, Year 2). It is not clear whether these “individualized academic plans” include IEPs for SWD. Seemingly not, since these are clearly required by IDEA and would not need to be legislatively created. However, **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.** This kind of close monitoring of the IEPs of SWD whose goals are simply being recycled year after year, without progress, could be a help.

However, as to nexus, it is unclear why these actions belong in “extended learning and enrichment opportunities.” Does this contemplate that the interventions around individualized academic plans would be provided “outside of traditional academic experiences?” It seems like there might have been some recognition of this, since now these two “individualized academic plan” actions are no longer in this section at all. I am curious whether they were transformed into “Academic Improvement Plans” and moved to more appropriate (academic) sections of the plan (e.g. 1.1d, 1.1f). However, it is also odd that Element 1.4a, Targeted Intervention Dashboard still lives under Goal 1.4 addressing “opportunities outside of traditional academic experience.” I didn’t address 1.4a in my previous report, but the description of the “Targeted Intervention Dashboard” did see some significant development in all three years. The dashboard claims to include and address SWD. I am not sure what the dashboard would look like, how widely

utilized it would be, and how much it would actually help. Again, there are no projected measurable outcomes/targets.

Element 1.4e [1.4d][now 1.4b]: Enhance Summer Enrichment Programs [now Enhanced Internship Programs]. Progress to build on for this element states that “[s]ummer enrichment internship programs have been provided to students.” However, it is not clear to what extent such programs have been provided to students, how many students have participated, and whether these students have included SWD. The summer enrichment element refers generally to increasing “MY student participation in summer enrichment internship programs,” but it is unclear what kind of internships are contemplated, and whether the State’s design would make the internship program accessible to and supportive of SWD. There is a well-known dearth of summer programming (internships or otherwise) which can support SWD, particularly those with significant behavioral challenges (often students with autism, ADHD, brain injury, FASD, etc.). **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.

This entire element/action 1.4d remains fairly nonspecific to SWD (except for reference to “accommodation needs” in Year 2) and doesn’t explain its relation (if at all) with Elements 1.3g and 1.3h (transition services for SWD). There is, however, at least a reference in Year 3 to evaluation of “the impact of the internship programs on college and career readiness outcomes [unspecified] for SWD, English Learners, Native American students, and economically disadvantaged students, including through [4 bullet points]. This is actually one of the better articulated evaluation statements I’ve seen in the plan so far.

Element 1.4f [1.4e]: Career-Connected Learning. Building on “legislation that updated graduation requirements to provide greater flexibility in accessing CTE courses,” this element

again (like 1.3g [1.3f]) centers the importance of undefined “career-connected learning,” emphasizing in particular MY student participation. Curiously, the language used in Years 1 and 2 of this action suggests it will “*require*” increased MY high school student participation (Year 1) and career -connected learning for MY students in middle school grades (Year 2). It is entirely unclear who the responsible entities (PED, School Districts and Charter Schools) would be “requiring” to ensure this increased MY student participation. This “requirement” piece is eliminated in Years 1 and 2, and now there is establishment/implementation in Year 2 of “tracking systems to measure career-connected learning engagement and ensure equitable access to opportunities across districts and student groups.” It is also unclear whether SWD would be included in the requirement (unless “across...student groups” is enough), particularly since here (unlike in 1.3g [1.3f]) DVR and Workforce Solutions are not involved. Still true. This step does in fact have a basic requirement in Year 3 to “[e]valuate career-connected learning program effectiveness for outcomes, including graduation rates, attendance, and engagement.” Still, there is no indication of how the program will be evaluated, nor the metrics and *specific* outcomes that would be used to gauge effectiveness. The focus of this element is now on expansion of partnerships in year 1 (without reference to DVR, etc.), then measuring participation in Year 2, then evaluation in Year 3 of the actual impact on “the engagement, skill development, and postsecondary readiness of [4 student groups].” This is largely positive improvement, I think, except that I notice “graduation rates” are not listed in the outcomes list anymore. And I still think more intentional planning needs to go into aligning these efforts with the “transition services” specific actions in Sections 1.3g and 1.3h.

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

1. Comments on Introductory Section(s)

Because this critical need is defined almost entirely in terms of CLR principles, and the term CLR has not been defined to include principles related to disability, the only hook to connect the needs of SWD to in this entire section of the plan is “well-prepared.” However, as discussion of the individual elements below shows, the State seems to lose that thread. **Same**

In the introductory paragraphs on page 5, I was encouraged by the language, “The first issue focuses on the importance of educator quality and the need for MY students to be to be taught by teachers *whose methods demonstrate the research-based qualities that make the biggest difference in student outcomes.*” Draft Plan at 25 (emphasis added). Again, however, the concept of research or evidence-based methodology seems to get lost. **Same.**

Core Issue #1: Educator Quality. Given the bulleted list of characteristics of “a high quality educator,” it is worth mentioning that “highly qualified educator” is a term of art under IDEA, as amended by Public Law 114-95, Every Student Succeeds Act.³ Moreover, the bulleted list does not capture the concept of “research-based qualities and characteristics that make the biggest difference in student outcomes” that the State led with in this section. The list also fails to include any reference to the importance of being disability-informed and prepared to meet student behavior needs, among other things. Similarly, the State correctly states, “In New Mexico, a high-quality educator must also be culturally and linguistically responsive and adapt instruction to support students with diverse needs.” It could be that the State considers the second

³ “the qualifications described in subparagraph (A) shall ensure that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school has obtained full State certification as a special education teacher (including participating in an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in [section 200.56\(a\)\(2\)\(ii\) of title 34, Code of Federal Regulations](#), as such section was in effect on November 28, 2008), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except with respect to any teacher teaching in a public charter school who shall meet the requirements set forth in the State’s public charter school law; has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and holds at least a bachelor’s degree.” PL 114-95, Every Student Succeeds Act, Sec. 9214 (d)(2).

part of this sentence, the part about adapting instruction to support needs, as addressing SWD fully. However, my concern is that this only addresses what a high-quality educator *does*, not what they *know/understand*, which I understand to be a component of CLR principles. *Same*, although the language was broadened slightly to include “and adapting instruction to support multilingual learners, students with disabilities, and students with diverse needs.” **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 Final Plan does at least map some specific actions 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 the contribution of community members that “[t]here are barriers to professional development and accessing resources in rural and underserved areas” (a reality for special education capacity in rural districts), this is now eliminated from the list, and no effort was made to map actions to it.

Core Issue #2: Educator Pipeline (Teacher Recruitment and Retention). I note that the list of what “Community members shared” seems incomplete, as I am certain there was input (provided in part by me) about the need for disability-specific training (like the cultural and linguistic training noted at the top of page 27), particularly for new teachers. *Same.*

Core Issue #3: Staffing for Diverse Student Needs. The last sentence of the introductory paragraph on page 27 needs additional language. **The State should add the following italicized language into the last sentence of the introductory paragraph on Page 27: “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. I would also note that the only “PED actions” mapped to “more oversight and accountability are needed in special education, with leadership that prioritizes student needs and inclusivity” is the highly concerning requirement by the State that IDEA *Advisory* Panel amend its bylaws regarding membership, create a subcommittee, and make *recommendations* to the State. Again, these are not actions of the State itself, and have nothing to do with oversight and accountability. See my discussion of 1.3e above.

2. Analysis of Individual Elements

Goal 2.1: New Mexico has highly effective teachers, administrators, and support professionals who serve MY students [now listed].

As a general comment, it is concerning that there are no actions/elements under Goal 2.1 that are specific to SWD or reflect an understanding of the unique needs of this subgroup to be met by “highly effective teachers, administrators, and support professionals.” This is a shortcoming of the Draft Plan, as there are some elements that could easily be differentiated to explicitly include SWD. Some examples follow. I notice that in 2.1c (Educators Rising), the Final Plan includes SWD in recruitment (Year 1), a bridge program (Year 2) and data collection on participation (Year 3). However, there is nothing addressing how the Educators Rising Program will be adapted to accommodate and meet the needs of participants with disabilities.

Element 2.1f [now 2.1e]: Mentorship Program. [now Mentorship for New Teachers]

The “progress to build on” for this action is actually the special education teacher mentor program, which “pairs new teachers with experienced teachers for mentorship, support, and encouragement.” There is, however, no assessment of the effectiveness of that program, nor is there any indication that Element 2.1f seeks to expand or improve the special education teacher

mentor program. Rather, it seems focused on creation (Year 1), implementation (Year 2), and monitoring (Year 3) of a “high-quality teacher mentorship program.” Given that the special education teacher mentor program is apparently already created and implemented, how does the State envision change, improvement, monitoring, and evaluation of that current program? **The State should clarify how Element 2.1f impacts, expands, improves, monitors, and evaluates the Special Education Teacher Mentor Program already being implemented.** There is now language in Year 1, “PED will survey current mentorship practices in the state and research national evidence-based practices to better understand the mentorship landscape,” but this is still very vague and doesn’t explain whether and how the Special Education Teacher Mentor Program will be improved. Also, there is more detail (particularly in Year 2 actions) about the mentorship program envisioned, but none of it is specific to SWD. I do like the general objective (see p. 93) that “all teachers who teach SWD (and other groups) and have fewer than 4 years of experience have mentors.”

Element 2.1h [now 2.1g]: School Administrator and Superintendent Preparation Programs [now Statewide Standards for School and District Leadership Preparation]. This element would, in Year 1, “[c]reate standards for NM’s school administrator and superintendent preparation programs” pursuant to HB157 passed in 2025. Although it is not mentioned explicitly, it is imperative that individuals with disability expertise be involved in designing these standards, to ensure that school administrators and superintendents are prepared specifically to meet the needs of SWD. This is particularly important given the role of school administrators (and in smaller districts, superintendents) in responding to student behavior and imposing school discipline. **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. Same.

Review/Approval (Year 2) and Monitoring (Year 3) of these preparation programs are of course not subject to any specific targets for accountability and evaluation. Same. There is nothing at all on the list of general objectives on p. 93 that goes to administrator preparation.

Element 2.1i [now 2.1h]: Innovative School Staffing Model [now “Models” plural].

This element references an undefined and seemingly yet unidentified “innovative school staffing model to improve the quality of instruction for MY students.” Even as a general placeholder, this element is impossibly vague. Has the State researched and explored any such innovative models? What improvements is the State hoping to accomplish for MY students? To improve instruction and supports for SWD, it has long been clear that there is tremendous need for increased numbers of educators, related service providers, and other staff. There is at least some language explaining in vague terms what “innovation” the State envisions (such as creating “differentiated educator roles to provide students with access to more skilled adults to meet their needs”) but I’m not understanding what that looks like, and the language in Year 2 is very vague. The State does at least plan to evaluate the pilot program in Year 3, but then the action only goes so far as “making recommendations for statewide implementation.”

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. 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.

Relatedly, there is also an element I missed in the Draft Plan, 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. Besides, much more is likely needed than just compensation improvements to expand the pool of teachers, administrators, and related service providers.

Goal 2.2: All schools serving MY students [now listed] have enough teachers certified in bilingual education, and all teachers are trained to support English Learners and students with disabilities.

Element 2.2b: Improve Bilingual and Special Education Teacher Preparation and Support [now Teacher Preparation for Students with Disabilities]. This element proposes, in Year 1, to “[a]mend state rules to align with national best practices for special educator preparation and licensure.” Year 3 (which should likely be moved to Year 2) then requires monitoring of “EPP implementation of statutes and rules.”

- **Nexus:** There is possible nexus between this action and Critical Need 2, to the extent it focuses on the need for “well-prepared” teachers. However, the focus on special educators specifically loses nexus with the goal, which provides that “all teachers” (not just special educators) are trained to support...students with disabilities.” Same. There is still no recognition that “all teachers” need to be prepared to teach SWD effectively. There is at least some articulation of the purpose of this element/action (“to strengthen educator competencies, promote inclusive practices, and improve outcomes for students with diverse learning needs”) but this remains vague, and no particular outcomes are articulated.
- **Target or Outcome:** There is no specific target or outcome stated for SWD, and there needs to be. None of the objectives on p. 93 are specifically mapped to this initiative.
- **Accountability Measures:** Responsible entity (PED and Legislature-Year 1, PED, IHEs, PPSC-Year 2, PED, IHEs-Year 3) are listed only, without explanation of actions they will take to ensure accountability. A note that it is unclear why the Legislature would be involved in amending rules. In the Final Plan, Legislature is removed. There is monitoring of alignment in Year 3 and provision of “targeted support to ensure effective implementation across EPPs,” but not clear who’s doing the monitoring and supporting of the three entities named.

- **Evaluation Measures:** None provided. There is not even mention of evaluation of the proposed actions. **Same.**
- **Potential:** The amendment of state rules to align with best practices in special educator preparation and licensure could be promising, but see Problem Areas. **Same.**
- **Problem Areas:** In Year 1 (aligning rules with best practices), what does the State have in mind specifically? **As mentioned above, there is a little more detail, but still very vague.** Have they researched and identified “national best practices”? It is also important to note that this addresses special educator preparation only, not reaching preparation of regular education teachers, and losing the nexus with the language of Goal 2.2 (“***all*** teachers are trained to support...students with disabilities.” **Same.** There are actually no initiatives in this list which target training of ***regular education*** teachers to support SWD, which of course is necessary for successful inclusion. **Same.** It is also unclear how Year 2 action (“Review and consider approval of administrator preparation programs”) follows from Year 1, and whether “administrator preparation programs” might in fact be a typo. **Seemingly it was, because “administrator” was removed.** Year 3 action (“Monitor EPP implementation of statutes and rules”) seems to flow more naturally from Year 1.
- **What is Missing:** This action does not address preparation of regular education teachers to support SWD. **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.**

Element 2.2g [now 2.2f] Special Education Teacher Retention Stipends [now Increased Special Educator Teacher Compensation]. The State notes in “progress to build on” on pages 33-34, “Special education differentials support the recruitment and retention of special education teachers.” I am familiar with the “hard to staff” retention bonuses that were previously (and maybe currently) used, but do not know whether the State has reported on their effectiveness in staffing and retaining special educators. There is no explanation of whether the “special education teacher retention stipends” proposed here seek to expand/improve the stipends already in existence, or to provide a completely new or redesigned stipend program. **Same. And overall, the actions in this element have weakened rather than strengthened in the Final Plan. Specifically, there is no longer a provision in Year 2 for “develop[ing] recommendations for**

sustaining or adjusting the program based on results.” And in Year 3, where formerly it said, “secure recurring funding,” now there is only the requirement to “request a recurring appropriation for special education teacher retention programs.”

- **Nexus:** There is the same limitation on nexus here as above, with only special educators being potentially “retained” by these stipends, when we also need to secure and keep regular education teachers who are prepared to meet the needs of SWD. **Same.**
- **Target or Outcome:** There is no specific target or outcome as to the degree of retention that will indicate success when the stipend program is evaluated in Year 2. **Same. And nothing in the list of outcomes on p. 93 specifically maps to these stipends.**
- **Accountability Measures:** Responsible entities (PED, School Districts, and Charter Schools in Year 1, PED in Year 2, and PED and Legislature in Year 3) are listed only, without explanation of actions they will take to ensure accountability. It is also unclear where the funding is coming from for these stipends, since the Legislature is not named (and recurring funding not mentioned) until Year 3. **Same.**
- **Evaluation Measures:** Evaluation is provided for in Year 2, though there are no specifics given. And again, no indication of how much retention would show success or effectiveness of the program. **Same.**
- **Potential:** At first glance, it would seem this initiative could be successful, but I am skeptical given that we know they have attempted the “hard to staff” bonuses or stipends in the past. Were those successful? **Same.**
- **Problem Areas:** Assuming that the previous efforts to retain special educators with bonuses were not fully successful, what will be different this time? Almost certainly there are other teacher supports (apart from monetary incentives) that are needed to retain special educators. **Same.**
- **What is Missing:** See Problem Areas bullet.

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.

Observing generally, this goal does not address evidence-based instructional material proficiency for regular education and special education teachers of SWD. **Same.** Likewise, neither of the elements under this goal addresses strategies or evidence-based instructional materials for SWD, and this is a missed opportunity. **Same.** In fact, evidence-based instructional materials for SWD are seemingly not addressed anywhere in the Draft Plan. **There is at least reference to evidence-based behavior supports now in 1.3c, but really everything else is more general (such as structured literacy and MLSS evidence-based practices).** Recommendations:

- o **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.**
- o **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 Section(s)

There are two overarching concerns I have about this section. First, it is important that when “behavioral services” or “behavioral supports” are addressed in Critical Need 3, they include not just behavioral **health** supports for all students generally (including the other three MY student groups) but also positive behavior interventions and supports needed to ensure SWD in particular are able to attend school, be served in their LRE, and make progress toward their IEP goals. **Same.** This problem is evident in the first introductory paragraph on page 37, which references “behavioral support services” but does not reach the more specialized need of SWD for positive behavior interventions and supports. **Same.** While such interventions are part of

instruction for SWD, and are appropriately addressed under Critical Need 1, they are also appropriately addressed under Critical Need 3. **Same.**

But some of the language indicates that drafters of the plan do not fully understand what is needed. For example, on page 37 regarding Core Issue #1: Positive Conditions for Learning, there is no mention of positive behavioral interventions and supports necessary to create such “positive conditions” for SWD. **Same.** **There is some improved language in the first sentence of that paragraph about “welcoming environments”, but it still does not mention PBIS.** Moreover, a “theme” shared by community members (also page 37) was, “Comprehensive support and accountability for inclusion and resources for special education students are needed.” This *seems* to acknowledge (superficially) the important connection between inclusion and behavior supports, but it is still impossibly vague. **Same.** What did community members actually say were the resources needed? **Same.** **And the PED actions mapped to this input fail to mention actions in 1.3c (behavior supports) and instead refer to the general behavioral health school programming model in 3.2b.** There is at least some general acknowledgment of the real issue on page 38 under Core Issue #3 (Social, Well-Being, and Behavioral Supports), noting, “Appropriate behavioral supports for students take into account their specific behavioral challenges and respond to their needs.” I also like, “Social, well-being, and behavioral supports are central to academic performance, and they help students build life skills.” However, in the preceding paragraph (the first under Core Issue#3) there is no mention of positive behavioral interventions and supports, which should be included in the list of “Social and well-being supports.” **Same.** Furthermore, while the State correctly observes on page 39 that “[s]taffing to support behavioral interventions is inadequate” (an important point), to meet the need [**This part about inadequate staffing is now not in there—clearly because there’s nothing in the plan that**

addresses recruitment, in addition to training], there also needs to be appropriate behavior training for this staff. This part is an improvement, as the Final Plan on pp. 99-100 map to “Current behavioral supports are not appropriately targeted” the requirements of behavior training from 1.3c and 3.1b. Disappointingly, none of the goals or elements included in Critical Need 3 address this feedback about the need for “staffing to support behavioral interventions.”

Recommendations:

- **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 second overarching issue I note is more a structural concern or confusion. Why are Academic Supports (Core Issue #2) addressed in this section rather than in Critical Need 1? This is confusing, as highlighted by some of the themes shared by community members (page 38):

- “Special education students are not receiving equitable services and opportunities, and families want more transparency and proactive administration of services.”
 - Notes on clarity: What does “equitable” mean here? What is meant by “more transparency and proactive administration of services”? Same. Also, it seems the State answer to this input is creation of OSE (1.3a) and the IEP template (1.3b), neither of which is addressed in Critical Need 3.
- “English Learners and students with disabilities are not experiencing inclusive academic environments.”
 - This was obviously a huge theme in the decision in this case, but I continue to be confused by the choice to divorce this entire discussion from Critical Need 1. Same.
- “Students need programs that promote career readiness and skills for independence, including transition planning and job training for students.”
 - Again, are these “programs” not ones that would be subject to the HQI and HQIM focus of Critical Need 1? 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 [now listed] 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.

Generally, this Goal and the elements supporting it should also address the need to build capacity in school districts to provide necessary assistive technology (AT), which was addressed in Plaintiffs’ noncompliance motion. *See* Joint Motion at 109. The need for improved capacity and implementation of AT includes the need for greater access to AT evaluations, as well as training to educators on how to use it—as in Element 3.1h [3.1g] addressing classroom technology). **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 3.1c [3.1b] Annual Professional Development for Transportation Workers, Behavior Supports [now Training for Behavior Management on Buses]. This is a proposed action that is almost specific enough to envision its potential for positive impact. It is not clear why there are no activities in Year 1 (not even securing funding for the training in Year 2), but beginning in Year 2, the State proposes to “[p]rovide annual professional development to transportation workers on de-escalation and student behavior supports.” That activity is again repeated in Year 3. Unfortunately, the Final Plan now clarifies that this is an online course (no longer with an annual requirement), which sounds fairly watered down from what I had imagined. 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.

- o **Nexus:** There is a loose nexus with both Critical Need 3 and Goal 3.1 (access to transportation).
- o **Target or Outcome:** There is no specific target or outcome stated. We know how frequently the training is to be done (annually) [though this annual requirement is no longer in the Final Plan] but it is not clear whether the intent is to train *all* transportation workers. How many will be trained annually, and how will we know if it was successful in making transportation more accessible to SWD? Same, and particularly so, now that I see it is an online course.
- o **Accountability Measures:** Responsible entities (PED, School Districts, Charter Schools) are listed only, without explanation of actions they will take to ensure accountability. There is language added in Year 3, “PED monitors completion of the requirement that transportation workers complete the required professional learning,” but this is of course vague.
- o **Evaluation Measures:** None provided. There is not even mention of evaluation of the proposed actions. Same.
- o **Potential:** Depending on what training is used, this action could in fact help support SWD, who sometimes experience exclusionary discipline, physical restraint, and bus removal because of behaviors while on the bus. As I said above, I have less hope for the potential of this effort than I did before.
- o **Problem Areas:** The Element does not clarify what training will be used (which matters). If they envision using CPI, which is often the go-to, that does not appropriately center positive behavior supports, but rather de-escalation. Same. And now we know this is an online course.
- o **What is Missing:** See Problem Areas bullet. Recommendations:
 - o 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.” Same. Year 1 action (which didn’t exist before) is developing the online course.
 - o 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. As I mentioned above, we may be switching gears on this specific Relias recommendation, so I am stepping back from this a bit.

Goal 3.2: Families and communities of MY students [now listed] have access to educational and health supports.

Generally, this is another goal that seems not to include any elements specific to or differentiated for SWD. **Same.** I do have some questions about some of the elements, in that regard.

Element 3.2a Wraparound Services for Students Experiencing Homelessness. Year 1 of this element include “[i]mplementing a pilot program that provides students experiencing homelessness with tutoring, academic supports, wraparound services, and stipends.” **The State should include in this list of supports “evaluation, where appropriate or parentally requested, for special education and related services, and IEP supports for SWD and their families.”** **Same.**

Element 3.2c [3.2b] Behavioral Health Programming Model. Does the Behavioral Health Programming Model include interventions that specifically address the needs of SWD? There is greater description of the substance in Year 1 now: “Training includes trauma responsive practices, role clarification, team development within roles, inclusive and culturally relevant practices, and application within the MLSS framework.” **However, this list still does not specifically mention PBIS.** It is good that Year 2 expansion decisions take into account “first-year evaluation using critical incident and discipline data.”

Element 3.2i [3.2f] Support for Students in Postsecondary Programs. Some of the activities in this element are unclear. For example, in Year 1, “Provide notification of acceptance to IHEs to all NM high school graduates who meet the standard requirements for graduation.” What does this actually mean? Do the students no longer need to apply? Is there assistance in

applying? This is improved in Year 1 language addressing “open admissions” and the transition supports to be offered around FAFSA, application, and financial aid. Then in Year 2, there is a good proposal to “[p]rovide transitional supports for MY freshman, including skill development, for self-advocacy and study habits.” However, there should be additional, affirmative efforts to connect MY freshman who are SWD with necessary accommodations/modifications. **Same.** **The State should expand the list of transitional supports in Year 2 of Element 3.2i [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.**

Element 3.2j [3.2g] Support for Students in Postsecondary Programs. This element involves “[r]evis[ing] Next Step Plans to include additional transition activities in college and career.” Does this refer to the Next Step Plan template? **The word “templates” is now included.** What are the “additional transition activities in college and career”? **Now clarified in Year 1: FAFSA completion, apprenticeships, business and community partnerships.** Are the same or similar “additional transition activities in college career” being added to the Unified IEP template? (See Element 1.3b). **Same.** Should they be? **Same.**

Goal 3.3: Social, behavioral, and well-being supports reflect the cultural and linguistic needs of MY students [now listed] and communities.

Generally, there is nothing in this section about behavioral supports for SWD. For example, for the school culture survey described in Element 3.3a, it would be helpful to have questions addressing the experience of students with disabilities, specifically. School culture is a huge part of the struggles of SWD. Recommendations:

- 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 and communities.” Same.
- 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 Employ Restorative Justice Practices in All Schools [now Restorative Justice Practices in All Schools]. In Year 1 of this element, the State proposes to “[p]ublish a discipline dashboard that summarizes school and district discipline data and that calculates MY student group disproportionality.” As addressed below, this is an action with some potential. However, in Years 2 and 3, the actions need to be adapted and expanded to meet the needs of SWD. Same.

While restorative justice practices are important, and highly culturally relevant for some of the MY student groups, they are not the only intervention that should be used once disproportionality in school discipline is identified in a school or district. Unfortunately, RJP principles as implemented by certain schools are not particularly neurodiversity-affirming, requiring a student with a disability to change (in ways that can be difficult or even impossible) to be part of a group. In other words, RJP when they fail to acknowledge and affirm neurodiversity can *lead to* disproportionality or inequity in school responses to disability-related behaviors of students which impact other students. The assumption that SWD can reliably and successfully improve or change their behaviors in response to restorative justice practices, without more, is flawed. Similarly, when SWD are required to sign “behavior contracts,” this approach is misguided. Behavioral expectations, goals, and supports, should be set out in the IEP and Behavior Intervention Plan (BIP) of SWD.

Schools need to be able to account for neurodivergence in any interventions to reduce disproportional discipline of SWD, including RJP, and where RJP is contraindicated given the behavior needs and required supports of SWD. Interventions need to go beyond RJP, also providing to schools with disproportionate discipline: improved individualized behavior supports, staffing and training to ensure behavioral expertise and skill of school personnel, and (importantly) analysis of whether school culture recognizes and affirms an appropriately broad spectrum of student behavior. **Same.** These are factors, in addition to RJP principles, that should be addressed in any action plan required in Year 3. **Same, as to Years 2 and 3.**

- **Nexus:** Only if we exclude SWD is there a nexus with both Critical Need 3 and Goal 3.3. **Same.**
- **Target or Outcome:** There is no specific target or outcome stated for SWD (or any MY student group), and there needs to be.
- **Accountability Measures:** Responsible entities (PED, School Districts, Charter Schools) are listed only, without explanation of actions they will take to ensure accountability.
- **Evaluation Measures:** None provided. There is not even mention of evaluation of the proposed actions. **One of the general outcomes (page 126) is now “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.**
- **Potential:** In Year 1, the discipline dashboard, involving data collection and public access to the same, seems like it could be a help, particularly if it will identify trends in particular districts. Moreover, the general principal that PED has a role in identifying and responding to disproportionality in exclusionary practices is good. However, see Problem Areas bullet. **Same.**
- **Problem Areas:** As described at greater length in my introductory comments on Element 3.3b, reliance on RJP should not be only intervention to reduce disproportionality in exclusionary practices. Indeed, in some cases based on the specific behavioral needs and limited behavioral skill of SWD, RJP should not be used at all. **Even though there is language added in around required action plans in Year 2, there needs to be language specifying that the “actions that schools and districts have taken to address disproportionality and exclusionary practices” are not limited to RJP interventions.**

- o **What is Missing:** There needs to be more active involvement from PED than just training the publication of an online course—whether on RJP or other interventions (Year 2) and asking for an action plan (Year 3). **Same.** There need to be additional elements or components to this element that provide more interventions than just RJP to address disproportionality in exclusionary practices involving SWD. **Same.** Recommendations:
 - o **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.**
 - o **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.**
 - o **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.**

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

Because my expertise in the area of funding is limited, my observations on the language in this section, including the specific goals and elements, will be more sparse and generalized. I defer to other experts to speak more meaningfully to funding issues as they impact SWD.

1. Comments on Introductory Section(s)

With respect to Core Issue #3, Accountability System (page 54), themes from community input include, “Accountability structures within the state must be transparent and ensure compliance with relevant educational acts in state statutes.” This is true, but importantly, it lacks

reference to federal statutes. **Same.** The State should include, with reference to community input in Table 12, page 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.** I further agree with the importance of the theme, also in Table 12, “There should be diverse assessment methods beyond standardized tests, employing data to track post-secondary outcomes and inform educational policies.”

With respect to Core Issue#4, Support, Coordination, and Implementation of Efforts that Improve Student Outcomes (page 55), themes from community member input include language that is not fully clear. For example, “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.” What does this mean? [This may be a little clearer given that they point to Element 4.3a about identifying additional metrics.] Similarly, “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.” What does the State intend by the word “accountability”? Does that term include State oversight, monitoring, enforcement, and correction? **Seemingly not, since the PED actions mapped to this theme in the Final Plan have to do with data collection around accreditation indicators (4.2b) and evaluation of current school improvement process (4.3 b).**

2. Analysis of Individual Elements

Goal 4.1: New Mexico has an equitable school finance system that provides coherent, recurring, and responsive funding that prioritizes and targets the needs of MY students [now listed].

Elements 4.1c (Funding and Program Accountability) and 4.1d (NM Vistas Accountability Website). In Year 1 of Element 4.1c, there is a proposal to “[d]evelop an

accountability and transparency tool that cross-references funding, program implementation, and MY student outcomes.” In the Final Plan, the tool isn’t developed until Year 2, where it was Year 1 in the draft. However, there is now greater detail in Year 2 (bulleted list) about what the tool will do. But is this tool distinct from NM Vistas, which is referenced in the “progress to build on” column? Likewise, Year 1 of Element 4.1d involves updating NM Vistas “to increase transparency of MY student group outcomes.” There is at least some additional detail in Year 1 as to what this transparency will look like. However, it is still unclear to me how the data in NM Vistas relates to the data collected via the new tool addressed in 4.1c. Emily Wildau shared during our recent meeting that NM Vistas is itself very limited, outdated, and cumbersome to use, with a lack of data management and governance expertise in its implementation and oversight. Her perspective on NM Vistas was that it is declining in utility, like OpenBooks.

Goal 4.2: New Mexico has an accountability and enforcement system that tracks local district expenditure of state and federal funds to ensure funds are spent in schools on MY students [now listed].

Element 4.2a: Align Fiscal Data Systems. This element focuses on required implementation of the “unified application” which “was developed to maximize impacts of federal funding.” It requires, in Year 1, that “school districts and charter schools that apply for federal funds to use the unified application to align school spending and maximize the use of funds.” However, it is not clear to me what this means for IDEA funding, and how using the unified application will likely lead to improvements in transparency and accountability in spending. (A nexus issue as to SWD and IDEA funding.) Same.

Element 4.2b: Implement School Accreditation Process [now School Accreditation Process Implementation]. Just generally, it is not clear how this accreditation process is

working to ensure districts are complying with IDEA. If that is the case, it should be clarified in the final plan. Same—still unclear.

Element 4.2c: Increase[d] Financial Transparency. This element cites as “progress to build on” PED’s OpenBooks portal, “an online school finance dashboard, to provide transparency on the budgeting and expenditures of school funds, including special education and at-risk funds.” However, ironically, when I went to the PED site to view the OpenBooks portal, I found it was not accessible when I clicked on “Visit the OpenBooks Portal.” In other words, ironically, OpenBooks would not open.

Goal 4.3: Accountability systems reliably assess student outcomes by using culturally relevant metrics, and these systems ensure the assessments drive improvements.

Generally, I am concerned that only “culturally relevant metrics” are referenced in this goal. Same. Does this address reliable assessment of SWD outcomes? Same. There are no SWD-specific elements which would, similar to Element 4.3a, “expand outcome metrics” by “involv[ing] communities in identifying additional metrics that more comprehensively address student outcomes through a lens of equity and cultural diversity.” There is now language added that provides at least some opening for SWD—around involvement (through listening sessions and focus groups) of “civil rights and community advocacy groups.” I have some skepticism about more “listening sessions and focus groups” but nonetheless hope that DRNM and the Native American Disability Law Center, among others, will be involved in identifying metrics of student success.

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.

Element 4.3c Improve Connection Between Accountability and Improvement. This element grows out of the ESEA consolidated school plan, with intention in Year 1 to “[d]evelop policies and processes for supporting schools identified for improvement and for implementing the consolidated state plan.” In Year 2, “[s]chools that were identified as needing most rigorous intervention (MRI) in FY23 and that have not exited MRI status by FY27 will be restarted, redesigned, or closed to support MY student groups who attend these schools.” This seems like an uncharacteristically strong action, and the entire element does (on its face) seem promising. Same. However, I do have questions about whether and to what extent SWD are considered in the ESEA plan designations. Same. Upon review of the various titles explained on PED’s ESSA Plan Amendments page, it would seem that SWD are not specifically addressed in the plan, although other important groups are. Same. I would defer to other experts about the actual potential of the actions described in this Element, focused on the consolidated state plan. Same.

Goal 4.4: New Mexico identifies clear roles and responsibilities across various educational agencies and partners and provides the necessary support to ensure coordinated planning and high-quality implementation.

Element 4.4b Implement Statewide Student Information System. This element is unclear as to whether the school data collection system (which in the “progress to build on” column is indicated to have been updated) has yet been implemented. Same. It is also not clear what data is being collected (the data points matter, of course) and how this data collection is being improved. Same. Furthermore, Year 3 is to see implementation of “an early warning system through the statewide student information system that identifies struggling students through multiple data points including grades, attendance, and behavior.” However, there is no

indication of what, if any, actions PED will take after these struggling students are identified.

There is a slight improvement here, where it now states in Year 3, “The early warning system will allow schools to provide appropriate student interventions and reduce student dropouts,” but this almost couldn’t be more vague.

IV. CONCLUSIONS

As it did in 2022, the State has produced a Draft Plan still in its infancy, lacking all metrics, all measurable targets or outcomes, all anticipated funding requirements, and most if not all accountability and evaluation measures. Once again, we are faced with an assortment of proposed actions, most of which are tethered to work the State has already done (repackaged as “progress to build on”) rather than true innovations. Generally still true. See Conclusions in Work Product 2.

As to SWD in particular, the Draft Plan exposes a lack of any deep understanding of the legal rights of this MY student group, including key principles of FAPE, LRE, and both IDEA- and Workforce Innovation and Opportunity Act (WIOA)-required transition services. The draft tends to view equity for SWD through a discrimination lens only, rather than acknowledging that a core purpose of IDEA’s promise—specialized instruction and related services to enable SWD to receive an education in their least restrictive environment—is to ensure equitable education to a group of students who have always been underserved by or excluded entirely from school. Relatedly, the Draft Plan seems incapable of imagining how SWD can be addressed in many of its goals, particularly those framed in CLR terms. As a result, the plan loses the SWD thread,

leaving certain troubling gaps like: (a) 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, (d) failure to plan for accountability systems using measures relevant to the needs and projected outcomes of SWD.

Certainly there are stray elements that could possibly, if developed, lead to more successful and equitable outcomes for SWD. *See, e.g.,* Section III, comments on Elements 1.11 and 1.1m (Instructional/Structured Literacy Coaches—**now eliminated**), Element 1.3g [1.3f] (Career-Connected Learning Transition Programs), Elements 1.4a and 1.4b (Monitoring of “Instructional Plans” if those plans include IEPs), Element 3.1c [3.1b] (Annual Professional Development for Transportation Workers, de-escalation and student behavior supports—**now seeming less hopeful than before**). And as my “potential” comments in Section III note, many of the elements include some seed of potential, some reflecting basic issues or concerns raised by this lawsuit and by stakeholders over the last seven years.

By and large, however, the Draft Plan fails to acknowledge and incorporate recommendations made by stakeholders (*see* Section V(C) *infra* and Attachments 2, 3, 4, 6, 7, 8) even in formal LESC reports (Attachments 2, 3, 4). (This shortcoming alone is extraordinarily disappointing, given the role LESC itself ostensibly played in contributing to the design of the Draft Plan.)

For more specific conclusions regarding individual elements of the plan as they address (or more commonly, fail to address) the needs of Students with Disabilities, please see the detail in Section III above.

V. RECOMMENDATIONS

A. Key Recommendations (Short List)

Relevant to the findings in this case, as well as the years of stakeholder input since the original decision, DRNM prioritizes 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.

In the present draft, SWD-specific elements going to each of these priorities are sparse, but I have color coded my recommendations to build out from or add to what is presently there. 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**.

My only well-developed, highly specific recommendation (with metrics, timeline, budget, etc.) is the Uniform Baseline Behavior Training proposal I designed for TENM, which I have included as Attachment 5. I do believe this is “what works,” and think it would be a huge win if we saw this implemented.

I do think the fundamental recommendation of a Definitions Section in the Final Plan is also very important.

B. Collection of Recommendations Provided in Sections II and III

Recommendations: Section II *supra*, General Observations About the Draft Plan as it Relates to SWD:

- Page 5, *supra*: 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.
- Page 5, *supra*: 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: Section III *supra*: 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

- Page 8, *supra*: The State should incorporate both “evidence-based” and “appropriate in light of students’ individualized needs” to requirements for HQI and HQIM.
- Pages 8-9, *supra*: 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.

2. Analysis of Individual Elements

- Pages 10-11, *supra* (Elements 1.1c-1.1d): Improve Literacy Learning Outcomes (structured literacy/science of reading)):
 - 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.
 - 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.

- 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>
 - The State should broaden Goal 1.1 to more explicitly include SWD.
- Pages 11-13, *supra* (Elements 1.1k-1.1m: MLSS Accelerated Learning for All):
 - The State should ensure that the MLSS and/or Structured Literacy Coaches, to the extent they are supporting structured literacy instruction, are CALT certified and have substantial expertise in dyslexia specific instruction.
- Pages 13-23, *supra* (Goal 1.3: SWD receive a high-quality, inclusive education with sufficient supports.)
 - Pages 14-16, *supra* (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.
 - The State should build out an element for each of the issues acknowledged in Year 2 (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.
 - Pages 16-17, *supra* (Element 1.3b Unified IEP to Improve Student Services)
 - 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.”

o Pages 17-20, *supra* (Element 1.3d [1.3c] Behavioral Intervention Support)

- 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.
- 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.
- 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.
- 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)
- 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)
- 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.

o Pages 20-22, *supra* (Element 1.3e[1.3d] 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.
 - The State should plan for more meaningful, detailed interventions following Year 2 monitoring than simply creating “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 instructional practices, and compliance with state and federal requirements.”
 - Please also see recommendations specific to Structured Literacy/Science of Reading, Elements 1.1c-1.1d.
- Pages 22-25, *supra* (Elements 1.3f-1.3i [1.3e-1.3g] Strengthen Postsecondary Transition Supports); and Page 26 (Element 1.4f [1.4e] Career-Connected Learning)
 - 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.
 - 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 competitive integrated employment.
- Pages 25-27, *supra* (Goal 1.4: MY students and families have equitable access to opportunities outside of the traditional academic experiences.)
 - Page 25-26, *supra* (Elements 1.4a and 1.4b Individualized Academic Plans):
 - 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.
 - Page 26, *supra* (Element 1.4e [1.4d]: Enhance Summer Enrichment 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.

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

1. Comments on Introductory Sections

- Page 28, *supra*: 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.
- Page 28-29, *supra*: The State should add the following italicized language into the last sentence of the introductory paragraph on Page 27: “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.*”

2. Analysis of Individual Elements

- Pages 28-31, *supra* (Goal 2.1: New Mexico has highly effective teachers, administrators, and support professionals who serve MY students.)
 - Page 29, *supra* (Element 2.1f Mentorship Program):
 - The State should clarify how Element 2.1f impacts, expands, improves, monitors, and evaluates the Special Education Teacher Mentor Program already being implemented.
 - Page 30, *supra* (Element 2.1h School Administrator and Superintendent Preparation Programs)
 - 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.

- o Pages 30-31, *supra* (Element 2.1i Innovative Staffing Model)
 - 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.
- Pages 31-33, *supra* (Goal 2.2: All schools serving MY students have enough teachers certified in bilingual education, and all teachers are trained to support English Learners and students with disabilities.
 - o Page 32, *supra* (Element 2.2b Improve Bilingual and Special Education Teacher Preparation and Support)
 - 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.
 - o Pages 32-33, *supra* (Element 2.2g Special Education Teacher Retention Stipends)
 - 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.
 - The State should research and implement national best practices for providing effective non-monetary supports for all teachers serving SWD toward improving retention.
 - o Page 33, *supra* (Element 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.”

- 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.

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

1. Comments on Introductory Sections

- Page 35, *infra*: 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).
- Page 35, *infra*: The State should include in the Final Plan elements that ensure staffing and appropriate behavior training necessary to support successful behavior interventions for SWD.
- Page 36, *infra*: The State should explain clearly why Academic Supports addressed in Critical Need 3 are not addressed instead in Critical Need 1.

2. Analysis of Individual Elements

- Pages 36-37, *supra* (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.
 - Pages 36-37, *supra* (Element 3.1c [3.1b] Annual Professional Development for Transportation Workers)
 - 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.”

- 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.*
- Pages 37-38, *supra* (Goal 3.2: Families and communities of MY students have access to educational and health supports.)
 - Page 37, *supra* (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.”
 - Page 38, *supra* (Element 3.2i [3.2f] Support for Students in Postsecondary Programs)
 - The State should expand the list of transitional supports in Year 2 of Element 3.2i [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.”
- Pages 38-41, *supra* (Goal 3.3: Social, behavioral, and well-being supports reflect the cultural and linguistic needs of MY students and communities.
 - Page 39, *supra* (general): 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 and communities.”
 - Page 39, *supra* (Element 3.3a School Culture Surveys): 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.
 - Pages 39-41, *supra* (Element 3.3b Employ 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.

- 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.
- 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.
- *See also* Recommendations made with respect to Element 1.3d [1.3c] (Behavioral Intervention Support).

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

1. Comments on Introductory Sections

- Pages 41-42: The State should include, with reference to community input in Table 12, page 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.”

2. Analysis of Individual Elements

- Pages 44, *supra* (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.

- o 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.

C. Recommendations Made in Previous Stakeholder Input

As already mentioned, there are numerous additional lists of recommendations which have been provided to PED previously, including but not limited to:

1. **Recommendations in LESC’s 9/21/23 Special Education Stakeholder Listening Sessions Report (Attachment 2).** *This report is well worth reading in its entirety.* It includes detailed recommendations for the Legislature as well as PED/Districts to consider, including:
 - a. Legislature:
 - i. Six specific **funding** recommendations (Attachment 2 at 10-11)
 - ii. Ten specific **staffing (capacity)** recommendations (Attachment 2 at 11)
 - iii. Four specific **training** recommendations (Attachment 2 at 11-12)
 - iv. Five specific **accountability** recommendations (Attachment 2 at 12)
 - b. PED or Districts: A variety of recommendations, including but not limited to (Attachment 2 at 12):
 - i. Prohibiting the covering of classroom door windows for safety and transparency;
 - ii. Sexual education designed for SWD;
 - iii. Hiring incentives for special education teachers;
 - iv. Accountability process to ensure structured literacy is being implemented with fidelity across the state.
2. **Recommendations of the Special Education Transformation Team Behavioral Needs Workgroup (May 2022).** These include, importantly, some specific considerations for selecting and implementing training for school personnel in behavioral supports for SWD. (Attachment 6 at 3)
3. **Recommendations specific to efforts to reduce the use of restraint and seclusion, including a 7/24/2024 Hearing Brief (“Building Safer Schools: Policy Measures and Considerations on Restraint and Seclusion”)(Attachment 3) and accompanying Senate Memorial 68 Working Group Report (“Restraint and Seclusion in New Mexico Public Schools”)(Attachment 4)** Both reports, but particularly Attachment 4, contain detailed explanation of the practices of restraint and

seclusion as symptoms of a lack of appropriate and effective positive behavior intervention and supports. Both reports (especially the working group report) provide very detailed recommendations, including recommendations going to:

- a. Data (Attachment 4 at 4-5)
 - b. Oversight and Monitoring (Attachment 4 at 5-6)
 - c. PED Review of School Board Policies (Attachment 4 at 6)
 - d. Consistency of Practice/Implementation (Attachment 4 at 7-8)
 - e. Training (Attachment 4 at 8-9)
 - f. Amendment of Statute and Rules (Attachment 4 at 9-12)
4. **School Year 2024-25 Recommendations of the IDEA Part B Advisory Panel** (one purpose of which is to advise PED of the unmet needs of SWD in the state). *See* Attachment 7 (IDEA Annual Report, 2024-25) and Attachment 8 (IDEA December 2024 Recommendations). The Panel is resubmitting its recommendations, along with its public comment on this Draft Plan.

BLANK TEMPLATE

Element [#]: *[Insert Name of Element]*

Goal: *[Insert Goal Language]*

Community Perspectives: *[Include only what is relevant to the element]*

Progress to build on, 2019 to Present: *[Include only what is relevant to the element, and if this is a continued action, note in description of action how it expands, improves, or relies on current efforts.]*

	Description of Action (s) <i>[Detailed description, with any related plan elements clearly cross-referenced.]</i>	Responsible Entities <i>[Clarify the role of each]</i>	Student Groups Served <i>[Ensure that Description of Action(s) clearly includes any listed.]</i>	Measurable Outcome/Target <i>[Specific to <u>Student</u> Progress or Success]</i>	Evaluation Measures <i>[How will the State know the action was successful?]</i>	Cost Estimate
Year 1: Immediate Actions through June 30, 2026						
Year 2: July 1, 2026- June 30, 2027						
Year 3: July 1, 2027- June 30, 2028						

EXAMPLES

Element 1.3c: Behavioral Intervention Support

Goal: Students with disabilities receive a high-quality, inclusive education with sufficient supports.

Community Perspectives: *[Include stakeholder input that is more specific to behavior supports.]*

Progress to build on, 2019 to Present: In-person and virtual training is offered to school districts and charter schools on behavioral interventions.

	Description of Action(s) [Proposed additions underlined, and proposed deletions with strikethrough.]	Responsible Entities	Student Groups Served	Measurable Outcome/Target	Evaluation Measures	Cost Estimate
Year 1: Immediate Actions through June 30, 2026	Provide <u>required</u> regional ~~educator~~ training [<i>explain how training expands, improves, or relies on current in-person and virtual training</i>] and support [<i>specify support</i>] to educators, school administrators, and school staff to build statewide capacity for evidence-based behavior practices and to minimize exclusionary practices. Training will ensure students with disabilities can learn safely in their least restrictive environments. Trainings will <u>be developed with input from community and national behavioral experts</u> and will include guidance on: Positive behavior interventions and supports (PBIS)	PED: [specify role in developing, <u>requiring</u>, and providing trainings] School Districts and Charter Schools: [specify role in developing, <u>requiring</u>, and providing trainings]	Students with Disabilities <i>[should really be other student groups as well, at least for some of the training pieces—such as PBIS, behavior plans, and de-escalation.]</i>	[<i>Outcome/Target needed</i>] [<i>No outcome addressing Behavioral Intervention Support is included in Critical Need 1 Outcomes</i>]	[<i>Evaluation Measures Needed</i>]	[<i>Cost?</i>]

	• Identification and response to diverse disability needs in the classroom • Functional behavior assessment and behavior interventions • De-escalation strategies • Discipline and manifestation determination review					
Year 2: July 1, 2026- June 30, 2027	Continue to provide training for educators, <u>school administrators, and school staff</u> so that they can support students with disabilities through <u>evidence-based behavior practices</u>, family engagement, trauma-informed practices, and social-emotional learning. Monitor IEP compliance for behavioral supports, measurable behavior goals, and behavior intervention plans (BIPs). <u>Monitor school behavior support practices, discipline data [<i>cross reference Element 3.3b—discipline dashboard</i>], manifestation determination review (MDR) findings, informal removal data, restraint and seclusion data.</u> 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.	PED: [<i>specify role in developing, requiring, and providing trainings; specify monitoring role; specify enforcement role (targeted improvement plans)</i>] School Districts and Charter Schools: [<i>specify role in developing, requiring, and providing trainings; specify monitoring role</i>]	Students with Disabilities	[<i>Outcome/Target needed</i>] [<i>No outcome addressing Behavioral Intervention Support is included in Critical Need 1 Outcomes</i>]	[<i>Evaluation Measures Needed</i>]	[<i>Cost?</i>]

Year 3: July 1, 2027- June 30, 2028	Monitor special education improvement plans and incorporate ~~the results of findings of Year 2~~ <u>Monitoring--IEP compliance (behavior supports, behavior goals, FBAs and BIPs) compliance, behavior support practices, discipline data, MDR findings, informal removal data, and restraint and seclusion data—into school district and charter school accountability reviews and annual determination letters.</u>	PED: [<i>specify role in monitoring special education improvement plans, accountability reviews, and annual determination letters.</i>] School Districts and Charter Schools: [<i>specify role in monitoring special education improvement plans, accountability reviews, and annual determination letters.</i>]	Students with Disabilities	[Outcome/Target needed] [<i>No outcome addressing Behavioral Intervention Support is included in Critical Need 1 Outcomes</i>]	[Evaluation Measures Needed]	[Cost?]
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Element 1.3d: Reduced Restraint and Seclusion

Goal: Students with disabilities receive a high-quality, inclusive education with sufficient supports.

Community Perspectives: [Include stakeholder input that is more specific to restraint and seclusion, including recommendations of the Senate Memorial 68 Working Group]

Progress to build on, 2019 to Present: [None given.]

	Description of Action (s) [Proposed additions underlined, and proposed deletions with strikethrough.]	Responsible Entities	Student Groups Served	Measurable Outcome/Target	Evaluation Measures	Cost Estimate
Year 1: Immediate Actions through June 30, 2026	None. <i>[Should be development of restraint/seclusion bill, statewide guidance, and mandatory training?]</i>					
Year 2: July 1, 2026- June 30, 2027	Pass legislation further limiting the use of physical restraint and prohibiting seclusion and chemical, mechanical, and prone restraint. This legislation will also expand training [<i>cross reference Element 1.3c</i>] and reporting requirements for school districts and charter schools and clarifies relevant definitions to better align with federal guidance. PED will provide statewide guidance to school districts and charter schools to ensure consistent policies and procedures related to the use of restraint and seclusion.	<i>[Should include Legislature?]</i> PED: statewide guidance and mandatory training for school districts and charter schools <i>[and specify role in legislation]</i> School Districts and Charter Schools <i>[specify role]</i>	Students with Disabilities, English Learners, Native American Students, Economically Disadvantaged Students	<i>[Outcome/Target needed]</i> <i>[No outcome addressing Reduced Restraint and Seclusion is included in Critical Need 1 Outcomes]</i>	<i>[Evaluation Measures Needed]</i>	<i>[Cost?]</i>

	PED will provide mandatory training on the use and reporting of restraint and seclusion.					
Year 3: July 1, 2027- June 30, 2028	PED will incorporate restraint and seclusion monitoring into its current monitoring systems. Noncompliance with restraint and seclusion use, training, and reporting requirements may result in corrective action. PED will implement a system for parents to report incidence of restraint or seclusion directly to PED and to confirm reporting by school districts and charter schools.	PED: restraint and seclusion monitoring, corrective action, implementation of system for parent reporting of restraint and seclusion School Districts and Charter Schools <i>[specify role]</i>	Students with Disabilities, English Learners, Native American Students, Economically Disadvantaged Students	<i>[Outcome/Target needed]</i> <i>[No outcome addressing Reduced Restraint and Seclusion is included in Critical Need 1 Outcomes]</i>	<i>[Evaluation Measures Needed]</i>	<i>[Cost?]</i>

Element 1.3g: Educator Supports for Postsecondary Transition

Goal: Students with disabilities receive a high-quality, inclusive education with sufficient supports.

Community Perspectives: Stakeholders expressed the need for better transition support, especially for postsecondary students.

Progress to build on, 2019 to Present: In-person and virtual training is offered for districts and charters to improve student transition plans.

	Description of Action (s) [Proposed additions underlined, and proposed deletions with strikethrough.]	Responsible Entities	Student Groups Served	Measurable Outcome/Target	Evaluation Measures	Cost Estimate
Year 1: Immediate Actions through June 30, 2026	Provide regional trainings [<i>explain how training expands, improves, or relies on current in-person and virtual training</i>] for general and special educators, counselors, and school leaders on diploma pathways and transition planning for students with disabilities. Trainings will focus on increasing graduation rates and ensuring a coordinated set of meaningful, <u>challenging opportunities and</u> services in education, work-based learning, and independent living that prepare students for postsecondary success. Collect data on family experiences with postsecondary transition planning, <u>including postsecondary student outcomes</u>, to inform statewide trainings, including through: • Family interviews • Family surveys	PED [<i>specify role in Year 1 trainings and data collection</i>] DVR [<i>specify role in Year 1 trainings and data collection</i>] School Districts and Charter Schools [<i>specify role in Year 1 trainings and data collection</i>]	Students with Disabilities	[<i>Outcome/Target needed—addressing graduation rates and other measures of postsecondary success for SWD</i>] [<i>No outcome addressing Educator Supports for <u>Postsecondary</u> Transition is included in Critical Need 1 Outcomes</i>]	[<i>Evaluation Measures Needed</i>]	[<i>Cost?</i>]

Year 2: July 1, 2026- June 30, 2027	Continue Year 1 actions. Provide statewide trainings [<i>explain how this training expands, improves, or relies on (1) current in-person and virtual training; (2) training in Year 1</i>] on postsecondary transition planning for students with disabilities through college and career and technical education (CTE) conferences and workshops. These sessions will equip educators, counselors, and transition specialists with strategies to align IEP transition goals with real-world college, career, and community pathways. Develop a cross-agency transition framework that describes the coordinated set of state agency supports available to students. The partner agencies will be PED, DVR, ECECD, NM's Department of Workforce Solutions (DWS) and NM's Higher Education Department (HED). Train educators [<i>explain how this training expands, improves, or relies on (1) current in-person and virtual training; (2) training in Year 1</i>] on evidence-based transition planning and interagency coordination.	PED [<i>specify role in Years 1 and 2 trainings, data collection, and cross-agency transition framework</i>] DVR [<i>specify role in Years 1 and 2 trainings, data collection, and cross-agency transition framework</i>] ECECD [<i>specify role in Years 1 and 2 trainings, data collection, and cross-agency transition framework</i>] DWS [<i>specify role in Years 1 and 2 trainings, data collection and cross-agency transition framework</i>] HED [<i>specify role in Years 1 and 2 trainings, data collection and cross-agency transition framework</i>] School Districts and Charter Schools [<i>specify role in Years 1 and 2 trainings, data collection and cross-agency transition framework</i>]	Students with Disabilities	[<i>Outcome/Target needed—addressing graduation rates and other measures of postsecondary success for SWD</i>] [<i>No outcome addressing Educator Supports for <u>Postsecondary</u> Transition is included in Critical Need 1 Outcomes</i>]	[<i>Evaluation Measures Needed</i>]	[<i>Cost?</i>]
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Year 3: July 1, 2027- June 30, 2028	Continue Years 1 and 2 actions. Audit high-quality compliance of age-14+ transition plans. Implement targeted improvement plans for districts in need of improvement. Expand successful transition and work-based learning models <i>[more on successful models and how they will be identified or developed]</i> statewide. <i>[Needs cross-reference in Years 1, 2, and/or 3 to other parts of the plan addressing CTE or career-connected learning generally. How do those efforts relate to Educator Supports for Transition?]</i>	PED <i>[specify role in Years 1, 2 and 3 trainings, data collection, cross-agency transition framework, audit, targeted improvement plans, and identification, development, and statewide expansion of successful models]</i> DVR <i>[specify role in Years 1, 2 and 3 trainings, data collection, cross-agency transition framework, audit, targeted improvement plans, and identification, development, and statewide expansion of successful models]</i> School Districts and Charter Schools <i>[specify role in Years 1, 2 and 3 trainings, data collection, cross-agency transition framework, audit, targeted improvement plans, and identification, development, and statewide expansion of successful models]</i>	Students with Disabilities	<i>[Outcome/Target needed—addressing graduation rates and other measures of postsecondary success for SWD]</i> <i>[No outcome addressing Educator Supports for Postsecondary Transition is included in Critical Need 1 Outcomes]</i>	<i>[Evaluation Measures Needed]</i>	<i>[Cost?]</i>
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Element 1.3h: Student Supports for Postsecondary Transition

Goal: Students with disabilities receive a high-quality, inclusive education with sufficient supports.

Community Perspectives: Stakeholders expressed the need for better transition support, especially for postsecondary students.

Progress to build on, 2019 to Present: [None given.]

	Description of Action (s) [Proposed additions underlined, and proposed deletions with strikethrough.]	Responsible Entities	Student Groups Served	Measurable Outcome/Target	Evaluation Measures	Cost Estimate
Year 1: Immediate Actions through June 30, 2026	PED will conduct a comprehensive statewide inventory and survey of college- and career-readiness transition programs to assess program availability, quality, and geographic reach, and to identify service gaps and opportunities for statewide coordination.	PED: Comprehensive statewide inventory and survey. DVR [specify role] DWS [specify role]	[not specified]	[Outcome/Target needed] [No outcome addressing Student Supports for Transition is included in Critical Need 1 Outcomes]	[Evaluation Measures Needed]	[Cost?]
Year 2: July 1, 2026- June 30, 2027	PED will develop and pilot regional and college- and career-connected transition programs that align with the findings of the statewide survey. Pilot programs will include communities of practice (professional learning communities) focused on integrating capstone projects [need more detail on this] into postsecondary transition planning for students with disabilities. These initiatives will strengthen	PED [development and pilot programs; specify role in communities of practice] DVR [specify role in pilot programs and communities of practice] DWS [specify role in pilot programs and	[not specified]	[Outcome/Target needed] [No outcome addressing Student Supports for Transition is included in Critical Need 1 Outcomes]	Evaluation in Year 3 [But actual evaluation measures in Year 3 still needed]	[Cost?]

	collaboration among educators, counselors, and workforce partners to ensure equitable, real-world college and career pathways.	<i>communities of practice]</i>				
Year 3: July 1, 2027- June 30, 2028	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 [need more detail on this —into district postsecondary transition planning.	PED: Evaluation and expansion of pilots into statewide model; refinement of implementation tools, establishment of consistent quality indicators, and integration of successful practices into district postsecondary transition planning. DVR [<i>specify role in these activities</i>] DWS [<i>specify role in these activities</i>]	[<i>not specified</i>]	[<i>Outcome/Target needed</i>] [<i>No outcome addressing Student Supports for Transition is included in Critical Need 1 Outcomes</i>]	[<i>Evaluation Measures Needed</i>]	[<i>Cost?</i>]

Matthew Gardner Kelly, PhD

**Reply to Defendant PED's Response to Expert Report by Matthew Gardner Kelly, Ph.D.,
*Evaluation of November 2025 Revised Action Plan***

The AIR Study Is Not the Appropriate Benchmark for Evaluating Constitutional Compliance, and I Do Not Endorse It as Such

In its response, PED characterizes me as endorsing the AIR study as the appropriate adequacy framework for New Mexico, citing my original report's appendix. That characterization is incorrect and requires direct clarification.

My original report included the 2008 AIR study in an appendix cataloguing state adequacy studies conducted between 2001 and 2024. The purpose of that appendix was to illustrate that rigorous, well-established methods for determining educational adequacy exist, have been applied in many states, and have repeatedly been used by legislatures and courts to inform remedies in school finance litigation. The appendix expressly flagged that New Mexico's 2008 study "predates the Court's 2018 ruling in Yazzie/Martinez" and that "[n]o adequacy study has been commissioned in response to the Court's findings." In no way was my reference to the AIR report an endorsement of that study as the appropriate benchmark for evaluating constitutional compliance in 2026. In fact, I do not endorse the AIR study for that purpose for several independent reasons.

AIR Study Predates Constitutional Violations

First, the AIR study predates the constitutional violations the Court has ordered remedied. The study was conducted in 2007-08 and published in 2008-- a decade before the Court's 2018 ruling in *Martinez/Yazzie*, and seventeen years before the Court's 2025 finding that constitutional violations persist. The study was not designed to address, did not analyze, and cannot speak to the specific constitutional deficiencies the Court extensively documented for Native American students, English Learners, students with disabilities, and economically disadvantaged students. Inflation-adjusting aggregate estimates from an outdated study does not transform it into an analysis of what it costs to remedy those violations in the present. The existence of the study merely illustrates the fact that such a study could be commissioned but PED has declined to do so now.

AIR Study Anchored to Standards and Benchmarks Since Superseded

Second, the study was anchored to state content standards and benchmarks that have since been superseded multiple times. The AIR study's Goals Statement upon which the analysis was based was explicitly "grounded in two key New Mexico documents: Section 22-1-1.2 NMSA 1978 and the State Board of Education's Standards of Excellence (NMAC 6.30.2)" as they existed at the time.¹ The goals statement for the study explicitly specified that "[a]ll public

¹ AIR Study, page 15

school students shall make positive and measurable gains through appropriate *instructional programs aligned to state content standards and benchmarks*” (emphasis added) and that students should “demonstrate learning outcomes *aligned with standardized measures reflective of state, national, and international standards*”(emphasis added).²

Those standards were revised in 2009. A 2013 LESC staff report documents the first revision:

- “In 2007 and 2008, in connection with the LESC’s study of high school redesign, and supported by an appropriation to the LESC, New Mexico joined the American Diploma Project. This effort, spearheaded by Achieve, Inc., provided states with a formal process to revise their mathematics and ELA standards so they aligned with the expectations of college and careers.... The revised math standards were adopted in PED rule in June 2009, and the ELA standards in September 2009.”³

Those standards were again superseded in November 2010, when PED adopted the Common Core State Standards, which PED described in its own official communications as:

- “a different approach to learning, teaching and testing that engenders a deeper understanding of critical concepts and the practical application of that knowledge... these standards prepare New Mexico students to be ready for college and competitive in both national and international job markets.”⁴

Thus, an estimate of what it cost to deliver instruction aligned to 2007 standards cannot be used to determine what it costs to deliver instruction that is aligned to today’s standards, particularly in areas where performance expectations have risen substantially.

Adjusting an Aggregate Figure from the AIR Study Is a Fundamental Misuse of Its Results

Third, the AIR methodology was based on a series of district-specific estimates driven by each district’s enrollment, poverty concentration, English learner population, special education identification rate, student mobility, and scale of operations, and its existing funding levels. Comparing an inflation-adjusted version of the statewide sum of those estimates against total SEG distributions is not a simplified version of the analysis the AIR study was designed to support. It is a different analysis entirely. The study’s own results suggest the problems with this approach where the authors note explicitly:

- “The exhibit shows that the statewide average sufficient per pupil program cost for the 2007-08 school year is \$8,144, which represents a 14.5 percent increase over what was

² AIR Study, page 16

³ (LESC Staff Report: Common Core State Standards Update, August 19, 2013, https://www.nmlegis.gov/handouts/ALESC%20081913%20Item%209%20Common%20Core%20State%20Standards%20Update_optimized.pdf).

⁴ (<https://web.archive.org/web/20160629234648/http://newmexicocommoncore.org/>).

actually budgeted that year (\$7,110). **However, it is important to recognize that the figures show large variation across the three district categories.”**

- “The results suggest that on average, students in rural-remote districts require the highest per pupil expenditure (\$12,507) to provide a sufficient education, while the average necessary per pupil expenditures are lowest for districts that lie in urban areas (\$7,666).”

Adequacy is not achieved when a statewide average clears a statewide threshold --it is achieved when each district receives enough to serve its own students. Three separate and compounding problems make the aggregate comparison invalid.

Aggregate Figures from Previous Years Do Not Yield a Valid Sufficiency Measure

Districts with high concentrations of high-need students require more per pupil, and those concentrations shift across districts over time. Simply inflating a 2008 aggregate assumes that the distribution of student needs across districts has remained static for nearly two decades. It has not. Any valid comparison between AIR-derived targets and current funding must begin with current demographic data applied to individual districts --not a statewide figure carried forward by a price index.

Aggregate Comparison Cannot Distinguish Dollars Above Sufficiency in Some Districts from Additional Dollars Needed to Reach Sufficiency in Other Districts

Even if demographic patterns had not changed, comparing statewide totals cannot reveal whether individual districts are above or below their sufficiency targets. It can only confirm that dollars exist *somewhere* in the system. A dollar that brings a well-funded district further above its sufficient cost target is counted identically in the aggregate to a dollar that a high-need district desperately needs to reach a sufficiency target but has not received. The aggregate treats these as equivalent. They are not.

To illustrate why this matters, consider an extreme illustrative scenario. Suppose the state distributed a SEG allocation that exactly matched the total AIR-derived sufficient cost for all districts combined but directed the entire amount to a single district. The statewide aggregate would show funding equal to the AIR target, even though every other district would receive nothing. In this scenario, it is clear that the aggregate amount is not evidence of sufficiency.

While the actual distribution is not this extreme, the same faulty logic of the aggregate comparison is in play. Aggregate figures cannot distinguish a scenario like this extreme example from one where each district actually has sufficiency.

This is not a theoretical concern. When the AIR formula is recalculated at the district level using current data to provide an incomplete and purposefully low sufficiency target, 102 of 186 entities with requisite data fell below their sufficient cost target. Yet, if aggregated program cost figures are compared to an aggregate sufficiency target statewide **the dollars needed by those districts to reach sufficiency would be obscured because a number of districts spent above sufficiency targets in the remaining districts.**

The Claim Fails Even on Its Own Flawed Terms

The aggregate comparison logic is fundamentally flawed but, even by the flawed standard Exhibit M employs, the numbers do not support the conclusion. When the AIR formula is recalculated using actual enrollment and demographic data (conservatively, without the mobility adjustment the original formula included and without accounting for all increases in standards, expectations, and related costs not captured by inflation that render the AIR estimates outdated) a majority of LEAs with requisite data (55%) had FY2024 program costs that were lower than a conservative, underestimate of the outdated AIR target.

The Rural-Remote Case Is Especially Stark

The AIR study identified rural-remote districts as requiring the highest per-pupil investment of any district category, estimating a sufficient per-pupil program cost of \$12,501 in 2008 dollars (AIR, page 47).

- Adjusted for inflation, this equals approximately \$18,280.
- Even applying this crude inflation-adjusted threshold at the per-pupil level (the same logic underlying the LFC slide--simply adjusting a figure from the AIR study results for inflation) the results are stark:
 - 17 of 48 rural-remote districts with complete data from the NCES 2025 EDGE File with a rural-remote local code (43) fall below the crude sufficiency target
 - Those 17 districts enroll a disparate share of MY students, including:
 - 76% of all rural-remote students
 - 93% of rural-remote Native American students,
 - 88% of rural-remote English learners,
 - 81% of rural-remote economically disadvantaged students,
 - 71% of rural-remote students with disabilities

Producing District-level Underestimates from AIR Formula Upon Which Aggregate Figure is Based Reveals Substantial Funding Problems Concealed by Aggregation

When the AIR formula is recalculated using current enrollment and demographics as required for a valid comparison between those earlier targets and current funding:

- 102 of 186 entities with requisite data (districts and charters) had a FY24 Program Cost below what a conservative *underestimate* of the updated and insufficient AIR formula would dictate for them based on their FY24 demographics.
- This represents:
 - A majority of the districts and charters with requisite data (55%), educating roughly 112,065 students
 - It includes roughly:
 - 6,981 Native American Students (~23% of all Native American students across LEAs with requisite data)
 - 50,987 Economically Disadvantaged Students (~37% of all economically disadvantaged students across LEAs with requisite data)

- 19,520 students with an EL designation (~34% of all students with an EL designation across LEAs with requisite data)
- 25,850 students with a disability (~43% of all students with a disability across LEAs with requisite data)

All of these figures represent a purposefully incomplete *underestimate* that is too low because it does not include:

- Migration adjustments from original AIR formula
- Changes in the outcomes and standards expected of districts for their students since the 2006-07 school year when AIR study was conducted
- Changes in the nature of costs facing districts, such as increases in the cost of benefits above and beyond inflation

Response to PED's Characterization of the Ancillary Staffing Discussion

PED leadership asserts in Exhibit O that my report contains a “factual inaccuracy” as asserts that I claim “there is insufficient funding to support salaries for ancillary staffing” and cite “no specific basis for the continued accuracy of this statement.” The authors of Exhibit O then state that “LEAs are provided 25 units or approximately \$170,000 per ancillary staff in school year 2025-2026 with IDEA funding to support as well.”

First, my report does not make a freestanding empirical claim that ancillary funding is currently insufficient. It identifies specific factual findings entered by the Court, including Finding of Fact 2341 (“[h]aving ancillary personnel in the classroom is important to meet the needs of special education students, and there is not sufficient funding in New Mexico to provide the ancillary personnel for special education students”) and Finding of Fact 2342 (New Mexico schools do “not pay ancillary personnel well enough because the legislature is not allocating sufficient funding in order to provide the salary that would be necessary to have these ancillary personnel be employed”) and documents that the revised Action Plan does not propose any specific action item or cost analysis to determine whether their plan will address the shortage the Court explicitly identified. The relevant question for the Court is not whether I have independently re-litigated a factual finding the Court has already entered. It is whether the revised Action Plan contains actions designed to remedy that finding from the Court.

Second, PED's response does not contest the underlying problem. It points to existing per-unit funding for ancillary staff but does not identify any action item in the revised Action Plan that aims to address ancillary personnel shortages by conducting a comprehensive cost analysis to determine what adequate ancillary staffing requires, any explicit and recurring funding commitment tied to remedying the Court's findings, or any mechanism for evaluating whether current funding levels resolve the shortages the Court documented. The 25-unit allocation PED describes is not new and does not rebut the analysis. The cost differential factor of 25.0 per ancillary FTE has been the structural mechanism for allocating ancillary funding since well

before the Court's 2018 ruling and is described as early as 2000.⁵ It was the allocation mechanism operating when the Court made its 2018 findings and when the Court reaffirmed ongoing violations in April 2025. Citing a long-standing allocation that has been repeatedly found inadequate, absent any cost analysis testing adequacy, to suggest there was a factual inaccuracy in my citing of the Court's concrete finding the State has not provided systematic evidence they have taken seriously enough to address illustrates rather than rebuts my central argument.

Third, the Court did not find that ancillary personnel receive zero state funding. The Court found that the funding currently provided is not sufficient to attract, employ, and retain the ancillary personnel special education students need. Without a cost analysis determining what sufficient funding would require, the existence of a per-unit allocation that predates the Court's ruling cannot demonstrate its adequacy. The question the Court's findings pose — and that the revised Action Plan does not answer — is whether the state's current approach to funding ancillary personnel is sufficient to remedy the shortage, not whether any funding exists at all. Absent a comprehensive cost analysis, we cannot determine the answer to whether this sufficiency has been addressed, only that the State has chosen not to consider whether further action is needed or not.

Response to PED's Characterization of the Critical Need #2 Discussion

PED leadership asserts that I deemed “efforts included in Critical Needs #2 as ineffective at addressing the core issues” and characterizes this as “incorrect,” noting that professional learning resources support retention, that appropriate EPP faculty can increase the supply of licensed teachers, and that the plan includes additional strategies such as residency programs, mentorship, diversity recruitment, increased compensation, and OSE stipends.

This response again mischaracterizes my analysis. I did not claim that professional learning has no effect on retention or that EPP faculty expansion has no effect on teacher supply. My original report identifies specific deficiencies in how the action items under Critical Need #2 are designed and funded relative to the specific constitutional violations the Court has documented. Those deficiencies are not resolved by asserting, in the abstract, that professional development and faculty expansion can be beneficial.

The analysis in my report addresses the following questions, which PED's response does not answer:

- *What does it cost to provide effective professional learning at the scale required to remedy the Court's findings?* The action items propose professional development without a cost analysis establishing what adequate professional development requires, who will deliver it, what capacity currently exists to deliver it at scale, what quality standards will govern it, or what resources will be provided to support its implementation.

⁵ <https://www.nmlegis.gov/sessions/00%20Regular/memorials/house/Hjm005.pdf> “WHEREAS, effective with the 1996-97 school year, funding for special education related services was expanded to include diagnostic services, and the number of units per full-time equivalent was increased from twenty to twenty-five units”

- *What does it cost to expand EPP faculty to the scale required?* Action item 2.2e commits the State to “request an appropriation” for competitive EPP faculty salaries without a cost analysis establishing what competitive salaries require, without defining the comparison group against which “competitive” is measured, and without committing to any specific funding level. As my report documents, the revised language explicitly acknowledges that salary increases will be set by whatever the Legislature appropriates, not by what the underlying analysis demonstrates is needed.
- *Will the additional strategies PED now identifies — residency programs, mentorship, diversity recruitment strategies, increased compensation, OSE stipends — be funded at levels sufficient to remedy the specific shortages the Court identified?* PED’s response lists strategies without providing cost estimates for any of them, without committing to specific funding levels for any of them, and without identifying how the combined effect of these strategies will be measured against the Court’s specific findings regarding bilingual psychologists, educational diagnosticians, ancillary personnel, Native American teachers, and bilingual special education teachers.
- *Are the strategies targeted to the specific populations the Court’s findings identify?* My report specifically notes that the special education retention stipends in action item 2.2f are not structured to address the Court’s intersecting findings — for example, that more experienced and qualified special education teachers should be placed in high-poverty schools, that bilingual special education personnel are in critical shortage, and that ancillary personnel shortages extend beyond teachers. PED’s response does not address this structural critique.

PED’s response reiterates that the plan contains strategies. My report does not dispute that. It documents that the strategies are not accompanied by cost analyses demonstrating what their adequate implementation would require, not accompanied by funding commitments sufficient to achieve that implementation, and not structured to address the specific, intersecting findings the Court took tremendous care to describe in detail. Listing categories of activity does not answer the constitutional question.

Response to PED’s Characterization of the EPP Standards Discussion

PED leadership states that I pose questions regarding proposed revisions to EPP standards and responds that “[c]ertifying language is determined by the pueblos, tribes and nations” and that “[l]isting standards and benchmarks for every action item would make the plan prohibitively long and would be outside the scope of an action plan.”

This response conflates two distinct issues.

First, the certifying language for Native American Language and Culture (NALC 520) instruction is appropriately determined by pueblos, tribes, and nations, and nothing in my report suggests otherwise. The questions I raised concerning NALC 520 action items concerned what resources, if any, PED would provide to support Native American faculty and educator preparation programs in developing the professional learning resources the action item contemplates—not what the certifying language for NALC holders should contain. That question remains unanswered.

Second, and more fundamentally, my report does not argue that the Action Plan must list every content standard and benchmark for every action item. It argues that action items must contain enough specificity--including with respect to costs, quality standards, delivery capacity, and implementation requirements--to allow the Legislature to determine what adequate appropriations look like, to allow districts to plan for implementation, and to allow the Court to evaluate whether constitutional violations have been remedied. The Court itself required a plan “detailed enough to provide necessary guidance to the legislature and the executive branches of government, particularly when making difficult budgetary decisions that need to survive political and economic shifts.” My report’s critique of action items that propose “national best practice standards” without defining what those standards are, who determines alignment with them, or what resources will be provided to achieve alignment is a critique grounded in the Court’s explicit requirement — not a demand that the plan enumerate content benchmarks.

The State’s position that greater specificity would make the plan “prohibitively long” and is “outside the scope of an action plan” is itself illustrative of the deficiency documented in my original report: the State has adopted a conception of action planning under which the resources needed to remedy constitutional violations, the standards against which implementation will be measured, and the funding commitments necessary to sustain implementation are all treated as appropriately omitted. The Court’s requirement of a plan sufficient to guide legislative decision-making cannot be satisfied by a document that treats specificity about costs and standards as outside its scope.

Notes on Data Sources for AIR Replication:

- The most complete demographic data available at the time of this analysis comes from the LESC annual report from January 2026. Since these data are not provided in an accessible and usable format like most states, only PED and defendants have easy access to the full data. The following procedure was followed:
 - The data from the PDF files were converted to a separate PDF, reoriented, and exported to excel using PDF Expert.
 - Since no numerical ID is provided to allow for easy merging between tables and even the naming convention varies between the tables in LESC’s PDF reports, I created a cross walk by manually matching the different naming conventions into a format that could be merged in IBM SPSS.
 - Since demographic data is masked for a small populations with a <1%, these counts cannot be determined by multiply the percentage by the total FY24 MEM. These cases were automatically converted to .5% and estimated accordingly.
- The estimates and calculations also use district and school-level demographic data and FY24 program data for these calculations.
- The AIR formula also requires data on grade level composition which for districts comes from: 2023-2024 Enrollment by District By Grade. Some charter schools are included in the FY24 demographic data and program cost data and were added from the 2023-2024 Enrollment by District By School By Grade file. These are available as spreadsheets here: <https://web.ped.nm.gov/bureaus/information-technology/stars/>

- Analyses that reference among LEAs with complete data refer to those LEAs with complete demographic, enrollment, and program cost data.

Replication of the AIR Sufficiency Formula with Updated Data

To evaluate whether current program costs meet the district-specific sufficiency targets implied by the AIR study's own methodology, the AIR formula was replicated using current demographic and enrollment data. The formula recommended by AIR takes the following form (AIR, Chapter 5, Table 5.1):

$$\text{Sufficient Per Pupil Cost} = \text{Base Per Pupil Cost} \times \text{Poverty Adjustment} \times \text{English Learner Adjustment} \times \text{Special Education Adjustment} \times \text{Mobility Adjustment} \times \text{Grade 6-8 Adjustment} \times \text{Grade 9-12 Adjustment} \times \text{Enrollment Adjustment}$$

Each adjustment factor is calculated as an index --defined as one plus the relevant proportion --raised to an exponent derived from AIR's regression analysis of the professional judgment panel specifications. The poverty adjustment applies an exponent of 0.375, the English learner adjustment 0.094, and the special education adjustment 1.723 (AIR, Table 5.1). Grade band composition adjustments are computed as one plus the share of enrollment in grades 6-8 and 9-12 respectively, raised to exponents of 0.291 and 0.608, and divided by centering constants that anchor the formula around the statewide average grade composition at the time of the study (1.063 and 1.187 for districts; 1.074 and 1.241 for charter schools). The enrollment adjustment is a nonlinear function of total enrollment that captures economies of scale, reflecting AIR's finding that "larger districts and charter schools are able to make use of relative economies of scale" (AIR, Chapter 5). Separate enrollment adjustment parameters are applied for districts and charter schools, consistent with AIR's recommendation that "charter schools cannot be treated the same way districts are in analyzing the impact of scale" (AIR, Chapter 5).

The base per pupil cost --\$5,106 for districts and \$6,907 for charter schools in 2007-08 dollars (AIR, Chapter 5) --was inflated to reflect current price levels. The inflation adjustment uses the Bureau of Labor Statistics CPI-U monthly averages to obtain fiscal year averages aligned with the 2024 FY to ensure alignment between demographic data and fiscal data. This is the same general inflation methodology reflected in the LFC comparison being evaluated but uses fiscal year averages.⁶ Matching that approach ensures that differences in findings cannot be attributed to differences in inflation assumptions.

One adjustment factor from the original AIR formula is omitted from this replication: the mobility rate adjustment. AIR specified a mobility index --defined as one plus the student mobility rate --raised to an exponent of 0.190 (AIR, Table 5.1). Mobility rate data at the district level consistent with AIR's definition were not available for the current analysis. Because mobility was a positive cost adjustment factor in the original formula --meaning districts with higher student mobility rates received higher sufficient cost estimates --its omission causes this

⁶ This matched NCES recommendations as described in Kenneth Shores & Christopher Candelaria, *Get Real! Inflation Adjustments of Educational Finance Data*, 49 **Educ. Res.** 71 (2020), <https://doi.org/10.3102/0013189X19890338>

replication to understate sufficient costs for districts with elevated mobility. All shortfall estimates presented are therefore conservative on this dimension as well.

The total sufficient program cost for each entity is computed by multiplying the sufficient per pupil cost by total enrollment, consistent with AIR's approach of aggregating school-level projections to the district level (AIR, Chapter 4). Entities whose FY2024 program cost falls below their calculated sufficient total cost are identified as underfunded. The analysis is limited to entities for which complete demographic, enrollment, and program cost data were available.