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**Prepared By:** Juliani and Hoxie

**Purpose:** To provide background information on recent findings in the science of learning.

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**Expected Outcome:** Improved understanding of the neuroscience of learning, culturally and linguistically responsive practices, and state initiatives in alignment with culturally and linguistically responsive practices.

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## Neuroscience of Learning, Culturally and Linguistically Responsive Practices, and State Initiatives

### Background

The science of learning has historically been rooted in behavioral sciences like education and psychology. However, new discoveries in the field of neuroscience have deepened understanding of the brain's adaptability and of environments and experiences aligned with how the brain learns and develops, allowing findings from physiology and chemistry to inform theories of learning. Research in neuroscience has reinforced much classic educational theory, while enhancing the ability to recognize the needs of individual students and to provide increased opportunities for all students. Advances in brain science over the past two decades have revealed the neurological mechanisms that underlie learning and generate social and emotional effects on learning, creating opportunities for educators and policy makers to apply insights from neuroscience to promote policies and practices consistent with how the human brain best learns.

Educational practices that are culturally responsive, reflect the values and norms of students and families, and affirm students' home cultures and languages align with recent neuroscience research indicating optimal brain development requires supportive social relationships and emotional experiences, in addition to cognitive resources. An emotional connection that allows students to make learning personally relevant can distinguish deep, lasting learning from a superficial assimilation of knowledge. This grounding is also likely what makes people more resilient to forces that undermine achievement, such as stereotype threat. To learn most effectively, students need reflection time, strong social relationships, and the ability to engage in work that feels relevant. If students do not feel supported or lose who they are culturally in schools, their learning and development are inhibited. A neuroscience-informed perspective can help to create effective policies that appropriately support students' social-emotional contexts for learning, such as culturally and linguistically responsive education.

Stereotype threat is a situation in which people are or feel to be at-risk of conforming to stereotypes about their social group. It has been found to be a contributing factor to long-standing racial and gender gaps in academic performance.

### The Science of Learning and Developments in Brain Science

Cognitive science, or neuroscience research has provided deeper insights into the process of learning, increasing the understanding of the neurological processes that take place in the brain during learning. Learning begins when a person's brain, through sensory input, processes information, which is then processed to the different sensory lobes at the back of the brain and finally to the expressive center of

the frontal lobes where it is organized in neural pathways. A person's unique neurological design is made up of brain hemispheres along with their expressive-receptive, rational-emotional, and sensory-intelligence preferences. All lobes in both hemispheres should be involved in processing for maximum comprehension and retention.

Research has shown the human brain develops differently depending on a number of factors, including age, predispositions, experiences, and environments. When the social, emotional, cognitive, and physical dimensions of a person's world are enhanced, brain development is facilitated and learning enabled. Conversely, when these dimensions are not adequately nourished, brain development and subsequently learning suffers. Moreover, targeted, age-appropriate interventions and supports have been found to enable brain development and improve neural and cognitive functioning.

***Understanding the Brain: From Fixed to Malleable*** The concept that learning produces physical changes in the brain represents a new way of thinking about both learning and neuroscience. Previous models treated the brain as more fixed with the wiring for learning already in place. Early brain science in late 20<sup>th</sup> century treated regions of the brain as isolated not only from each other but from any social, cultural, or emotional contexts. In the last few decades, however, researchers have rejected this idea in recognition of a more malleable brain that changes its own wiring and is continuously being molded and reshaped largely in response to its environment and a person's social-emotional experiences.

***Environmental Factors Shape Brain Development*** The degree to which the regions of the brain, apparent at birth, grow and strengthen over time is based on the way the brain is used, as well as how it is impacted by one's environment, opportunities, and relationships, which influences neural activity both within and between the brain's connectivity networks. The three major brain networks regulate and support mental capacities contributing to a person's social, emotional, and cognitive functioning. The quality of one's environment, relationships, and access to resources impact the ability of these networks to function properly. Recent research has shown the network that regulates social-emotional aspects of memory, future-oriented thinking, and conceptual understanding deactivates during times of task-oriented focus, making it neurologically impossible to simultaneously devote full attention to completing current tasks while also reflecting on their broader meaning.

***Emotions Impact Brain Development*** In the new field of social-affective neuroscience, research on the cognitive and neural mechanisms governing social and emotional learning has found an intertwined relationship between emotion and cognition. Emotional well-being boosts overall health, brain development, and learning, while excessive stress, including from threats to emotional safety and threats of belonging, affects neural functioning, inhibiting brain development and impeding working memory. Identity- or race-related stress, or the psychological distress associated with experiences

Executive Control Network of the Brain facilitates attention, allowing people to hold information in mind, shift strategies as necessary, and complete goal-directed tasks. It is important for regulating emotions, maintaining goals and focus, and controlling impulses.

Default Mode Network of the Brain is employed during tasks that involve internally directed, interpretive, and reflective thought. It is important for conceptual understanding, reading comprehension, creativity, social emotions like admiration and compassion, and identity development.

Saliency Network of the Brain weighs emotional relevance and perceived urgency of information to facilitate switching between mindsets supported by the task-oriented executive control network and those supported by the inwardly focused, meaning-oriented default mode network.



of discrimination, negatively impacts a person’s cognitive performance and may lead to premature aging of the brain and body.

Research in neuropsychology shows learning and memory systems are developed based on instincts of arousal, stress, and fear. Neural plasticity tends to shut down during times of extreme anxiety, inhibiting learning, memory, and the management of emotions. Stressors that cause learners to "misbehave" or "lack motivation," resulting in decreased learning and emotional self-management, include boredom (from having already mastered the information) and frustration from repeated failure to achieve a goal. Moreover, these stressors, when recurrent, can change the brain's neural networks and promote a "fixed mindset" with decreased effort and motivation. The field of social-affective neuroscience, viewing the brain as a social organ, has found that the way we feel directly influences our brain and its development.

## Applying the Neuroscience of Learning in the Classroom

Research in the field of neuroscience presents opportunities to design school curriculum, instruction, and assessment in ways that reflect current understanding of the neuroscience of learning. Over the past 20 years, neuroimaging and brain mapping research has demonstrated that learning optimally takes place when classroom experiences are relevant to students' interests. The relationship of neural networks to knowledge and learning has indicated the existing networks of neurons in a learner’s brain represent the physical form of prior knowledge. An emphasis on activating prior knowledge, or building on student’s preexisting knowledge, reflects a biological basis that confirms its meaning and significance to the classroom. This lens of neuroscience represents the teacher’s role as helping to expand and strengthen those networks.

Respect for and acknowledgement of tribal sovereignty should be a component of culturally and linguistically responsive practices.

This is becoming increasingly apparent as school districts and charter schools located on sovereign tribal land update school reopening plans. Holding teachers to culturally and linguistically responsive practices are more effective when such practices are infused at a school district or charter school level.

### Culturally and Linguistically Responsive Practices and Neuroscience.

Studies viewing the brain as a social organ of adaptation, a skill critical to cognitive development, have indicated the critical roles that secure attachment and supportive relationships play in healthy psychological development and the building of social brain networks. By ensuring students feel respected and capable, teachers can foster a community of learning that promotes growth and development within the student’s brain that enhances the brain’s flexibility and willingness to grow and develop. The brain’s ability to grow and learn best within healthy social contexts provides neurological backing to what leaders in culturally and linguistically responsive pedagogy have argued for decades. Academic learning is not separate from one’s emotional or cultural understanding of the world. To develop the critical thinking skills students need to be successful in the future, policies must support student investment in their own learning by honoring their cultural and emotional ways of being.

One prominent definition of culturally and linguistically responsive teaching in relation to neuroscience is “the process of using familiar cultural information and processes to scaffold learning.” From a social-affective neuroscience standpoint, culture is the major way that every brain constructs an understanding of the world.

The brain uses cultural information, ways of operating, and experiences to make sense of new information. This is why culturally and linguistically responsive practitioners and neuroscientists alike see learning as a meaning making process and argue that optimal student engagement in this process only occurs when students are emotionally or culturally connected to the learning.

### **Implementing Culturally and Linguistically Responsive Practices.**

The goal of a strong education is to cultivate cognitive development and foster self-directed learners. Culturally and linguistically responsive practitioners contend that when students are validated and affirmed in their identities, independent learning is fostered. After decades of research on culturally and linguistically responsive practices, there is no commonly-accepted set of pedagogical strategies that constitute a culturally and linguistically responsive classroom environment. However, due in part to the work of culturally responsive practitioners, including [Dr. Sharroky Hollie](#), who works with school districts across New Mexico, and [Zaretta Hammond](#), a leader in the application of neuroscience and culturally and linguistically responsive pedagogy, a few key mindsets and pedagogical practices consistently emerge, including the following:

- Acknowledging that all students have a culture and culturally and linguistically responsive teaching practices positively influence all student's ability to build neurological connections;
- Cultivating awareness of one's own identity, cultural frames of reference, [implicit biases](#), and the ability to reflect on teacher actions in relation to these factors;
- Imploring a strength based approach to teaching by viewing students through a [cultural wealth model](#) and building on the culture children bring to school;
- Building strong relationships, by maintaining high academic expectations, seeing the student as a partner and viewing a teacher's responsibility as supporting students to cultivate a positive mindset and greater ownership for their learning;
- Creating an environment that ensures student's voices are a focus of the classroom and uses principles of restorative justice to manage conflict and redirect negative behavior; and
- Connecting new content to student's lives and providing multiple opportunities for students to meaningfully interact with one another.

Components of these practices are built into the observation tool used in New Mexico's teacher evaluation system. This includes [Domain 1](#), which measures whether innovating teachers demonstrate extensive knowledge of student's background and culture, and [Domain 3](#), where innovating teachers seize learning opportunities to build on student's interests. Public Education Department (PED) approved teacher preparation programs should consider building their curriculum to train teachers in culturally and linguistically responsive practices.

Restorative justice is a theory that emphasizes resolutions to repair harm caused rather than punishment for bad behavior. Chicago Public Schools recently implemented these practices city wide and created a [toolkit](#) for school leaders.

## Culturally and Linguistically Responsive Practices Across New Mexico

As part of an effort to deliver all New Mexico students a sufficient public education and in response to the *Martinez-Yazzie* court order, both the Legislature and PED took steps to support students most at-risk of falling academically behind. Starting in October of 2019, PED began to pursue a four-part strategy, including requiring school districts and charter schools to create equity councils and implement a culturally and linguistically responsive framework. The Legislature provided targeted funding for bilingual and multicultural programs to implement culturally and linguistically responsive instruction for Native American students and English learners. Additionally, the Legislature allocated funds to support professional development to train teachers in culturally and linguistically responsive practices. These strategies align with educational research noting that optimal learning is emotionally relevant and meaningful for students.

### Culturally and Linguistically Responsive Framework.

The *Martinez-Yazzie* attorneys developed a platform focused on implementing a statewide bilingual multicultural education framework. The court did not indicate improvement was needed for current laws, only that PED was not fully monitoring school districts and charter schools in the implementation of existing laws. In response, PED is now requiring all school districts and charter school to implement a culturally and linguistically responsive framework. This required framework will be used to guide the allocation of school district and charter school resources, including professional development, staffing, curriculum development, and the creation of assessments. PED provided school districts and charter schools with a [culturally and linguistically responsive guidance book](#) to inform the process, policies, programs, systems, and instructional strategies as school districts and charter schools work to implement culturally and linguistically responsive practices. School districts and charter schools were required to complete a culturally and linguistically responsive inventory to determine focus areas. **See Attachment 1, Culturally and Linguistically Responsive Framework Inventory.**

### Equity Councils.

The *Martinez-Yazzie* consolidated lawsuit challenged the state's failure to provide students a sufficient education, especially low-income and Native American students, English learners, and students with a disability. The court's order in *Martinez-Yazzie* held that PED has failed to meet its oversight functions to ensure all students are receiving the programs and services they need. Based on conversations with PED, one primary purpose of equity councils is providing local control to address local equity issues as defined by the community. While Judge Singleton's order ruled that the state had failed to comply with state and federal laws regarding the education of Native American students and English learners, resulting in an inadequate education system for New Mexico's students, she did not prescribe any solutions. Similarly, by granting school districts and charter schools control over equity councils, PED is taking the approach of identifying a problem and requiring that issues of equity be addressed by local leaders. PED notes equity councils support the establishment of a culturally and linguistically responsive framework at the local level. Equity councils work in an advisory capacity at a district level and report to school districts' and charter schools'

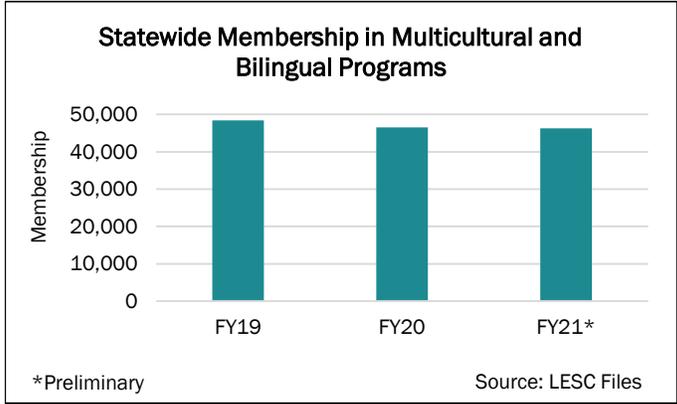
boards or governing bodies. Each school district or charter school is selecting members to serve on their equity councils and the responsibility for implementing recommendations made by an equity council falls on school district and charter school administrative leadership. PED notes equity council implementation challenges fall into four categories:

- Onboarding new equity board members including equity focused data and family engagement;
- Learning around culturally and linguistically responsive practices, including the facilitation of conversations around culture, race, and power dynamics;
- Funding efforts and how decisions by equity councils should be determined; and
- Developing facilitation skills to foster culturally and linguistically responsive practices.

PED notes school districts and charter schools are supported to address these challenges through regional trainings and individual assistance. Additionally, PED provides guidance on developing and supporting equity councils, including resources from national equity-focused organizations, including Teacher Tolerance, National Equity Project, and Rethinking Schools. **See Attachment 2.**

**Bilingual and Multicultural Education Programs.**

Multicultural education is a broad context that requires the inclusion of race, culture, ethnicity, and language diversity in all aspects of education to help close the



achievement gap. National studies show bilingual and multicultural education programs are beneficial for all students, regardless of a student’s home language. Bilingual and multicultural education programs represent a strategy to implement culturally and linguistically responsive instruction for Native American students and English learners, programs the court found in *Martinez-Yazzie* to be inadequate. Increasing access to high-quality bilingual and multicultural education programs could help the state meet the cultural and linguistic needs of Native American students and English learners to narrow the achievement gap that has widened since FY15.

Plaintiffs in the *Martinez-Yazzie* lawsuit asked for additional students to be funded to participate in bilingual and multicultural programs. For FY20, the Legislature appropriated an additional \$7 million to the public schools funding formula to expand access to bilingual and multicultural education programs. However, fewer students were actually funded to participate in programs in both FY20 and FY21, raising questions about school districts’ and charter schools’ commitment to implementing strategies to help Native American students and English learners.

## **Professional Development to Support Culturally and Linguistically Diverse Student Populations.**

Since the *Martinez-Yazzie* ruling, multiple pieces of legislation attempted to address students' cultural and linguistic needs. Laws 2019, Chapter 200 enacted Section 22-2b-23.7 NMSA 1978, giving regional education cooperatives the opportunity to make a joint funding request to PED to provide professional development to teachers and other school staff in culturally and linguistically responsive instruction. The intent of the law is to provide professional development for rural school districts and charter schools because the school districts and charter schools may not have the capacity to train their teachers to serve diverse student populations. The law mandates that culturally and linguistically responsive professional development focuses on:

- Research-based bilingual multicultural education and language revitalization programs and implications for instruction;
- Best practices in teaching English as a second language, English language development, and language revitalization programs; and
- Classroom assessment that support academic and language development.



**Culturally and Linguistically Responsive Framework Inventory**

Instructions: *District, school, and charter school CLR Team members should complete this inventory individually and/or collectively in order to determine which CLR framework components may need more focus and/or intentionality.*

The Culturally and Linguistically Responsive Framework Inventory will be submitted in SharePoint *along with* the Visual Representation and Description of the CLR Framework.

The NMPED Vision: Students in New Mexico are engaged in a culturally and linguistically responsive educational system that meets the social, emotional, and academic needs of ALL students.			
The NMPED defines CLR as validating and affirming an individual’s home culture and language to create connections with other cultures and languages in various social contexts.			
<b>The Culturally and Linguistically Responsive Framework Inventory</b>	We have a well-informed answer to this question for use to enhance or build upon our current CLR framework.	We have begun to research / collect information to answer this question.	We are in the beginning stages of exploring this question.
<b>STAGE 0: <i>Who are our underserved student populations and their families and communities? What desired outcomes do these families and communities have for their child’s education?</i></b>			
Task 0A: Personal Perspective/Bias Analysis – Are we (individually and collectively) are approaching the work of CLR with a commitment to truth, racial healing, and transformation (TRHT) <sup>1</sup> ?			
Task 0B: Do we know who our underserved student populations and their families and communities are?			
Task 0C: What does a day/week/month/year in the life of our underserved student populations look like?			
Task 0D: Centering CLR - What does it look like to center CLR in our district, school or charter school within the historical and current state of institutional power?			
Task 0E: Student/Family/Community Landscape Analysis - What do our underserved student populations and their families desire in terms of outcomes for students?			
Task 0F: Data - What does our data say about the holistic health, identity development, college and career readiness of our underserved student populations compared to what these students and their families hope for their educational outcomes?			

<sup>1</sup> TRHT seeks to unearth and jettison the deeply held, and often unconscious, beliefs created by racism – the main one being the belief in a “hierarchy of human value.” From the Kellogg Foundation’s “Heal Our Communities” project: <https://healourcommunities.org/>

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<b>The Culturally and Linguistically Responsive Framework Inventory</b>	We have a well-informed answer to this question for use to enhance or build upon our current CLR framework.	We have begun to research / collect information to answer this question.	We are in the beginning stages of exploring this question.
Task 0G: Inequitable Systems - What are the historical inequities our underserved student populations and communities faced in the recent history of schooling in our district, school, or charter school?			
Task 0H: Strengths - What strengths do our underserved student populations bring to our district, school, or charter school?			
Task 0I: Desired Outcomes Analysis - How is our district, school, or charter school currently meeting, or not meeting, the desired outcomes for holistic health, identity development, and college and career readiness of our underserved student populations through our teaching and learning systems?			
<b>STAGE OF LEARNING AND ESSENTIAL QUESTION</b>			
<b>STAGE 1 - <i>What are the student, family, community, and/or tribal desired outcomes for our underserved student populations?</i></b>			
Task 1A: How does our mission contribute to the holistic health, identity development, college and career readiness, and educational outcomes of our underserved student populations?			
Task 1B: How is our mission validating and affirming the culture and language of our underserved students and communities?			
Task 1C: Do we have mission/vision-driven outcomes for our underserved student populations and all students to become holistically healthy, secure in their identity, and grounded in their community values?			
Task 1D: What are our district, school, charter school’s measurable outcomes for our identified underserved populations in four, three, two, and a year’s time?			
<b>STAGE OF LEARNING AND ESSENTIAL QUESTION</b>			
<b>STAGE 2: <i>What evidence do we need to determine our success toward our mission?</i></b>			

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The NMPED defines CLR as validating and affirming an individual’s home culture and language to create connections with other cultures and languages in various social contexts.

<p><b>The Culturally and Linguistically Responsive Framework Inventory</b></p>	<p>We have a well-informed answer to this question for use to enhance or build upon our current CLR framework.</p>	<p>We have begun to research / collect information to answer this question.</p>	<p>We are in the beginning stages of exploring this question.</p>
<p>Task 2A: Mission/Vision Indicators of Evidence: What internal evidence will we use to measure success towards our mission that includes holistic health, identity development, and educational outcomes for our underserved student populations?</p>			
<p>Task 2B: Academic Indicators: What external evidence will we use as evidence of college and/or career success toward our mission as it pertains to underserved student populations?</p>			
<p><b>STAGE OF LEARNING AND ESSENTIAL QUESTION</b></p> <p><b>Stage 3 - What plan (timeline, calendar, professional development, and communication) will result in incremental progress toward our desired outcomes for our underserved student populations?</b></p>			
<p><b>Academics</b></p>			
<p>Task 3A: Our CLR framework for our underserved student populations include considerations for holistic wellness, identity development, and college and/or career readiness.</p>			
<p>Task 3B: We have a curriculum adoption/adaptation plan to reflect the cultures and languages of our underserved student populations.</p>			
<p>Task 3C: We have a plan for instructional delivery for our underserved student populations.</p>			
<p>Task 3D: We have a school calendar, weekly schedule of classes, courses offered for our underserved student populations.</p>			
<p>Task 3E: We have a professional development plan for principals, school leaders, teachers, and staff that is focused on our underserved student populations.</p>			
<p>Task 3F: We have specific time allotted for the district, school, or charter school CLR team development and planning.</p>			

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The NMPED defines CLR as validating and affirming an individual’s home culture and language to create connections with other cultures and languages in various social contexts.

<p><b>The Culturally and Linguistically Responsive Framework Inventory</b></p>	<p>We have a well-informed answer to this question for use to enhance or build upon our current CLR framework.</p>	<p>We have begun to research / collect information to answer this question.</p>	<p>We are in the beginning stages of exploring this question.</p>
<p><b>Finance</b></p>			
<p>Task 3G: We have a plan to ensure the use of a lens of equity in our resource allocation.</p>			
<p>Task 3H: What adjustments need to be made to our resource allocation for our underserved student populations?</p>			
<p><b>STAGE OF LEARNING AND ESSENTIAL QUESTION</b></p>			
<p><b>Stage 4 - How will we ensure consistent attention to the needs of our underserved students and communities after the initial phases of analysis and implementation?</b></p>			
<p>Task 4A: Which components of the CLR Framework are not currently supported by the district/charter school policies?</p>			
<p>Task 4B: Which annual planning documents will we use to guide our existing efforts at improvement (i.e. the 90-Day Plan)?</p>			
<p>Task 4C: CLR Teams - How often will the CLR Team meet during the school year?</p>			
<p>Task 4C: CLR Teams: How will the desired results for underserved student populations be communicated to district, school, and charter school leadership?</p>			



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MICHELLE LUJAN GRISHAM  
GOVERNOR

October 22, 2019

Via Email and First-Class Mail

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

Dear Colleagues:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Culturally and Linguistically Responsive Framework

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

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

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

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

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

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

### Support and Accountability

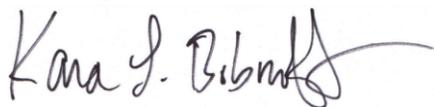
The NMPED will continue to monitor various programs and outcomes for each school, district, and charter school. The Court's order called for increased oversight by the Department. To that end, the NMPED will provide support to districts and charter schools and will implement the New Mexico Spotlight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

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

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

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

Sincerely,



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

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