

New Mexico State Advisory Committee of the U. S. Commission on Civil Rights

U.S. Commission on Civil Rights  
1331 Pennsylvania Ave., NW, Suite 1150  
Washington, DC 20425

January 17, 2023

Dear New Mexico State Advisory Committee,

The National Association of Scholars (NAS) and the Civics Alliance work to ensure that every state has academic standards that promote first-rate education and protect school children from political indoctrination. We promote reform of content standards in every state, along the lines modeled by the Civics Alliance's *American Birthright: The Civics Alliance's Model K-12 Social Studies Standards*,<sup>1</sup> and we have been asked by New Mexico citizens to comment on the New Mexico Public Education Department's (NMPED) *New Mexico Social Studies Standards*.<sup>2</sup>

We generally call for states to revise their social studies standards to align with the principles and the content suggested in our model *American Birthright*. We confine ourselves here, however, to addressing directly the remits of the New Mexico State Advisory Committee's Project Proposal on *Educational Adequacy & Disparities for Native American Students*.<sup>3</sup> Our comments, of course, are informed by the larger vision articulated in *American Birthright*.

The Committee has been charged in the Project Proposal with multiple remits, which may be in some tension with one another. One remit is to judge how the NMPED should implement its

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<sup>1</sup> *American Birthright: The Civics Alliance's Model K-12 Social Studies Standards*, Civics Alliance, <https://civicsalliance.org/american-birthright/>.

<sup>2</sup> *New Mexico Social Studies Standards* (February 2022), New Mexico Public Education Department, <https://webnew.ped.state.nm.us/wp-content/uploads/2022/02/NM-Standards-508.pdf>.

<sup>3</sup> A Project Proposal of the New Mexico Advisory Committee to the United States Commission on Civil Rights, *Educational Adequacy & Disparities for Native American Students*, June 2022.

*Standards*, in response to *Yazzie/Martinez v. State of New Mexico* (2018).<sup>4</sup> Another remit is to assess whether NMPED has responded properly to *Yazzie/Martinez*, and whether its *Standards* comport with its prior constitutional obligation to provide an adequate, uniform, and sufficient social studies education to all New Mexico students.<sup>5</sup> If the answer to the second question is *No*, *NMPED has not responded properly*, we believe that the Committee should recommend that NMPED revise its *Standards* rather than assist it in implementing a fundamentally misconceived framework.

We shall focus our comment on assessing whether NMPED has responded properly to *Yazzie/Martinez* and to its existing statutes concerning Bilingual Multicultural Education, Hispanic Education, and Indian Education, and whether its *Standards* comport with its prior obligations to provide a sufficient social studies education to all New Mexico students. We believe that the answer indeed is *No*, and that the Committee indeed should recommend that NMPED revise its *Standards* to ensure that they provide an adequate, uniform, and sufficient social studies education to all New Mexico students.

### **Unauthorized Radical Pedagogy**

New Mexico’s Bilingual Multicultural Education Act, Hispanic Education Act, and Indian Education Act, as well as *Yazzie/Martinez*, generally prescribe “culturally competent” education, or phrases of similar import.<sup>6</sup> The Bilingual Multicultural Act adds that education should “emphasize the history and cultures associated with the students’ home or heritage language”. These acts and decisions, however, nowhere define “cultural competence.”

NMPED’s *Standards* has gone far beyond statutory and judicial requirements. The *Standards* effectively define “cultural competence” as “Culturally and linguistically responsive teaching and learning,” which adds the stipulation that it include “Recognize and redress bias in the system.”<sup>7</sup> The *Standards*’ “guiding principles” include *power, class conflict, social justice, equity and diversity, and the study of the relationship between power and oppression*. It uses the polemical and stigmatizing word *Eurocentric*, and it silently deletes from its list of guiding principles any

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<sup>4</sup> *Yazzie/Martinez v. State of New Mexico* (2018), <https://webnew.ped.state.nm.us/wp-content/uploads/2019/08/Yazzie-Martinez-Court’s-Findings-of-Fact-and-Conclusions-of-Law-2018-12-20.pdf>.

<sup>5</sup> “A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained.” New Mexico Constitution Art. XII, § 1, <https://codes.findlaw.com/nm/new-mexico-constitution/nm-const-art-xii-sect-1.html>.

<sup>6</sup> Bilingual Multicultural Education Act, <https://webnew.ped.state.nm.us/wp-content/uploads/2017/12/Article23-BilingualEducationLaw.pdf>; Hispanic Education Act, <https://webnew.ped.state.nm.us/wp-content/uploads/2022/05/Hispanic-Education-Act.pdf>; Indian Education Act, <https://webnew.ped.state.nm.us/wp-content/uploads/2019/03/NM-Indian-Education-Act.pdf>. For similar language, also see NMSA 1978, § 22-23A-2 [Indian Education Act. Purpose of Act].

<sup>7</sup> *New Mexico Social Studies Standards*, p. 102.

desire to instruct its students in the common history, culture, and ideals of America or New Mexico.<sup>8</sup> Such principles result in individual standard items such as:

9-12.WH.34. Analyze the complex relationship between dominant cultures and minority groups throughout world history, including but not limited to constructions of race, ethnicity, gender, sexual orientation, differently abled, nationality, class, religion, reactions, and long-term effects of oppression.”<sup>9</sup>

“9-12.ECI.21. Investigate how identity groups and society address systemic inequity and transformational change through individual actions, individual champions, social movements, and local community, national, and global advocacy.”<sup>10</sup>

These guiding principles, and such individual items, register the impress of the ideologies sometimes denominated as Critical Race Theory and action civics, but which generally bear the impress of radical “social justice” ideology. These principles and items actively degrade social studies instruction, to the point where it is educationally insufficient. What we wish to emphasize here, however, is that “culturally competent” implies none of these concepts. NMPED spuriously justifies these changes by reference to statute and *Yazzie/Martinez*.<sup>11</sup> These principles, and all aspects of the *Standards* that derive from them, should be judged on their own merits.

### **Educational Adequacy**

The Committee has been charged “to evaluate the extent to which public education in New Mexico is adequate, uniform, and sufficient.”<sup>12</sup> *Adequacy, uniformity, and sufficiency* should include a content-rich social studies standards and curriculum. We know that some educators argue that schools should limit content instruction because so-called “disadvantaged” or “at-risk” students (which these educators have variously defined as minorities, immigrants, women, or the poor) cannot master substantial course content. These educators denigrate the abilities and potential of the children they claim to champion, and they do so even though a large body of education research has shown their arguments are misguided. A considerable professional literature points out that disadvantaged or at-risk children need intensive content instruction the most.<sup>13</sup> Better-off students receive large amounts of content knowledge from their families and peers, but disadvantaged or at-risk students must receive this content in school if they are to receive it at all. When disadvantaged or at-risk students do receive this intensive content instruction, they learn eagerly

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<sup>8</sup> *New Mexico Social Studies Standards*, p. 8.

<sup>9</sup> *New Mexico Social Studies Standards*, p. 99.

<sup>10</sup> *New Mexico Social Studies Standards*, p. 100.

<sup>11</sup> *Comprehensive Strategic Plan 2022*, New Mexico Public Education Department, pp. 25-26.

<sup>12</sup> Project Proposal, p. 1.

<sup>13</sup> E.g., Thomas Sowell’s *Black Education: Myths and Tragedies* (1972); E. D. Hirsch’s *The Schools We Need and Why We Don’t Have Them* (1996); Annette Lareau’s *Unequal Childhoods: Class, Race, and Family Life* (2003); and Abigail and Stephen Thernstrom’s *No Excuses: Closing the Racial Gap in Learning* (2004).

and well.<sup>14</sup> We believe that NMPED should incorporate the ideal of content-rich social studies instruction into its *Standards*.

This content-rich social studies standard should provide *all* New Mexico students an education into the shared ideals, history, and culture of America, and its roots in the ancient Mediterranean, medieval Europe, and early modern England and Spain. NMPED *also* should respond to the requirements of its statutes and *Yazzie/Martinez*, but these multiple principles can be executed in a complementary fashion. South Dakota’s draft *Social Studies Standards*,<sup>15</sup> for example, voluntarily and without imposition by a court order integrate a content-rich social studies curriculum that teaches the common Western and American history of our country and also provides extensive coverage of the Native American history of South Dakota in particular and the United States in general. The Committee particularly should note these comments:

Joe Circle Bear, a member of the Cheyenne River Sioux Tribe and the Social Studies Content Standards Commission, said the new proposal features better representation of his heritage.

“I am glad that Native American heritage and culture will be well represented in these standards,” Circle Bear said. ...

“I am very proud of the work we as a committee have put into the new Social Studies Standards,” added Stephanie Hiatt, a member of the Seminole Tribe of Florida who holds a doctorate in education.<sup>16</sup>

No individual or group of New Mexico students should be unequally deprived of instruction in the shared ideals, history, and culture of America.

### **Recommendations**

NMPED, of its own accord, has imposed *Standards* suffused with radical ideology that will actively harm the education of New Mexico students, and reduces it beneath the level of adequacy. Its principles and its practice, moreover, will unequally deprive groups of New Mexico students in instruction in the shared ideals, history, and culture of America, which are necessary to provide New Mexico students an adequate, uniform, and sufficient education. We recommend that the Committee advise NMPED that its *Standards* have not responded properly to its statutory and judicial mandates.

We urge the Committee to make these further specific recommendations to NMPED, to guide it in the social studies standards revision process:

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<sup>14</sup> *American Birthright*, p. 29.

<sup>15</sup> *South Dakota Social Studies Standards* (Proposed 8/15/22), <https://doe.sd.gov/ContentStandards/documents/SS-Proposed.pdf>.

<sup>16</sup> Hunter Dunteman and Cassie Williams, “‘More inclusive:’ After public outcry, new social studies curriculum proposal re-ups Indigenous references,” *Mitchell Republic*, <https://www.mitchellrepublic.com/education/more-inclusive-after-public-outcry-new-social-studies-curriculum-proposal-re-ups-indigenous-references>.


- NMPED should define “cultural competence” for its social studies standards explicitly to exclude guiding principles and key words such as *Eurocentrism, power, class conflict, social justice, informed action* (which euphemizes action civics), *equity and diversity*, and *the relationship between power and oppression*.
- NMPED should establish a guiding principle of content-rich social studies instruction in the shared ideals, history, and culture of America and New Mexico, rooted in the ancient Mediterranean, medieval Europe, early modern England and Spain, and the tribal history and cultures of New Mexico.
- NMPED should establish a guiding principle that no individual or group of New Mexico students should be unequally deprived of instruction in the shared ideals, history, and culture of America and New Mexico, rooted in the ancient Mediterranean, medieval Europe, early modern England and Spain, and the tribal history and cultures of New Mexico.
- NMPED should examine South Dakota’s draft social studies standards, and seek the advice of members of its drafting committee, for how to draft a social studies standard teaches the common history of our country and also provides extensive coverage of the Native American history of New Mexico and the United States.

We believe that the Committee will greatly improve the education of all of New Mexico’s students, and help the state of New Mexico to fulfill its constitutional requirement to provide an adequate, uniform, and sufficient education, if it conveys these recommendations to NMPED.

Respectfully yours,



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