

The 1st Judicial District Court held a hearing on April 29, 2025 regarding a [motion](#) of noncompliance and request for a remedial action plan filed in September 2024 by plaintiffs in the *Martinez-Yazzie* consolidated education sufficiency lawsuit. The motion argued the state has not addressed educational deficiencies for at-risk students and requested the court to order the creation of a comprehensive remedial action plan. Specifically, the motion called for Legislative Education Study Committee (LESC) staff to lead the planning process.

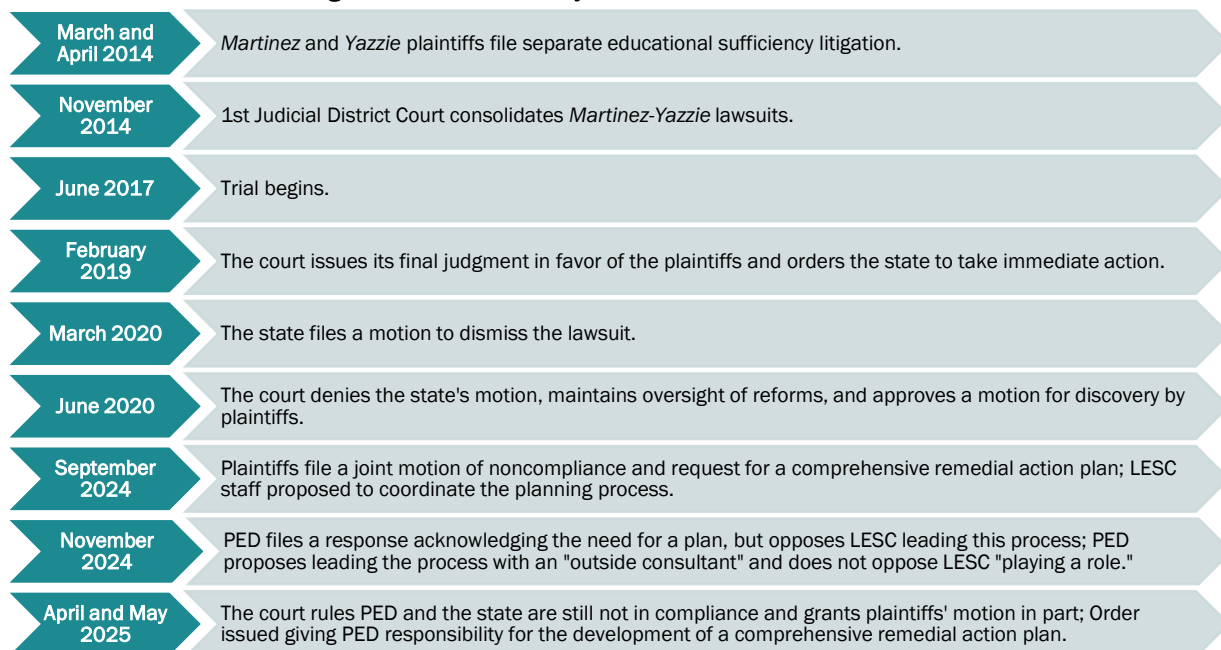
At the April 2025 hearing, this motion was granted in part. The court agreed with the need for a comprehensive remedial action plan but disagreed that LESC should lead this process. Instead, the court ruled that the Public Education Department (PED) is the appropriate body to lead development of a plan. The court found the State of New Mexico and PED remain out of compliance with prior court orders from 2018 and 2019 and continue to violate the constitutional rights of at-risk students to a sufficient and uniform education.

As a remedy, the court ordered PED to lead the development of a plan with specified deadlines for progress and finalization. The court declined to impose a requirement that LESC lead this process, ruling LESC is not a party to the case and is outside the court's jurisdiction. The order invites LESC staff to assist PED in this process, however, contingent on agreement to do so.

Key Takeaways

- Plaintiffs in the *Martinez-Yazzie* education sufficiency lawsuit filed a joint motion of noncompliance and request for a remedial action plan in September 2024; the motion called for LESC staff to lead the process of developing a plan (*Page 2*).
- PED filed a response agreeing with the need for a plan but disagreeing with LESC leading (*Page 3*).
- The court granted the motion in part, asserting PED is the appropriate body to develop a plan (*Page 3*).
- The order invites LESC to participate in this process (*Page 4*).

Figure 1: Timeline of Key *Martinez-Yazzie* Lawsuit Events



Source: LESC Files; LFC Files

September 2024 Plaintiffs' Motion

The September 2024 motion by plaintiffs was dedicated to examples of how, in the plaintiffs' view, the state—namely PED—has failed to meet court mandates to date. It cited the court's findings in its original 2018 order and describes a perceived lack of progress toward improvement. The motion cited high rates of turnover in leadership at PED, continued poor outcomes for at-risk students, and defendants' refusal to work collaboratively on a comprehensive remedial action plan, thereby calling for LESC staff to lead the planning process.

The plaintiffs further argued that because PED has not adopted a comprehensive remedial action plan, or made measurable progress in implementing the court's orders, a "comprehensive remedial plan, developed through a collaborative approach to planning, is necessary to address defendants' constitutional obligations and redress their ongoing failure to achieve compliance with the court's orders." The motion cites the court's earlier recognition that if "no consensus is achieved and the constitutional mandate is not met, the court will apply appropriate remedies." Specifically, the motion stated:

"Creating this comprehensive plan requires the coordinated effort among educational leaders, State and Tribal government officials, education experts and advocates, and other participants in the State's educational system, and of course, the PED."

In its motion, plaintiffs laid out an expectation for widespread collaboration on a comprehensive remedial action plan and outlined components expected in such a plan.

Summary of Plan Components Requested by Plaintiffs

1. A multicultural and multilingual framework must be created with which districts and schools provide a culturally and linguistically responsive education that supports the assets of at-risk students.
2. 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.
3. A system of curriculum, instructional programs, and assessment from preschool through secondary school must be created that is culturally and linguistically responsive.
4. A system must be created of training, recruitment, placement, evaluation, and retention of a sufficient number of high-quality teachers, administrators, and support professionals who are well-prepared and adequately supported.
5. A system of technology must be created that provides all at-risk students and their teachers access to broadband services and a dedicated digital device both in school and at home.
6. An adequately staffed system must be created of culturally and linguistically responsive and high-quality student and family support services.
7. An equitable finance system must be created that provides sufficient, recurring and predictable funding to school districts and tribal communities that prioritizes and targets the needs of at-risk students.
8. An accountability and enforcement system that tracks local district expenditure of state and federal funds must be created to ensure these funds are spend in schools on at-risk students.
9. The PED must fill all vacancies and increase its current capacity with high quality, culturally competent staff.

Proposed LESC Involvement. The motion also argued "the LESC staff is the appropriate body because it is essential that the Legislature be involved in the development of a comprehensive plan." While LESC—and the Legislature as a whole—have worked to address the court's findings through funding and programs, and LESC staff has presented a [Roadmap](#) to improving New Mexico's education system, LESC members and staff have not played a formal role in developing a comprehensive state plan.

November 2024 PED Response

On November 21, 2024, PED filed a response to the *Martinez-Yazzie* plaintiffs' motion of noncompliance and request for a remedial action plan, stating while PED is "not resisting Plaintiffs' interest in working with Defendants to develop a plan towards compliance," it does "oppose Plaintiffs' request in their motion that this plan be mainly authored by the Legislative Education Study Committee."

PED's response noted the department acknowledges its primary role in New Mexico's education system, and while the department "cannot accomplish this task alone, PED and its professionals are in the best position to take the lead in developing a remedial action plan." The response stated, "PED is respectful of the expertise and insight of the LESC and would not oppose the LESC playing a role in development of a plan."

However, the response argued plaintiffs are conflating LESC with the Legislature, and that LESC does not speak for the Legislature any more than PED does. Since the Legislature does not always adopt LESC's recommendation, the response claimed "that PED has been unable to fully resolve the Court's findings would be equally true of LESC."

PED did not, however, object to working with LESC to identify an outside consultant who would help the department to develop a remedial action plan. The plaintiffs' motion outlined the various expectations of LESC and its staff in coordinating the development of a plan. PED's response suggested replacing LESC staff with an outside consultant to fulfill those roles and shifting LESC's role to a voluntary and advisory capacity.

May 2025 Order

The order requiring a remedial action plan issued by the court in May 2025 is brief and places the responsibility for a plan clearly with PED while also granting plaintiffs' motion for a comprehensive plan. In its order, the court agreed with PED's position opposing plaintiffs' request to place LESC in charge of coordinating a planning process, arguing that such a move would inappropriately shift executive responsibilities to the legislative branch.

Further, the court cited concerns about separation of powers and asserted that LESC, as a legislative entity, was not subject to the court's authority. PED asserted it had made good-faith efforts to comply with the court's orders and maintained that any collaboration with LESC should remain advisory and voluntary. In upholding this view, the court ruled that while LESC staff may assist, the court has no jurisdiction to require their involvement.

The court gave PED a strict timeline for creating a comprehensive remedial action plan:

- By **July 1, 2025**: PED must select an outside expert consultant (with help from LESC staff, if they agree) and submit a status report.
- By **October 1, 2025**: PED must produce a draft remedial plan, incorporating input from plaintiffs and stakeholders, and file a status report.
- By **November 3, 2025**: PED must finalize the comprehensive remedial plan and file another status report.
- By **December 1, 2025**: Plaintiffs may file objections; a response-reply cycle will follow. A hearing may be set if requested.

After a final plan is submitted, the court emphasized it will evaluate the final plan and may issue sanctions if PED and the state fail to comply.

LESC Responsibilities

LESC staff is not required by the court to engage in any particular actions, though the order invites LESC staff to voluntarily assist PED in identifying an expert consultant and developing the plan. The order also invites LESC staff to assist in identifying "all the components and elements necessary for a constitutionally sufficient and uniform education for at-risk students." Any LESC staff involvement would require approval from the committee and likely need to align with the LESC's legislative mandates.

Varying Understandings of Compliance

LESC staff, in updates provided to LESC regarding the *Martinez-Yazzie* lawsuit in [September 2024](#) and [December 2024](#), have noted the two filings differed in their fundamental argument of compliance with the court's 2018 orders. In the September 2024 motion, plaintiffs argued the lack of a comprehensive and structured remedial plan from PED, alongside persistent unsatisfactory student *outcomes*, are evidence of noncompliance. Plaintiffs asserted that without a remedial action plan, PED's efforts lack cohesion, stating, "There have been grave consequences to Defendants' failure to develop and implement a comprehensive plan to fulfill their constitutional duties. By all relevant measures most elementary and secondary schools in New Mexico continue to fail the State's at-risk students. The most recent available statewide data show dismal attendance and proficiency rates have continued since the Court issued its rulings in 2018." In contrast, in the November 2024 filing, attorneys for PED argue *inputs* to the educational system—such as increased funding and specific programs for students identified as at-risk—are evidence of compliance.

These varying approaches are notable, with plaintiffs highlighting a lack of positive student *outcomes* and defendants asserting there is evidence of *inputs* that may outweigh outcomes as evidence in addressing the lawsuit. In the November 2024 response, PED's attorneys write "the Court's prior rulings make it clear that outcomes are not the primary method for evaluating adequacy of the State education system. Instead, the Court indicated it would review whether the State is meeting statutory requirements, with a focus on *inputs*. It is clear under the Court's reasoning that student achievement outcomes, standing alone, do not demonstrate a continuing violation of the law or the Court's orders."

Comprehensive Remedial Action Plan Considerations

It is still unclear how this tension between seemingly different understandings of compliance will be resolved in a comprehensive remedial action plan. It is also unclear if plaintiffs and defendants share a similar view on what specific components the plan should address. A central point of tension in the motion filed by plaintiffs and the response filed by PED lies in differing expectations for the content, scope, and structure of the court-ordered remedial action plan.

The plaintiffs argue the state's previous efforts to address educational inequities have been insufficient, lacking both coherence and accountability. In their September 2024 motion, plaintiffs called for a comprehensive, statewide plan that includes detailed cost estimates, clear implementation timelines, measurable outcomes, and policy recommendations designed to ensure at-risk students receive the educational opportunities guaranteed by the New Mexico Constitution. Plaintiffs emphasized the need for the plan to be transparent, community-informed, and grounded in data, and assert that only a statewide, strategic response can bring the state into compliance with the court's orders.

In contrast, the defendants (PED) argued the plaintiffs' vision for the remedial plan is overly prescriptive and goes beyond what the court initially ordered. PED contends it has made efforts toward compliance, citing recent funding increases, the creation of equity-based funding mechanisms, and the development of internal initiatives to address the needs of at-risk students. The department supports the creation of a remedial plan but maintains that it should be developed under the agency's leadership, because it allows flexibility to build on existing work and adapt to evolving circumstances. PED opposes the inclusion of rigid frameworks or externally imposed directives, emphasizing the importance of maintaining executive authority over educational implementation. This fundamental difference—between a structured, directive plan and a more flexible, agency-driven approach—underscores the ongoing tension in how each party understands the path to constitutional compliance.

Long-term strategic educational planning, as discussed by LESC in [November 2024](#), could be a mechanism to develop a remedial plan to address the *Martinez-Yazzie* findings, while also charting a course for how these actions impact long-term stability and strategy toward a comprehensive vision for the state's education system. An effective long-term plan would inherently allow for comprehensive understanding of both inputs and expected—as well as actual—outcomes, including the complex relationship between the two, and how this may guide state actions.

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT**

FILED 1st JUDICIAL DISTRICT COURT
Santa Fe County
5/20/2025 4:50 PM
KATHLEEN VIGIL CLERK OF THE COURT
Marina Sisneros

LOUISE MARTINEZ, *et al.*,

Plaintiffs,

v.

No. D-101-CV-2014-00793

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

Defendants.

Consolidated with

WILHELMINA YAZZIE, *et al.*,

Plaintiffs,

v.

No. D-101-CV-2014-02224

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

Defendants.

ORDER REQUIRING REMEDIAL ACTION PLAN

This matter came before the Court on the Yazzie and Martinez Plaintiffs' Joint Non-Compliance Motion and Request for Remedial Action Plan. This Motion was not opposed by Defendant State of New Mexico, represented by the New Mexico Department of Justice. Although the Motion was opposed by Defendant New Mexico Public Education Department (NMPED), NMPED did not oppose Plaintiffs' requested remedy of a comprehensive remedial action plan, but the scope of such a plan. Having reviewed the hundreds of pages of briefing and evidence presented by the parties, and having heard the arguments of counsel at a hearing held on April 29, 2025, and good cause having been shown, Plaintiffs' Joint Motion is hereby GRANTED in part as set forth further below.¹

It is therefore ORDERED, ADJUDGED AND DECREED:

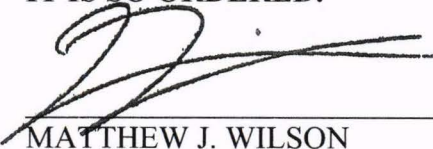
1. The Court has carefully reviewed and weighed the extensive evidence concerning NMPED's and the State's efforts to reform education. On the basis of this evidence, this Court finds that Defendants NMPED and the State of New Mexico are not in compliance with this Court's Decision and Order, issued July 20, 2018, and Final Judgment and Order, issued on February 14, 2019, and that Defendants continue to violate at-risk students' right to a uniform and sufficient education mandated by the New Mexico Constitution.
2. On the basis of the evidence presented by the parties, the Court finds that Defendants have failed to implement reforms that satisfy these requirements. Consequently, the Court has determined that the development of a comprehensive remedial action plan is necessary for Defendants to achieve compliance with this Court's orders and the New Mexico Constitution. The Court also believes that this plan will 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.
3. Plaintiffs propose to have the staff of the Legislative Education Study Committee ("LESC") lead and implement the process of creating the comprehensive remedial plan. Because the LESC staff is not a party to this case and this Court does not have the authority to direct the LESC staff to create the comprehensive remedial plan, this request is denied. NMPED is the appropriate body to lead the development of a comprehensive plan.

¹ This Order is based upon the proposed form of order submitted to the Court by Plaintiffs Yazzie and Martinez, but with Defendant New Mexico Public Education Department's requested modifications thereto accepted by the Court. The Court understands that Plaintiffs Yazzie and Martinez object to the modifications requested by Defendant New Mexico Public Education Department; the Court overrules these objections. Further, as stated in a May 13, 2025 email from Alisa Diehl to the Court, the Court acknowledges that "Plaintiff Gallup-McKinley School District also agrees that Plaintiffs' proposed order is consistent with the Court's ruling, but disagrees with the length of the timeline set by the Court." These objections are overruled as well. It is the Court's understanding that Defendant State of New Mexico only approved the proposed form of order submitted by Plaintiffs Yazzie and Martinez.

4. Therefore, NMPED is ordered to do as follows:

- A. By July 1, 2025, NMPED, with the LESC staff's assistance, shall identify an outside expert consultant to assist with the development of the comprehensive remedial plan and file a status report with the Court.
- B. By October 1, 2025, the NMPED, with the assistance of the LESC staff, if that staff agrees to do so and as an expert consultant shall have developed a draft comprehensive remedial action plan, identifying all the components and elements necessary for a constitutionally sufficient and uniform education for at-risk students. The PED shall file a status report with the Court by October 1, 2025.
- C. 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.
- D. By November 3, 2025, the NMPED shall develop a final comprehensive remedial plan for the Court's review and consideration and shall file a status report with the Court.
- E. By December 1, 2025, Plaintiffs may file objections to the final plan. Defendants will then have 15 days to file a response, and the Plaintiffs will have 15 days to file a reply. When the matter is ripe for decision, the Court will set the matter for hearing upon the request of a party.
- F. As a result of this hearing, if necessary, the Court anticipates a final comprehensive remedial action plan that when implemented will bring the NMPED and the State into compliance with the Court's Final Judgment and will ultimately conclude this litigation.
- G. The NMPED's and the State's failure to comply with this injunction may result in appropriate sanctions from the Court.

IT IS SO ORDERED.


MATTHEW J. WILSON
DISTRICT COURT JUDGE
DIVISION IX

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date of acceptance for e-filing a true and correct copy of the foregoing was e-served on counsel registered for e-service in this matter as listed below.

Daniel Yohalem
Attorney at Law
1121 Paseo de Peralta
Santa Fe, NM 87501
505-690-2193 Fax 505-989-4844
daniel.yohalem@gmail.com

Preston Sanchez
ACLU of New Mexico
1410 Coal Ave. SW
Albuquerque, NM 87104
(505) 266-5915
psanchez@aclu-nm.org

Alisa Diehl and Melissa Candelaria
New Mexico Center on Law and Poverty
301 Edith Blvd NE
Albuquerque, NM 87102
(505) 255-2840 Fax: (505) 255-2778
alisa@nmpovertylaw.org
melissa@nmpovertylaw.org
***Attorneys for Yazzie Plaintiffs other than
Gallup-Mckinley School District***

Ernest Herrera
MALDEF
634 S. Spring Street - 11th Floor
Los Angeles, CA 90014
(213) 629-2512 Ext. 114
eherrera@maldef.org

Raul Torrez, New Mexico Attorney
General
James Grayson, Chief Deputy Attorney
General
Billie Jimenez, Deputy Attorney General
New Mexico Department of Justice
408 Gallisteo Street
Santa Fe, NM 87501
505-490-4060
***Attorneys for Defendant State of New
Mexico***

Taylor S. Rahn
Robles, Rael & Anaya, P.C.
500 Marquette NW, Suite 700
Albuquerque, NM 87102
(505) 242-2228
taylor@roblesrael.com
***Attorneys for Defendants PED
and Secretary Padilla***

Rosio F. Arriaga*

MUNGER, TOLLES & OLSON LLP

350 South Grand Avenue, 50th Floor

Los Angeles, CA 90071-3426

(213) 683-9100 Fax (213) 687-3702

Rosio.Arriaga@mto.com

**Pro Hac Vice*

Attorneys for Martinez Plaintiffs

Andrew M. Sanchez

5051 Journal Center Blvd. NE, Suite 320

Albuquerque, New Mexico 87109

(505) 259-2069

asanchez@edlawyer.com

***Attorneys for Plaintiff Board of
Education for the Gallup-Mckinley
County Schools***



Trial Court Administrative Assistant