

Background

In 2018, the court ruled that New Mexico “at-risk students” – Native American and English learners, students with disabilities, and economically disadvantaged children – have a right to be ready for college and career and that the State of New Mexico is failing to meet this obligation as guaranteed by the State Constitution.

What is the Plaintiffs' Joint Non-Compliance Motion?

The Yazzie and Martinez Plaintiffs contend **the State is still out of compliance with the court's ruling and is failing to provide a constitutionally sufficient education for at-risk students.** On September 4, 2024, the Plaintiffs filed a new motion with the court asking for the development of a remedial action plan to implement the court's order and comply with the State Constitution.

Key Evidence of Non-Compliance

The motion outlines significant shortcomings in the education system, including:

- **Poor Student Outcomes:**
 - Persistent educational disparities among at-risk students.
- **Deficiencies in the PED:**
 - Lack of an implementation plan, high turnover and vacancies, inadequate oversight and accountability.
- **Inequitable funding and support for:**
 - Students deemed “at-risk” by the Court.
- **Teacher workforce issues:**
 - High vacancies and turnover, inadequate recruitment and pay, lack of workforce diversity.
- **Lack of student support:** Insufficient funding, monitoring, and accountability for:
 - Pre-k programs;
 - Extended learning;
 - Literacy initiatives;
 - Class size;
 - Counseling and social services.

Plaintiffs' Requested Remedy

The Plaintiffs ask the court to mandate a 5-year Remedial Action Plan (2025-2030) developed by the staff of the Legislative Education Study Committee (LESC) in collaboration with key stakeholders, including Tribes, school districts, state agencies, and education experts.

Specific Elements of the 5-Year Remedial Action Plan

For each component listed on the next page, the action plan should outline these elements for each year (2025-2030):

- **Specific steps the State must take;**
- **Agency or actor responsible for overseeing implementation;**
- **Additional funding requirements; and**
- **Objective measures to evaluate progress.**

Support LESC in Shaping New Mexico's Education Future

We urge legislators to support the motion by ensuring LESC has the resources to take the lead in developing a comprehensive, forward-looking plan that not only fulfills New Mexico's constitutional obligations but also drives lasting improvements in educational outcomes for all students across the state.

With their deep expertise and proven track record in analyzing complex education issues, the LESC is uniquely positioned to craft a strategic, data-driven roadmap that addresses the diverse needs of students, educators, and communities.

By backing this initiative, legislators can help ensure that New Mexico's education system is compliant with constitutional requirements and equipped to provide every student with the opportunity to thrive, succeed, and contribute to the state's future. Strengthening the LESC's capacity with additional resources and support will amplify their ability to lead this critical effort, ensuring that the plan is comprehensive, effective, and responsive to the evolving challenges in education.

This is a crucial opportunity for legislators to make a meaningful, lasting impact on the future of New Mexico's children, and we encourage lawmakers support the LESC staff in leading the way.

Key Components of the Action Plan

The Plaintiffs seek a plan that includes 9 components aligned with the court's findings and community recommendations contained in the Yazzie Platform, the Tribal Education Framework, and the PED's Strategic Plan.

- 1 Cultivating multicultural & multilingual education:** School districts must establish a multicultural and multilingual framework to deliver Culturally and Linguistically Responsive (CLR) education that supports at-risk students and complies with the New Mexico EA, HEA, BMEA, and BEA. This involves conducting student needs assessments, providing extensive multicultural and multilingual programming, and creating inclusive, anti-racist learning environments where students are treated equitably and free from discrimination and marginalization.
- 2 Ensuring inclusive education for students with disabilities:** A transparent and accountable system is essential to ensure students with disabilities receive inclusive and equitable education. This includes timely identification, fully funded individualized programs, trained staff, assistive technology, and transportation. It must also ensure full parental involvement, compliance with disability laws, and standardized measures to prevent exclusionary discipline.
- 3 Transforming curriculum and instructional approaches:** A comprehensive Pre-K-12 curriculum and instructional system that is CLR and meets the needs of at-risk students. It should include English development, social-emotional learning, and individualized support, ensuring that all at-risk students graduate with academic outcomes comparable to their peers and are well-prepared for college, careers, and civic engagement.
- 4 Building a diverse and qualified educator workforce:** A robust system to recruit, train, and retain high-quality, diverse educators—teachers, administrators and support professionals—who reflect the diversity of our students, especially Native American and Latino communities. Educators should receive training in heritage language immersion, CLR pedagogy, special education, bilingual/TESOL, literacy/bi-literacy, trauma-informed practices, and anti-racism. Ongoing support, competitive pay, and placement in classrooms serving at-risk students are essential.
- 5 Enhancing technology access for all students:** A system must be established to ensure that all at-risk students and their teachers have reliable broadband access and dedicated digital devices, both at school and home. This requires sufficient funding for IT support, teacher training, and interim solutions when broadband is unreliable.
- 6 Establishing comprehensive student & family support services:** A system of CLR and high-quality support services, enrichment and extracurricular programs, and community-based education must be established, especially in underserved, rural, and tribal communities. This system should address students' academic, cultural, language, special education, social, and health needs, closely linking services to each student's school, family, and community to promote holistic development.
- 7 Implementing an equitable funding system:** An equitable funding system must be established to ensure sufficient and consistent funding for districts and tribal communities that prioritizes the needs of at-risk students. Funding should:
 1. be based on student needs rather than available resources; be provided in a timely manner to close achievement gaps; fully support the IEA, HEA, BMEA and BEA and special education; and
 2. allocate additional resources to support targeted programs and services.
- 8 Developing robust accountability mechanisms:** An accountability and enforcement system must be established to track how districts spend state and federal funds on at-risk students. This system should ensure that funds are used effectively in schools, provide oversight and assistance to districts, reliably assess student outcomes using culturally relevant metrics, evaluate the implementation of the IEA, BMEA, HEA and BEA, and develop multi-year budgets based on student needs, equity, and transparency.
- 9 Strengthening the capacity of the Public Education Department (PED):** The PED must hire high quality, culturally competent staff to fill vacancies and expand capacity, streamline funding processes and establish transparent tracking and accountability systems, create mechanisms for for community input and secure tribal consent on policies affecting Native American students, and strengthen tribal consultation and develop a reliable data system to publicly monitor progress in real-time at-risk students.