



Jicarilla Apache Reservation
February 11, 1887-1987

The Jicarilla Apache Nation

EXECUTIVE OFFICES

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February 16, 2026

Honorable Matthew J. Wilson
First Judicial District Court
Santa Fe County District Courthouse
Via email: sfeddiv9proposedtxt@nmcourts.gov

**RE: No. D-101-CV-2014-00793; Court Order Requiring Remedial Action Plan / PED
“Martinez-Yazzie Action Plan” (filed Nov. 3, 2025)**

Dear Judge Wilson:

On behalf of the Jicarilla Apache Nation, we submit this letter as a firm objection to the New Mexico Public Education Department’s Martinez-Yazzie Action Plan filed on November 3, 2025. The Nation acknowledges the Court’s continuing oversight to ensure the State complies with the Court’s orders and final judgment. However, the Action Plan as submitted is not an adequate remedial action plan and does not demonstrate compliance with the obligations at issue in this case—particularly as they relate to Native students.

Plaintiffs have stated that the State is not going far enough, and the Nation agrees. A plan that is not targeted, enforceable, and accountable invites continued noncompliance and risks giving policymakers an excuse to avoid meeting their obligations. The deficiencies in the Plan are not technicalities; they go to whether the Plan is capable of delivering actual, measurable remedy to students who have been denied educational opportunity for years.

The Nation’s objections are as follows:

1. The Plan fails to deliver Native-student-specific remedies. It does not contain sufficient, concrete actions tailored to Native students’ needs, including confronting racism, discrimination, and systemic resource deprivation.

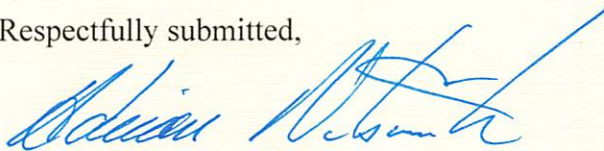


2. The Plan does not fund or implement the Indian Education Act as required. It provides no proposal or cost estimate for full implementation of the Indian Education Act, and it does not correct structural funding failures—particularly the lack of a regular funding stream aligned with Native students and Native languages.
3. The Plan’s language and educator workforce strategies are inadequate. It does not offer robust, achievable actions to maintain Native languages or to address the continuing shortage of Native educators.
4. The Plan fails to build durable collaboration with sovereign Nations and tribal communities. It does not include meaningful steps to strengthen collaboration with Tribes or to support community-based education programs that are essential to Native students’ learning beyond the school day.
5. The Plan was developed without formal government-to-government consultation. Tribal education advocates have stated the State did not conduct formal tribal consultations in developing the Plan, including a lack of designated government-to-government consultation and collaboration with Nations, Tribes, and Pueblos during drafting.
6. The budget context confirms the compliance gap. Without a real fiscal commitment, the Plan is poised to function as a framework without implementation. As noted by tribal education advocates, the Executive’s FY27 request did not mention the Plan, and the House-passed 2026 appropriations earmarked only \$2 million for implementation—an amount inconsistent with the scope of remedy required.

In sum, the State’s submission does not meet the moment or the Court’s remedial mandate. The Jicarilla Apache Nation therefore respectfully requests that the Court reject PED’s Martinez-Yazzie Action Plan as legally and practically insufficient. The Nation further requests that the Court order PED to promptly revise and resubmit a compliant remedial plan developed through meaningful collaboration with sovereign Nations, Tribes, and Pueblos, consistent with formal government-to-government consultation.

The Nation submits this objection because Native students cannot afford another cycle of generalized planning without enforceable commitments. Only a targeted, fully costed, and accountable remedial plan—built with Tribal governments as sovereign partners—can bring the State into compliance and deliver the educational opportunities the Constitution and this Court’s orders require.

Respectfully submitted,



Adrian Notsinneh, President
Jicarilla Apache Nation