

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

LOUISE MARTINEZ, *et al.*,

Plaintiffs,

v.

D-101-CV-2014-00793

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

Defendants.

*Consolidated with*

WILHELMINA YAZZIE, *et al.*,

Plaintiffs,

v.

D-101-CV-2014-02224

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

Defendant

**PLAINTIFFS' JOINT MOTION FOR FURTHER RELIEF CONCERNING  
DEFENDANTS' FAILURE TO DEVELOP A COMPREHENSIVE REMEDIAL ACTION  
PLAN THAT COMPLIES WITH THE REQUIREMENTS OF PREVIOUS COURT  
ORDERS.**

Defendant State of New Mexico, represented by the Attorney General of New Mexico, does not oppose Plaintiff's Joint Motion. Defendant PED, represented by private counsel, opposes this motion.

The *Yazzie* and *Martinez* Plaintiffs ("Plaintiffs") hereby jointly move this Court for an order compelling the State of New Mexico, NMPED, and the NMPED Secretary (collectively, "Defendants") to rewrite the final Comprehensive Remedial Action Plan ("the Plan"), in conjunction with Plaintiffs and subject matter experts. A new court-ordered plan must be made to comply with the Court's 2018 Decision and Order and Findings of Fact and Conclusions of Law

(“FFCL”), the Court’s 2019 Final Judgment and Order requiring the Defendants to take “immediate steps” by April 15, 2019 to ensure schools have the resources necessary to provide at-risk students a uniform and sufficient education that prepares them for college and career; and the Order Requiring Remedial Action Plan that achieves both previous court Orders and provides the 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.

## **INTRODUCTION**

Despite clear directives from the Court’s May 2025 Order requiring a Comprehensive Remedial Action Plan – in light of PED’s past resistance and failure to implement long-term, comprehensive reforms – Defendants’ submission, filed with this Court on November 3, 2025, is fundamentally deficient, lacks essential planning components and, overall, will not result in the necessary systemic changes required by the Court’s previous orders. The Plaintiffs have jointly submitted ample objections, expert analyses, and statements from tribal leaders, community leaders and stakeholders, all denouncing the PED’s submission for many important reasons.<sup>1</sup> In short, the PED’s submission is not a plan but merely a list of aspirational goals and ongoing work initiatives; it lacks objective goals and measurable steps; it lacks direction and guidance for school districts; it does not provide costs or include budgetary needs; it lacks meaningful tribal consultation; and it in no way addresses, comprehensively, the myriad of distinct issues identified in the Court’s Decision and Order and Final Judgment and Order, or the Court’s Findings of Fact and Conclusions of Law. In effect, the PED’s submission is meaningless to at-risk students who are continually denied their right to a constitutionally sufficient education and does not move the Defendants’ compliance efforts any closer to the Court’s orders.

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<sup>1</sup> Plaintiffs incorporate by reference the objections and supporting authorities set forth in *Yazzie* Plaintiffs Objections and *Martinez* Plaintiffs Objections, filed contemporaneously on February 19, 2026, as though fully set forth herein.

This Court has already recognized that, where consensus is not achieved and constitutional mandates remain unmet, it will impose appropriate remedies.<sup>2</sup> This Motion seeks post-judgment remedial enforcement against Defendants for violations of previous court orders from 2018, 2019 and, now, 2025.<sup>3</sup> Plaintiffs request this Court to enjoin PED to undertake a comprehensive rewrite of the profoundly deficient submission. To ensure that any rewritten plan is both educationally sound and aligned with the Court’s requirements for a comprehensive remedial action plan, the Plaintiffs respectfully request a court order requiring PED to collaborate with both Plaintiffs and subject matter experts in the fields of academic programming, linguistic and cultural needs, social and emotional learning, and school funding—among others—for the specific subgroups of at-risk student populations who are impacted by this litigation.

**I. DEFENDANTS FAILED TO SATISFY THE REQUIREMENTS OF THE MAY 2025 ORDER TO DEVELOP A COMPREHENSIVE REMEDIAL ACTION PLAN**

On May 20, 2025, the Court ruled that Defendants State of New Mexico and PED were noncompliant with this Court’s 2018 Decision and Order and 2019 Final Judgment and Order, adding that “Defendants continue to violate at-risk students’ right to a uniform and sufficient education mandated by the New Mexico Constitution.” Order Requiring Remedial Action Plan [hereinafter “ORRAP”] at 2, (May 20, 2025). The weight of the evidence clearly showed that Defendants failed to implement reforms that satisfied both Court orders while at-risk student outcomes continued to suffer, thereby necessitating “the development of a comprehensive

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<sup>2</sup> Decision and Order at 57 n.36.

<sup>3</sup> N.M. Stat. Ann. § 44-6-9 states: “Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree, to show cause why further relief should not be granted forthwith.”

remedial action plan” to: 1) allow Defendants to achieve compliance with the Court’s 2018 and 2019 orders; and 2) “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.” *id.*

Abundant evidence showing Defendants’ failure to meet their constitutional obligations to students over the previous six years was largely undisputed. Nor did Defendants contest Plaintiffs’ request for a State-developed comprehensive remedial action plan. Rather, the only dispute PED raised in response to Plaintiffs’ request for relief was determining who was to lead the planning process and how the plan was to be developed. The PED wanted greater autonomy over the selection of planning partners, development of planning criteria, the scope of student needs to be addressed, and the amount of consultation with stakeholders, communities and tribes. In granting the Plaintiffs’ Motion, the Court ordered PED, with assistance from the Legislative Education Study Committee (“LESC”) staff (if consenting), to identify and work with an outside expert consultant to develop a “draft comprehensive remedial action plan, identifying ***all the components and elements necessary*** for a constitutionally sufficient and uniform education for at-risk students.” ORRAP at 3, 4(B) (emphasis added).

In June 2025, the PED selected two consultants, West Ed and the LANL Foundation, to assist in developing the Draft Plan. From August through September, the PED staged nearly a dozen in-person and virtual listening sessions to gather input from community members on student needs and priorities. On October 1, 2025, the PED, pursuant to the Court’s Order, submitted its Draft Plan and status report to the Court and published a copy of it online for the public. It did not take long, however, for Defendants to receive immediate concerns and pushback from community members, coalitions, tribal and community leaders and stakeholders complaining that vague

descriptions of purported action steps and insufficient planning details and elements rendered the Draft Plan deficient.

Even the PED's own consultant, the LANL Foundation, who assisted in the development of the Draft Plan, publicly expressed several high-level criticisms about the resulting-Draft Plan to PED Secretary, Marianna Padilla, stating, "Many of these items, while well-intentioned, are vague and rely on jargon that does not allow for expressed, measurable impact. Consequently, the sequenced three-year plan is problematic in nature, failing to address inequity by failing to describe the process through which the problems at the root of these actions are truly addressed; [...]" Currently, while roles are loosely reflected in the plan, stronger details that would embody the proposed actions could benefit the document. This may, inevitably, require a five-year plan." Yazzie Pls.' Objections, Ex. 1, Letter from LANL Foundation, 1-2.

Tribal leaders, too, shared their concerns that the Draft Plan's steps to address Native-student needs and ensure compliance with the New Mexico Indian Education Act were vague or absent altogether. In fact, a majority of New Mexico's twenty-three Tribes, Nations, and Pueblos, too, complained that PED's planning process did not include adequate tribal consultation. See Yazzie Pls.' Objections, Ex. 6, Letter from All Pueblo Council of Governors, 3-5.

Despite ample objections and complaints to the Draft Plan by stakeholders, at large, the PED made little to no substantive changes to the final PED Plan, which it then submitted to the Court on November 3, 2025.

The PED's final submission is structured into several categories that it claims "addresses four Critical Needs." These categories boil down to "equitable access to [1] high-quality instruction," "[2] high-quality educators," and "[3] academic, social, well-being, and behavioral services," and "[4] effective funding, support, and accountability to drive systemic improvement."

Martinez-Yazzie Action Plan at 6, *Martinez v. State*, D-101-CV-2014-00793 (Nov. 3, 2025) (filed by the N.M. Pub. Educ. Dep't), [https://web.ped.nm.gov/wp-content/uploads/2025/11/NM-Martinez-Yazzie-Action-Plan\\_11.3.25.pdf](https://web.ped.nm.gov/wp-content/uploads/2025/11/NM-Martinez-Yazzie-Action-Plan_11.3.25.pdf). These four broad areas, unfortunately, lump the needs of the four distinct at-risk student groups into a one-size-fits-all approach while ignoring and oversimplifying many court-ordered remedial requirements.

On that note, the Court's May 20, 2025 Order required PED to take into consideration the ***components and elements raised in [Plaintiffs'] briefing.***" ORRAP at 3, 4(B) (emphasis added). This requirement was in direct reference to the Plaintiffs' Nine Components. See Pls.' Joint Non-Compliance Mot. & Request for Remedial Action at 109–111, *Martinez v. State*, No. D-101-2014-00793 (Sept. 4, 2025). The Plaintiffs' briefing offered the Nine Components as an operative remedial framework, as it organizes and synthesizes the remedial elements compelled by the Court's findings and previous orders—in alignment with the State's statutory obligations—to supply the appropriate framework against which this Court can assess whether PED's Plan is capable of achieving constitutional compliance. The PED did not consider the Nine Components during the development of the four Critical Needs and related initiatives. Consequently, however, the omission of the components resulted in the omission of numerous court-ordered elements. As analyzed in *Yazzie* and *Martinez* Plaintiff's Objections, the PED's final submission, for example, lacks plans to establish a multicultural education framework that provides for the full implementation of relevant education mandates and policies, including, for example, the New Mexico Indian Education, Bilingual Multicultural Education and the Hispanic Education acts<sup>4</sup> Without a framework, these relevant education laws and policies exist in isolation – disjoined from meaningful reform and disconnected from each other.

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<sup>4</sup> See Court Findings of Fact and Conclusions of Law ## 468, 513, 532, 535, 574, 3019-3027; Decision and Order, (2018) at 17, 32.

As analyzed in further detail in the Plaintiffs' Objections, the final submission omits other key elements identified by the Court's previous orders and findings of fact and conclusions of law, as well as clear and measurable steps and goals for both the short and long-term. Notably, PED's final submission suffers from similar, if not identical, weaknesses associated with the PED's Action Plan, released in 2022: "including, the lack of goals that are aligned with this Court's Orders and Findings, short- and long-term action steps to meet these goals, the responsible entity (i.e., PED, HED, ECECD, districts, the Legislature, etc.), a timeline for implementation, overall and year-to-year funding estimates including methods to raise revenue if necessary, increases to staff and improvements to processes at PED in order to ensure implementation and accountability, necessary statutory and regulatory changes, and measures of how these actions are actually preparing at-risk students for college or career." Pls.' Joint Noncompliance Motion at 9-12. In effect, PED's final submission falls woefully short of meeting the Court's requirements for ensuring that New Mexico students have an opportunity to obtain a constitutionally sufficient education now or for the future.

The time is now for this Court to order Defendants to work with the Plaintiffs and their substantive experts and key community and tribal stakeholders to develop a comprehensive plan that responds directly to the core needs and issues that disparately impact the at-risk students of New Mexico. The Defendants have had ample time and opportunity to remedy the Court's previous orders and ongoing constitutional violations of students' rights through extensive, adequate and meaningful planning and community engagement. The Defendants have missed their chance to do so. The Defendants have not worked in consultation with New Mexico experts to address the specific court-findings and unmet needs attributed to impoverished and disabled students. The Defendants have not built meaningful relationships with local and tribal community

leaders and experts to understand the depths of the court’s findings that underscore the unique cultural and linguistic needs of English learners and Native students. All the amenities, including the Court’s previous orders and findings, were accessible to Defendants' use during the planning process – they were ignored. That opportunity has come and gone.

Realistically, the Defendants did not attempt to develop a comprehensive plan that results in transformative education reform and systemic change. The Plaintiffs along with the students and families of New Mexico are left with a deficient plan that, if implemented, will not “bring the NMPED and the State into compliance with the Court's Final Judgment and will ultimately conclude this litigation,” as required by this Court’s May 2025 Order.

As a result, the system of public education, yet again, remains in crisis until Defendants create a Comprehensive Remedial Action Plan, in conjunction with Plaintiffs and substantive-matter experts, that ensures the implementation of the Court’s previous orders, including short- and long-term action steps, to ensure that the education for at-risk students is constitutionally sufficient for the now and the future.

The evidence to show that Defendants have not discharged their constitutional duties and obligations to the Plaintiffs and New Mexico students statewide, pursuant to the Court’s May 2025 Order, are contained in the *Yazzie* Plaintiffs’ Objections and *Martinez* Plaintiffs’ Objections to the PED’s final submission, both submitted on February 19, 2026. Plaintiff’s Motion incorporates by reference the Plaintiffs’ Objections, as evidence of Defendants’ failures to comply with the Court’s May 2025 Order. The evidence shows:

- Defendants’ final submission is neither *comprehensive nor actionable*; See *Yazzie* Objections at 3-4 (Plan merely incorporates ongoing work and future aspirations); 6-8 (PED Plan lacks specific actions, measurable steps and clear goals); 8-9 (PED

Plan does not state how PED will work with other agencies to implement Plan); 10-12; 21-23; *Martinez* Objections at 7-9.

- Defendants' final submission does not identify all components and elements necessary, including *key remedial elements* of the Court's previous orders, See *Yazzie* Objections at 4-5 (structural and foundational deficiencies in PED's Plan); 5-6 (PED Plan omits key court-ordered elements); 10-21 (PED Plan does not address compliance with education laws); see *Martinez* objections at 3-5.
- Defendants' final submission will not guide the legislative and executive government branches, particularly when making difficult *budgetary and appropriation* decisions that need to survive political and economic shifts, See *Yazzie* Objections at 9-10 (PED Plan lacks a budget and fails to address the costs for remedial actions); 38-44 (Critical Need 4); see *Martinez* objections at 11-12.
- Defendants' final submission will not remedy the violations of at-risk students' rights through *targeted programs and services*, See *Yazzie* Objections at 21-23 (PED Plan fails to address critical at-risk student needs with targeted programs and services); 23-30 (Critical Need 1); 30-34 (Critical Need 2); 34-38 (Critical Need 3); see *Martinez* Objections at 3-5; 13-14; 17.
- PED's *process* for developing the Draft Plan lacked *meaningful engagement* with Plaintiff's and stakeholders; see *Yazzie* Objections 44-48 (Problems with the Process).

## II. THE COURT HAS THE AUTHORITY TO ENFORCE ITS OWN ORDERS

This Court has the authority to grant the relief requested in this Motion, and it specifically retained jurisdiction for this reason. First, in 2018, this Court ruled that New Mexico's public

school system violates the New Mexico Constitution by failing to ensure that all at-risk students are provided the opportunity to be ready for college or career. This Court made detailed findings of fact on the substantial and systemic educational deficiencies in our current school system, the State's failure to implement several, critical state laws, the deficiencies in the educator workforce and other areas, and inadequate educational outcomes of at-risk students in New Mexico. *See* Decision and Order and Findings of Facts Conclusions of Law. The Court Ordered a substantial overhaul and transformation of New Mexico's school system.

Second, the Court's Final Judgment and Order requires, in relevant part, as follows:

- a. An injunction is hereby issued enjoining the Defendants to take immediate steps, by no later than April 15, 2019, to ensure that New Mexico schools have the resources necessary to give at-risk students the opportunity to obtain a uniform and sufficient education that prepares them for college and career.
  - b. It is the State's duty to provide a constitutionally adequate system regardless of whether an injunction is entered.
  - c. The school children who are now caught in an inadequate system and who will remain there if an injunction is not entered will be irreparably harmed if better programs are not instituted.
  - d. The Defendants must comply with their duty to provide adequate education and may not conserve financial resources at the expense of our constitutional resources.”
- Final Judgment and Order, at 3-5 *Martinez v. State*, No. D-101-2014-00793 (Feb. 14, 2019). To ensure that the State complied with its orders, the Final Judgment and Order ruled:

“The Court retains jurisdiction over this matter to issue such orders and take such further actions as may be necessary to timely remedy the determinations set forth in the Decision and Order and Findings of Fact and Conclusions of Law issued by this Court and to effectuate all relief granted in this case.” *Id.*, at pp. 5-6. The Court provided detailed recognition of its inherent authority to enforce orders and injunctions previously issued. *See Allred v. New Mexico Dep't of Transportation*, 2017-NMCA-019, ¶ 37 (holding that because the permanent Injunction is a judgment, it is enforceable by the district court and not subject to the arbitration clause contained within the Settlement Agreement, citing NMSA 1978, § 39-1-5 (1850-1851) (“It shall be the

duty of the judge of any court to cause judgment, sentence or decree of the court to be carried into effect, according to law.”); *Arndt v. Farris*, 633 S.W.2d 497, 499 (Tex. 1982) (“The general rule is that every court having jurisdiction to render a judgment has the inherent power to enforce its judgments”); *In re Warrior Energy Servs. Corp.*, 599 S.W.3d 110, 115 (Tex. App. 2020); *Police Ass'n of New Orleans ex rel. Cannatella v. New Orleans*, 100 F.3d 1159, 1168 (5th Cir. 1996) (“It is settled that, to the extent a decree is drafted to deal with events in the future, the court must remain continually willing to modify the order to ensure that it accomplishes its intended result.” (citing *United States v. United Shoe Mach. Corp.*, 391 U.S. 244, 252 (1968))); *Texas v. Calvin*, No. 4:14-CV-00654-O, 2020 WL 3485582, at \*2 (N.D. Tex. Mar. 3, 2020)

As set forth above, this Court has the inherent authority to order the State to remedy the ongoing failures of the Plan, so that it directly addresses the Court’s findings as well as the deficiencies identified in previous orders from 2018 and 2019.

### **III. THE COURT MUST ORDER FURTHER RELIEF**

The State’s failure to satisfy the Court’s May 2025 Order, requiring the development of a comprehensive remedial action plan, will continue to result in the violation of at-risk students’ right to a uniform and sufficient education, and the noncompliance with the Court’s 2018 and 2019 Orders, until one is developed and fully implemented. Plaintiffs respectfully request that this Court order the following relief:

#### **A. Finding that the State Defendants failed to develop a Comprehensive Remedial Action Plan that satisfies the requirements of the May 2025 Court Order.**

The Plaintiffs urge this Court to hold that Defendants State of New Mexico and the PED are not in compliance with this Court’s May 2025 Order and that Defendants continue to violate at-risk students’ right to a uniform and sufficient education mandated by the New Mexico Constitution. The evidence demonstrates that the efforts by Defendants to date are insufficient to

“bring the NMPED and the State into compliance with the Court's Final Judgment and will ultimately conclude this litigation.” The evidence demonstrates that the ongoing constitutional violations persist and Defendants must be ordered to fix the education system so that it meets their constitutional mandate to provide at-risk students a sufficient education.

**B. The relief sought is reasonable and within the Court’s authority**

This Court has broad equitable authority to identify the constitutional and statutory principles and requirements at issue and to order the State to fulfill its constitutional duty by developing specific measures necessary to ensure compliance. PED has urged the Court and Plaintiffs to focus on stakeholder input, while opposing the steps necessary to correct the systemic deficiencies. Thus, a new scheme should include a system of accountability measures to determine whether the programs and services are actually providing the opportunity for a sound basic education, and to assure that the local districts are spending the funds provided in a way that efficiently and effectively meets the needs of at-risk students. The Court should now order Defendants to develop a comprehensive remedial action plan that includes:

1. Specific actions required to remedy each constitutional violation;
2. An analysis of the resources, in addition to current funding, necessary to complete those actions;
3. A five-to-seven-year implementation timeline with annual and quarterly benchmarks;
4. Identification of the responsible entities for each action item, including but not limited to, the Legislative Education Study Committee staff, Institutions of Higher Education (IHEs), the New Mexico Higher Education Department, Early Childhood Education Department, school districts, and the Legislature, among others.

5. Measurable outcomes and evaluation metrics that allow the Court, Plaintiffs, and the public to monitor compliance.

Plaintiffs reinstate their request that a new Comprehensive Remedial Action Plan must include short and long-term measurable remedial actions for each of the nine components set forth in Plaintiffs' Joint Motion (incorporated below), and be developed with the opportunity for input by Plaintiffs; school district officials; agencies whose direct involvement, cooperation, and assistance are necessary to achieve compliance; education experts in New Mexico; students; parents; advocates; and representatives of the twenty-three Indian Nations, Tribes, and Pueblos within the State (*e.g.*, the Tribal Education Department) (collectively, "stakeholders"). For each action item, the PED's draft comprehensive plan must address the following components:

1. A multicultural and multilingual framework (as set forth in the Court's Findings of Fact and Conclusions of Law) must be created with which districts and schools provide a culturally and linguistically responsive education that supports the assets of at-risk students. In addition, the Indian Education Act, the Hispanic Education Act, the Bilingual Multicultural Education Act, and the Black Education Act must be fully implemented at state, district and school levels. Third, these efforts must include student needs assessments and plans, extensive multicultural and multilingual programming, and anti-racist, inclusive learning environments in which at-risk students are treated equitably, free from discrimination and marginalization.
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. This includes (a) appropriate and timely identification and evaluation, individualized, evidence-based, and fully funded programs, services, curriculum, and student behavior supports; (b) sufficient and adequately trained teachers, educational assistants, and ancillary personnel; (c) sufficient assistive technology and transportation; (d) full and informed parental participation; (e) adequate and effective safeguards, all of which achieves full compliance with the Americans with Disabilities Act, Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and New Mexico State Standards, as well as standardized measures that accurately report and eliminate the use of removal, restraint and seclusion of students with disabilities, and minimize their removal from school informally and by way of exclusionary discipline; and (f) monitoring of schools to ensure formulation of and implementation of individualized education programs (IEPs) in accordance with federal and state law and research-based practices.

3. A system of curriculum, instructional programs, and assessment from preschool through secondary school must be created that is culturally and linguistically responsive; meets the needs of special education students, Native American students, economically disadvantaged students and English language learner students; includes English language development based on research-based methods and curriculum; incorporates social emotional learning, prioritizes heritage language learning, and includes individualized learning support and interventions so that all at-risk students graduate with academic outcomes comparable to their peers, and are equally well-prepared for college, career, and civic engagement.
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; reflect students' demographic diversity, especially Native American and Latino students; receive training in heritage language immersion, CLR pedagogy, special education, bilingual/TESOL, literacy/bi-literacy, trauma informed practices, and anti-racism; and who receive on-going professional learning and competitive pay; and who are placed in classrooms serving all the at-risk students in the State, especially in underserved, rural, and historically Indian impacted school districts and schools.
5. A system of essential 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. Broadband access must be sufficient, sustainable and reliable so that students and their teachers can download and upload assignments; stream instructional videos; participate in individual and/or group video conferencing; and, overall, be able to connect remotely to a constitutionally sufficient education. Digital devices must be computers, not cellphones or other inadequate devices, that are capable of allowing students to connect to the internet, download and upload assignments, and participate in online classes both in school and remotely. Sufficient funding must be allocated to school districts to be able to hire and retain qualified information technology (IT) staff sufficient to support and maintain digital devices, internet access, other remote learning needs, teacher training and IT professional development. When broadband access is not reliable and sustainable to allow working from home remotely, and on an interim basis only, additional funding must be allocated to school districts for special remote learning expenses, including, but not limited to, transportation costs.
6. An adequately staffed system must be created of culturally and linguistically responsive and high-quality student and family support services, enrichment, extracurricular programs, out-of-school-time, and community-based education programs and facilities, especially in underserved, rural, and tribal communities, that support students' holistic development and well-being, and meet their academic, cultural, language, special education, social, and health needs. These services must be delivered through intentional connection to each student's school, family, and community and specifically designed to enable at risk students to thrive in their educational setting by assessing and meeting their needs in an equitable and non-discriminatory manner.

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; is delivered in a timely manner; is based on student needs and corresponding inputs provided by schools, districts, and tribes, not on the basis of available funds; indexes funding to inflation where appropriate; and closes the gap in student outcomes so all at-risk students are college, career and civic ready upon graduation. The finance system must provide sufficient recurring funds to fully implement the Indian Education Act (“IEA”), Hispanic Education Act (“HEA”), Bilingual Multicultural Education Act (“BMEA”), Black Education Act (“BEA”), and special education as part of each district’s general education program, and, it must allocate additional targeted funds to districts based on the numbers of students in each of the four at-risk groups in an amount sufficient to allow districts to provide at-risk students with the necessary targeted inputs, including programs, services, teachers, and staff, and these funds must be spent on at-risk students and the specialized inputs that directly support these 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 spent in schools on at-risk students; provides oversight and assistance to districts to ensure that at-risk or similar targeted funds are spent on effective programs and other inputs that directly support at-risk students; reliably assesses student outcomes using quantitative and qualitative metrics that are culturally relevant; evaluates the implementation of the IEA, BMEA, HEA and BEA; ensures implementation of sufficient educational programming and curriculum for at-risk students; and develops multi-year budgets that are based on student needs, equity, and transparency.
9. To implement these components the Public Education Department must, among other steps, fill all vacancies and increase its current capacity with high quality, culturally competent staff; streamline funding procedures to speed the delivery of funds to school districts, communities, and grantees; develop consistent, transparent and enforceable tracking and accountability capabilities; develop and implement a meaningful, consistent process to obtain community and other stakeholder input on PED’s and districts’ progress in meeting the needs of at-risk students; obtain tribal consent when making significant policy decisions affecting Native American students; strengthen and enforce tribal consultation at the state and district levels; and establish a reliable, transparent and appropriate quantitative and qualitative data collection system that allows progress toward implementation of the components set forth above to be measured and reported publicly in real time.

### **C. Cost Estimation and Estimates:**

Because this case concerns, inter alia, the State’s obligation to provide constitutionally adequate school funding, Defendants’ current submission is deficient as a compliance instrument insofar as it provides no cost estimates or identification of the funding required to implement any of PED’s proposed “actions.” A plan untethered to the resources necessary to implement it is

functionally meaningless, inherently inadequate, and in effect shifts the burden back to Plaintiffs to “re-prove” adequacy. The burden, however, rests squarely on the State to comply with this Court’s orders and to achieve constitutional compliance. Absent a transparent, multi-year costed adequacy benchmark, the Legislature and Executive cannot make informed funding and budgetary decisions, districts cannot plan for implementation, and the Court, the parties, and the public cannot measure compliance over time.

Therefore, Plaintiffs request that the Court order Defendants, within ninety days after the finalization of a rewritten Plan consistent with the remedial components set forth above, to submit a transparent analysis and cost estimate identifying the necessary multi-year funding:

- a. to implement each specific action set forth in the rewritten Plan;
- b. to remedy the specific violations identified for at-risk students; and
- c. that such analysis include sufficient detail to permit independent evaluation of the assumptions, methodology, data sources, and any district- or at-risk student-population-specific components necessary to evaluate whether the funding is sufficient to achieve compliance.
- d. Plaintiffs further request that the Court require Defendants to file the completed analysis and cost estimates with the Court; and make the analysis and cost estimates publicly available, including by posting the materials on the PED website, in a manner reasonably calculated to permit ongoing monitoring by the Court, the parties, and the public.

### **C. Contracting With Experts and Tribal Consultation**

In addition, Plaintiffs request that the Court order Defendants to:

1. Contract With Qualified Experts: PED must contract with experts in multicultural and multilingual education, English learner education, special education, socio-emotional learning,

school finance, curriculum design, teacher workforce development, and data systems. These experts must assist in developing the remedial plan, designing implementation frameworks, and establishing measurable benchmarks.

2. Conduct Meaningful Tribal Consultation: Consistent with the New Mexico Indian Education Act and this Court's May 20, 2025, Order, the remedial plan must be developed through meaningful government-to-government consultation with the 23 Tribes, Nations, and Pueblos. Consultation must occur at each stage of plan development, with opportunities for Tribal Education Departments and Plaintiffs to review drafts, provide input, and propose revisions. The plan must include a consultation timeline, documentation of Tribal input, and an explanation of how such input was incorporated.

#### **D. Quarterly Public Reporting**

Upon submission of the revised comprehensive remedial plan, PED shall seek Court approval before implementation. Once approved, PED must adhere to the timelines and benchmarks set forth in the plan and provide regular, transparent reporting to ensure accountability. To that end, PED shall submit quarterly reports that include:

1. Progress toward each quarterly benchmark identified in the remedial plan.
2. When practical, updated data for each measurable outcome and evaluation metric.
3. Status of implementation for each action item, including any delays and the reasons for them.
4. Updated staffing levels for Special Education and Bilingual/ELL positions, including vacancies, hires, and retention data.
5. Identification of any commitments from responsible agencies that remain outstanding, with an explanation and proposed corrective steps.

6. A description of corrective actions taken in response to missed benchmarks or implementation failures.

**E. Timeline, Benchmarks and Accountability**

The remedial plan must include a five-to-seven-year implementation timeline, at a minimum, with annual and quarterly benchmarks. PED must establish benchmarks for each action item, and identify baseline data and measurable performance metrics for each required outcome. If the PED misses any benchmark, the Court may impose sanctions, including monetary penalties and orders directing specific performance.

**F. Retention of Jurisdiction**

The Court shall retain jurisdiction until PED fulfills its obligations to the court by drafting developing and implementing a five-to-seven-year plan, with good-faith efforts to include Plaintiffs, subject matter experts, stakeholder inputs, and approved by the Court.

**CONCLUSION**

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order encompassing the relief requested in this Motion. The Plaintiffs respectfully submit that the processes and timeframes set forth in this Motion are reasonable and should be adopted and mandated by the Court.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 20, 2026, a true copy of the foregoing was e-filed and served through the Court's e-filing system upon counsel of record.

/s/ Preston Sanchez  
Preston Sanchez