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KATHLEEN VIGIL CLERK OF THE COURT
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STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

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 NMPED TO SUPPLEMENT ITS REMEDIAL ACTION PLAN

Two interrelated matters come before the Court. The first is the Yazzie and Martinez Plaintiffs' objections ("Objections") to Defendant New Mexico Public Education Department's ("NMPED") final comprehensive action plan ("Plan"). The Yazzie Plaintiffs filed their Objections on February 20 and 24, 2026. The Martinez Plaintiffs filed theirs on February 19, 2026. The second matter is the 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 ("Motion"), filed February 20, 2026. Having considered the briefing, oral argument, and record on both matters, the Court partially agrees with Plaintiffs.

The Court proceeds with its Order in the following way. It provides a brief procedural history. Then, it moves to its discussion. There, it begins with an overview of the Court's authority to enforce its orders and the doctrine of separation of powers. Under that lens, it moves to discuss how the Plan does not comprehensively address the Court's previous orders. The Court concludes with a brief discussion of the relief it will grant. In sum, the Court orders NMPED to supplement the Plan to address its shortcomings. It additionally orders NMPED to provide a separate document that succinctly and comprehensively outlines the remedial actions discussed in the Plan and supplement. In this same document, NMPED must explicitly connect each remedial action to the issue, violation and/or injunction that it intends to address with that action. This way, the Court and Parties may effectively ensure that NMPED and the State come into compliance with the Court's Final Judgment and Order.

I. PROCEDURAL HISTORY

The Objections, Motion and this Order are in conversation with several of the Court's other orders. Specifically: The Court's Decision and Order issued, on July 20, 2018; the Final Judgment and Order, issued on February 14, 2019; and the Order Requiring Remedial Action Plan, issued on May 20, 2025. The Court outlines the pertinent components of each in turn.

In its Decision and Order, this Court concluded that "the education system in New Mexico violates the New Mexico Constitution art. XII, § 1" as it relates to at-risk students. Decision and Order at 59, *Martinez v. State*, D-101-CV-2014-00793, *consolidated with Yazzie v. State*, D-101-CV-2014-02224 (1st. Jud. Dist. Ct. July 20, 2018) [hereinafter Decision and Order]. It defined at-risk students as those who are "from economically disadvantaged homes," are English Language Learners ("ELL"), are Native American, and those who have a disability. *Id.* at 2. To reach its conclusion, this Court considered "[e]ducational inputs and outputs," in which Plaintiffs had to

show that "the [S]tate provided inadequate inputs and then [Plaintiffs] must correlate these failures to inadequate outcomes." *Id.* at 26. The Court defined "[e]ducational inputs [to] include components such as quality of teaching, curricula, school buildings, text books, personnel, supplies, and similar factors." *Id.* at 25. And it defined educational outputs to consist of such things as "test results, graduation rates, and frequency of need for remedial courses in college." *Id.* at 37 n.25.

It outlined Defendants' failures in depth. *See id.* at 25-59. Focusing on three inadequate inputs—"Instructional Materials," *id.* at 26-29; "Reasonable Curricula," *id.* at 29-32; and "Quality of Teaching & Related Issues," *id.* at 32-37—the Court identified the Defendants' shortcomings in detail. It next turned to the outputs in which it concluded that "[s]imply put, the outputs reflect a systemic failure to provide an adequate education as required by the New Mexico Constitution." *Id.* at 46. The Court moved to a final section titled "Money Does Matter" to discuss how the State inadequately funded school operations. *Id.* at 46-59. There, the Court identified how Defendants inadequately appropriated funds to schools and necessary programs, and NMPED failed to monitor or audit those funds to ensure they were spent as required for at-risk students. *Id.* at 52-58. Thus, the Court enjoined Defendants. *Id.* at 71-75.

This Court specified how Defendants were enjoined in its Final Judgment and Order at 3-5, ¶ 3, *Martinez v. State*, D-101-CV-2014-00793, *consolidated with Yazzie v. State*, D-101-CV-2014-02224 (1st. Jud. Dist. Ct. February 14, 2019) [hereinafter Final Judgement and Order]. It required Defendants "to take immediate steps . . . to ensure that New Mexico schools have resources necessary to give at-risk students the opportunity to obtain a uniform and sufficient education." *Id.* at 3-4, ¶ 3a. It required Defendants to comply with their constitutional "duty to

provide an adequate education" and prohibited them from "conserv[ing] financial resources at the expense of our constitutional resources." *Id.* at 4, ¶ 3d. It outlined that:

> Reforms to the current system of financing public education and managing schools should address the shortcomings of the current system by ensuring, as part of that process, that as soon as practicable every public school in New Mexico would have the resources, including instructional materials, properly trained staff, and curricular offerings, necessary for providing the opportunity for a sufficient education for all at-risk students.

Id. at 4-5, ¶ 3e. And this "new scheme should include a system of accountability to measure whether the programs and services actually provide the opportunity for a sound basic education" along with an accountability system "to assure that the local districts are spending the funds . . . in a way that efficiently and effectively meets the needs of at-risk students." *Id.* at 5, ¶ 3f.

Moving to the last order, on May 20, 2025, the Court found that Defendants were not in compliance with either the Court's Decision and Order or its Final Judgment and Order. *See* Order Requiring Remedial Action Plan at 2, ¶ 1, *Martinez v. State*, D-101-CV-2014-00793, *consolidated with Yazzie v. State*, D-101-CV-2014-02224 (1st. Jud. Dist. Ct. May 20, 2025) [hereinafter Order Requiring Remedial Action Plan]. It further found that "Defendants continue to violate at-risk students' right to a uniform and sufficient education mandated by the New Mexico Constitution." *Id.* The Court ordered NMPED to "develop a final comprehensive remedial plan," that "identif[ies] all the components and elements necessary for a constitutionally sufficient and uniform education for at-risk students." *Id.* at 3, ¶ 4B. The Court noted that it "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." *Id.* at 3, ¶ 4F.

As a result, NMPED submitted the Plan on November 3, 2025. *See* PED Defendants' Status Report to the Court, Ex. B, *Martinez v. State*, D-101-CV-2014-00793, *consolidated with Yazzie v. State*, D-101-CV-2014-02224 (1st. Jud. Dist. Ct. Nov. 3, 2025) [hereinafter Plan]. The Plan is

nearly 200 pages long. NMPED organized the Plan into four "critical needs required by the Court": (1) "equitable access to high-quality instruction"; (2) "equitable access to high-quality educators"; (3) "equitable access to academic, social, well-being, and behavioral services"; and (4) "effective funding, support, and accountability to drive systemic improvement." Plan at 6. The Plan focuses on each critical need in separate sections. *See e.g.*, *id.* at 13-66 (critical need 1). The bulk of each section consists of charts outlining steps the State has already taken up to the date of filing the Plan, along with programs, actions and steps it plans to take between 2025 and 2028 ("3-year charts"). *See e.g.*, *id.* at 20-65 (the 3-year charts in critical need 1). Each section ends with a bullet point list of metrics to achieve by December 31, 2028. *See e.g.*, *id.* at 66; *accord* Ct. Ex. 3 (excerpting each section's bullet point list).

Plaintiffs objected to the adequacy of the Plan. *See* Martinez Plaintiffs' Objections to PED Defendants' Action Plan, *Martinez v. State*, D-101-CV-2014-00793, *consolidated with Yazzie v. State*, D-101-CV-2014-02224 (1st. Jud. Dist. Ct. February 19, 2026) [hereinafter Martinez Objections]; Yazzie Plaintiffs' Objections to Defendants New Mexico Public Education Department's Final Remedial Action Plan, *Martinez v. State*, D-101-CV-2014-00793, *consolidated with Yazzie v. State*, D-101-CV-2014-02224 (1st. Jud. Dist. Ct. February 20 and 24, 2026) [hereinafter Yazzie Objections]. Concurrent with the Objections, Plaintiffs filed the Motion requesting the process be redone and the Plan rewritten. The Court heard both matters on September 4, 2026. This Order follows.

II. DISCUSSION

Based on the Objections, the Motion and argument at hearing, the Court synthesizes Plaintiffs contentions to four main points that it will address in more detail in this Order.[1] First,

[1] There are some points that do not fit into these four groups that the Court addresses in its Order where appropriate.

the Plan is not comprehensive. *See e.g.*, Motion at 8-9; Yazzie Objections at 3-4, 6, 11-38; Martinez Objections at 3-5, 7-9, 12-14. Second, the Plan is not "actionable" and lacks measurable steps. *See e.g.*, Motion at 8-9; Yazzie Objections at 6-9; Martinez Objections at 5-7. Third, the Plan does not guide the legislative and executive branches in "budgetary and appropriation decisions." *See e.g.*, Motion at 9; Yazzie Objections at 9-11. And fourth, NMPED's process to develop the Plan "lacked meaningful engagement" with both the Plaintiffs and stakeholders. *See e.g.*, Motion at 9; Yazzie Objections at 47-51. NMPED counters that the Plan is comprehensive, that Plaintiffs' arguments boil down to "formatting or style disputes," and that it appropriately consulted Plaintiffs and considered their feedback in the process. PED Defendants' Response to Plaintiffs' Joint Motion for Further Relief at 8-10, 12-13, *Martinez v. State*, D-101-CV-2014-00793, *consolidated with Yazzie v. State*, D-101-CV-2014-02224 (1st. Jud. Dist. Ct. March 23, 2026) [hereinafter Response].

The Court, after outlining the legal lens it will apply to its review of the Plan, will explain why the Court agrees with the first point, that the Plan is not comprehensive. Then, it will discuss the appropriate remedy.

A. The Court's Authority To Enforce its Orders Is Limited by Separation of Powers

"It has long been recognized that a court must be able to command the obedience of litigants and their attorneys if it is to perform its judicial functions," which includes the power to sanction parties and "enforce the observance of orders." *Bulter v. Motiva Performance Eng'g, LLC*, 2025-NMSC-037, ¶ 33, 578 P.3d 1162. Still, the Court's discretion in wielding this power is not boundless. *See id.* ¶ 32 (reviewing a district court's imposition of sanctions under its inherent powers for an abuse of discretion). Particularly so in this case. As has always been an undercurrent, the Court must be careful not to intentionally or inadvertently violate the separation of powers in crafting a remedy and enforcing its orders.

The doctrine of separation of powers, a "bedrock principle in our democratic system," ensures that the three branches—legislative, executive and judicial—remain "functionally identifiable . . . from another" each playing their distinct role. *Amdor v. Grisham*, 2025-NMSC-024, ¶¶ 81-82, 578 P.3d 971. "[T]he legislative and executive branches, respectively, . . . mak[e] law and execut[e] law." *Id.* ¶ 82. Whereas the judiciary "say[s] what the law is[,] . . . what the Constitution means," and "enforc[es] the Constitution's limits on government." *Grisham v. Van Soelen*, 2023-NMSC-027, ¶ 36, 539 P.3d 272. Assigning these specific roles does not mean the branches are "hermetically sealed." *Amdor*, 2025-NMSC-024, ¶ 81. Said differently, it will not always be a violation of the doctrine if one branch steps into the role of another because "separation of powers allows some overlap in the exercise of governmental function." *Id.* Rather, a violation occurs when "one branch of government unduly interferes with or encroaches on the authority or within the province of a coordinate branch of government." *Id.* ¶ 80 (internal brackets omitted).

New Mexico case law, beyond these general precepts, does not provide specific guidance to this Court on the doctrine's limits as it relates to the Court requiring, reviewing and adopting a remedial plan to address the coordinate branches' continual violation of at-risk students' constitutional right and the Court's orders. Fortunately, it is not without persuasive authority. As a general concept, courts can adopt remedial plans to require another branch of government to correct a constitutional violation without violating the separation of powers doctrine along the way. *See* Robert F. Nagel, *Separation of Powers and the Scope of Federal Equitable Remedies*, 30 Stan. L. Rev. 661, 708 (1978) (discussing various federal cases in which the United States Supreme Court has approved judicial orders outlining and requiring another branch to remediate a constitutional violation in specific ways, including plans "mandating the specifics of . . . local education programs"). But how that remedial plan is developed and adopted may violate the

doctrine. For example, a court may violate the doctrine if the court elects the remedial path it sees as best, or it pulls, for example, from several proposed plans, some of which were not submitted by the state. *See e.g.*, *Campaign for Fiscal Equity, Inc. v. State*, 861 N.E.2d 50, 57-59 (N.Y. 2006) [hereinafter *CFE III*]. On the contrary, a court may comply with the doctrine if, in adopting a remedial plan submitted by the state, it affords "deference, where appropriate," to the other branches. *Id.* at 58. This can be done if the court reviews a state's remedial plan to determine if the plan is "rational" and if the plan provides a reasonable means for the state to comply with the court's orders and come within the constitutional limits. *Id.* at 57-59.

Leaning on *CFE III*, the Court will neither review the Plan for its policy choices nor will the Court determine the path that the Court considers to be the best route for the Defendants to comply with the Court's orders and the Constitution. On these points (and to the extent that Plaintiffs take issue with NMPED's elected policies and paths to compliance, *see e.g.,* Martinez Objections 5-6 (questioning the propriety of NMPED's choice to measure proficiency on statewide reading and math tests at the same rate for each group of at-risk students)), the Court believes it is appropriate to defer to NMPED and the State. The Court will review the Plan to determine whether it rationally and reasonably meets the Court's orders and provides a path to a constitutionally adequate education for at-risk students. In so doing, the Court hopes to toe the line between providing the appropriate deference to the other branches and ensuring they comply with the limits and boundaries outlined by the New Mexico Constitution and law.

B. The Plan Is Unhelpful and Incomplete

The Court will first outline the Court's three exhibits attached to this Order; exhibits it believes will be helpful to the Parties in this discussion and future review. The first two exhibits are the Court's own charts, which compare the Plan to the Court's previous orders. Court Exhibit

1 compares the Plan to the Decision and Order. Court Exhibit 2 compares the Plan to the Final Judgment and Order. Court Exhibits 1 and 2 are organized to align with their corresponding order. Specifically, Court Exhibit 1 is organized according to the pertinent sections in the Decision and Order: "Instructional Materials," "Reasonable Curricula," "Quality of Teaching & Related Issues," and "Money Does Matter." It draws out the specific issues in each section, it identifies all 3-year charts in the Plan that the Court believes conceivably relate to the issue, and it answers whether that issue in the Decision and Order is addressed by the Plan. Court Exhibit 2 is structurally the same, but its organization corresponds to the organization of the Final Judgment and Order and the injunctive relief therein. Finally, the Court's last exhibit—Court Exhibit 3—consists of excerpts of the Plan that provide general metrics and guideposts.

The Court created these exhibits largely because the Plan is not helpful for the Court's ultimate purpose: ensuring NMPED and the State come into compliance. *See* Order Requiring Remedial Action Plan at 3, ¶ 4F ("[T]he 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."). The Court sympathizes with Plaintiffs' many objections regarding the structure of the Plan. *See e.g.,* Yazzie Objections at 4-6; Martinez Objections at 2-3 (arguing much of the Plan lacks "sufficient detail"). The Plan is lengthy, unwieldy, rife with extraneous information, and organized differently than any of the Court's pertinent orders. Even more critical, the Plan does not clearly or explicitly tie its proposed actions to the issues and injunctions outlined in the Court's Decision and Order and its Final Judgment and Order. Despite the Court's sympathies, these stylistic, formatting and editorial choices are not fatal to the Plan. But these choices will have practical consequences. Partly because of NMPED's drafting choices, the Court needs more

information. As outlined in more depth below, the Court will require NMPED to provide a high-level overview that explicitly and succinctly connects its remedial actions to the Court's orders.

Now the Court turns to the arguments. Again, Plaintiffs assert that NMPED violated this Court's previous order because the Plan (1) is not comprehensive; (2) is not "actionable"; and (3) does not guide the legislative and executive branches regarding "budgetary and appropriation decisions." Motion at 8-9. And that (4) NMPED did not meaningfully engage with Plaintiffs or stakeholders in developing the Plan. Motion at 9. The Court only agrees with the first argument.

The first argument consists of several persuasive points: namely that the Plan lacks "targeted programs and services" to at-risk students and that the Plan does not address "court-ordered elements" or "compliance with education laws." As demonstrated by the Court Exhibits 1 and 2 in the fourth column of each (that is titled "Is the issue addressed by the Plan?"), it is clear that the Plan does not fully address either the Decision and Order or the Final Judgment and Order. Certainly, aspects of both are fully addressed by the Plan. *See e.g.*, Ct. Ex. 1 at 1 (issue 2); Ct. Ex. 2 at 1 (injunction 1). But other issues and injunctions are only partially addressed. *See e.g.*, Ct. Ex. 1 at 2-4 (issue 4); Ct. Ex. 2 at 1-2 (injunction 2). Take for example, the issue of specific programs targeted to at-risk students. Although the Plan contains many programs for at-risk students that align with the issues identified by the Court's orders, it still lacks specific programs or services in two areas: "summer schools which addresses the loss of skills over the school break" and smaller class sizes. Ct. Ex. 1 at 2-4 (issue 4). Lastly, the Plan wholly disregards other issues. As an example, the Plan is devoid of information on how NMPED addressed or plans to address the teacher evaluation system, Ct. Ex. 1 at 7-8 (issue 10), or the lack of funding for textbooks, Ct. Ex. 1 at 1 (issue 1). Without completely addressing each issue and injunction, the Plan cannot be reasonably viewed as comprehensive.

Further, and as was mentioned already, the Plan lacks explicit connections and ties to applicable issues, violations and injunctions discussed in the Decision and Order and the Final Judgment and Order. Without drawing these correlations, the Court cannot reasonably determine whether the Plan, if properly implemented, will bring NMPED and the State into compliance. *See* Order Requiring Remedial Action Plan at 3, ¶ 4F ("[T]he Court anticipates a final comprehensive remedial action plan that when implemented will bring the NMPED and the State into compliance.").

Moving to Plaintiffs' second argument, that the Plan is not actionable, the Court disagrees. Plaintiffs argue that the Plan lacks concrete metrics, measurable steps or clear goals. *E.g.*, Motion at 8-9. Regarding the programs and services addressed in the Plan, the Court believes that it may reasonably measure NMPED's future progress against this Plan. The Plan contains general metrics and goals. *See e.g.*, Ct. Ex. 3 (extracting the various metrics provided in the Plan). Further, each 3-year chart contains benchmarks as each chart sets out plans to be accomplished every year between 2025 and 2028. Thus, for the areas addressed by the Plan, the Court believes the Court can determine what NMPED intends to do, when it intends to do it by, and—down the road—the Court can determine whether that has been accomplished.

As for measuring the areas unaddressed or inadequately addressed by the Plan, the Court intends to tread lightly in this Order. At this stage, the Court's role is not to choose the path to compliance or dictate policy. Rather, it is to ensure that the path that NMPED chooses to take will meet constitutional muster. In that vein, the Court in its Order Requiring Remedial Action Plan did not determine certain metrics or specific ways to measure NMPED's progress and compliance. It let NMPED develop the means. So too today. With that said, for the additional remedial actions that NMPED will provide in its supplement, NMPED must include ways to measure compliance.

Third, the Court disagrees with Plaintiffs that the Plan does not guide the legislative and executive branches regarding "budgetary and appropriation decisions." Here, Plaintiffs seemingly argue that in order to guide the other branches, the Plan must contain a detailed budget or "a comprehensive cost analysis." Yazzie Objections at 9-11; *see* Martinez Objections 11-12. To be clear, the Court did not require NMPED to include a budget, cost analysis, or other detailed accounting with the Plan. Therefore, it will not fault NMPED for withholding such details in the Plan. Even more, the Court does not believe the other branches require a detailed budget to be guided. *See* Order Requiring Remedial Action Plan at 2, ¶ 2 ("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."). Rather, it believes that the Plan provides sufficient guidance by identifying the specific programs and services, outlining certain benchmarks for each. That is, the Plan—for the areas it does address—determines the steps forward, and the coordinate branches now may determine how to provide adequate and appropriate funding for those steps. The Court is reminded of the line it drew in its Decision and Order: "It is the legislature's function to determine as a matter of policy which source or sources [of funds] are best for New Mexico. Again, which source is chosen is not as important as the end result—a system that adequately educates at risk-children." Decision and Order at 58. And as New York's highest court said in *CFE III*, "[w]e have neither the authority, nor the ability, nor the will, to micromanage education financing." 861 N.E.2d at 58. Applying these points to the argument at hand, the Court does not intend to micromanage the other branches, and will leave it to the appropriate parts of government to determine the costs and to determine the appropriate way to fund those costs.

The Court does not mean to limit Plaintiffs' future arguments that concern detailed accounting, however. For example, if, later on, Plaintiffs believe that Defendants have inadequately funded certain programs or services outlined in the Plan or its supplement, it would be appropriate for Plaintiffs to raise the issue and for the Court to decide whether Defendants achieved the end result: meeting their constitutional duty to adequately educate at-risk students. It is certainly conceivable that the Court may need and want specific accounting in this situation.

Fourth, Plaintiffs argue that NMPED did not meaningfully engage with Plaintiffs and stakeholders in the process. But to clarify, the Court did not order "meaningful engagement." Instead, it required that NMPED draft a "plan with the participation of the stakeholders and the Plaintiffs" and that Plaintiffs could submit objections to the Plan to this Court. Order Requiring Remedial Action Plan at 3, ¶ 4C, E. Based on the representations of the Parties, it seems that Plaintiffs and stakeholders had opportunities to and actually did participate in NMPED's process drafting the Plan. *See* Yazzie Objections at 47-51; Response 8-12. Even more, Plaintiffs submitted their Objections to the Court. Plaintiffs have not shown that NMPED's process in developing the Plan violated the Court's order.

Because the Court agrees with Plaintiffs' argument that the Plan is not comprehensive, it now turns to the appropriate relief.

C. The Court Believes that Supplementing the Plan Is Most Appropriate

As relief, Plaintiffs propose that, because the Plan is so fatally flawed, the process must be redone and the Plan be rewritten. Motion at 12-18; Plaintiffs' Joint Reply to PED Defendants' Response to Plaintiffs' Joint Motion for Further Relief at 4-6, *Martinez v. State*, D-101-CV-2014-00793, *consolidated with Yazzie v. State*, D-101-CV-2014-02224 (1st. Jud. Dist. Ct. April 22, 2026) [hereinafter Reply]. They propose a series of detailed steps in which NMPED hire and pay

Plaintiffs' experts to rework the Plan. Motion at 12-18; Reply at 4-6. NMPED argues no relief is necessary because the Plan is sufficient; but if the Court disagrees, NMPED's "entire work should not be disregarded" or thrown out. Response at 12. NMPED further asks "that the Court specify the specific areas that need improvement, and what evidence the Court relied upon to reach that conclusion." Response at 14.

The Court is highly doubtful it could respect the separation of powers if it granted Plaintiffs requested relief in its entirety. *See CFE III*, 861 N.E.2d at 57-59. Even assuming it could craft such a remedy that would not violate the doctrine, the Court does not consider it necessary to rewrite the Plan. That is, the Plan's content does not need to be discarded, but rather can be supplemented. The Court is cautiously hopeful that NMPED can supplement the Plan to address all of the issues, violations and injunctions in the Decision and Order and the Final Judgment and Order. For guidance on the areas that the Court sees are unaddressed by the Plan, NMPED may refer to Court Exhibits 1 and 2. The Court further believes that NMPED is capable of creating a high-level overview in which NMPED synthesizes its own Plan and supplement. In this overview, the Court orders NMPED to explicitly tie its proposed remedial actions to the appropriate issue, violation and injunction in the Decision and Order and the Final Judgment and Order so that the Court may readily identify how NMPED is and plans to comply with the Court's orders. The Court specifically rejects all other relief requested.

III. CONCLUSION

It is therefore ORDERED, ADJUDGED and DECREED:

1. The Court previously ordered NMPED to provide a "final comprehensive remedial plan." Order Requiring Remedial Action Plan at 3, ¶ 4D; *accord id.* at 2, ¶ 2 (describing that requested plan as "comprehensive"), *id. at* 3,¶ 4A, B, C, F (same).

2. The plan that NMPED provided is not comprehensive because it only addresses portions of the issues, violations and injunctions in the Court's Decision and Order and its Final Judgment and Order and it does not clearly show how its remedial actions meet or address the Court's orders.
3. NMPED has not complied with this Court's Order Requiring Remedial Action Plan.
4. As a consequence, the Court orders the following:
    A. By March 26, 2027[2], NMPED will file a supplement of the Plan ("Supplement") and provide a high-level overview, annotated index, or other instrument that comprehensively and succinctly summarizes the Plan and the Supplement ("High-level Overview"). At a minimum, the filing must contain the following:
        i. The Supplement must:
            1. explain how Defendants have met and/or plan to meet the various areas that were partially or wholly unaddressed by the Plan, as specifically identified by the Court in its Exhibits 1 and 2; and
            2. provide ways to assess whether and when the remedial actions outlined in the Supplement have been achieved and/or met.
        ii. The High-level Overview shall:
            1. succinctly and explicitly connect Defendants remedial actions outlined in the Plan and Supplement to every issue, violation and injunction in the Decision and Order and the Final Judgment and Order that relates to Article XII, Section 1 of the New Mexico Constitution; and

[2] The Court has chosen this deadline to coincide with New Mexico's next legislative session.

2. Use pincites to the Plan, Supplement, applicable order and any other appropriate document in the record where more information can be found.

3. NMPED will refer to Court Exhibits 1 and 2 to better understand the product and content that the Court envisions for the High-level Overview.

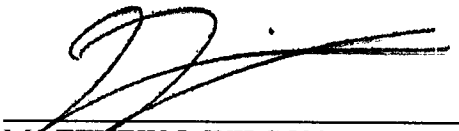
iii. The Court will not place a page limit on NMPED, but NMPED will be aware that the Court already considers its Plan to be lengthy and unwieldy.

B. By April 23, 2027, Plaintiffs may file objections regarding the Supplement and High-level Overview. Defendants will have 15 days to file a response, after which 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 request of a party.

C. As a result of the objections and hearing, the Court anticipates a Plan, a Supplement, and a High-level Overview that, when combined and implemented, will bring NMPED and the State into compliance with the Court's Final Judgment and will ultimately conclude this litigation.

5. NMPED's failure to comply with this Order 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.

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Defendants.

COURT EXHIBIT 1

COURT EXHIBIT 1
Order Requiring NMPED Supplement its Remedial Action Plan

The Court's chart comparing the Plan to the issues found in the Decision and Order			
Instructional Materials. Decision and Order at 26-29.			
Issue number	**Issue identified in the Decision and Order**	**3-year charts that conceivably address the issue**	**Is the issue addressed by Plan?**
Issue 1	Insufficient funding for instructional materials, such as textbooks. Decision and Order at 26-27.	None	No
Issue 2	Lack of access to technology, particularly in rural areas. Decision and Order at 27.	• Chart 1.1f, Plan 28-31 (funding has been appropriated to build STEM center); and • Chart 1.1g, Plan 31-32 (create a STEM center); • Chart 1.4c, Plan 63-65 (expand career-connected opportunities to include more exposure to technology); and • Charts 3.1c, 3.1d, 3.1e and 3.1f, Plan 104-108 (various plans to provide internet and other technology to students (both at home and in school)).	Yes
Issue 3	The State failed to comply with the Indian Education Act. Decision and Order at 27-29. The Court specifically identified that the State failed to: • ensure culturally relevant materials exist, • cultivate government-to-government relationships; and	• Charts 1.1a and 1.1b, Plan 20-23 (guide and provide culturally relevant material and "[c]ulturally guiding instructional scopes" in schools, require districts to purchase the material, NMPED will assist teachers in implementing material; and recruit a "diverse group" of teachers to review the material); • Chart 1.1j, Plan 36-37 (develop culturally relevant questions for standardized tests); • Chart 1.1k, Plan 38-39 (implement an assessment tool for kindergarten readiness to identify resources needed for Native American kindergarteners); • Chart 1.1l, Plan 39-40 (universal pre-ks which also provide "culturally grounded tribal standards and languages are used"); • Chart 1.2c, Plan 46 (expand the "Seal of Bilingualism-Biliteracy" program);	Partially. The Plan does not mention whether the 3-regional positions in the Indian Education Department have been filled.

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	• fill the 3-regiaonl Indian Education Department positions. Decision and Order at 27-29.	• Chart 2.1a, Plan 74-76 (used funds from Indian Education fund for professional development, recruitment, and retention of Native American teachers/staff); • Chart 2.1g, Plan 82-83 (establish and implement statewide standards for superintendents and administrators; and will provide trainings including compliance with Indian Education Act); • Chart 2.2c, Plan 87-88 (create resources and support for Native American Language and Culture (NALC) 520 certified teachers); • Chart 3.2b, Plan 111-112 (expand the behavioral pilot program based, in part, on the needs as assessed and required by Indian Education Act); • Chart 4.1b, Plan 139-140 (appropriated money to the Indian Education Fund and will review annually if the funds are distributed and awarded appropriately); and • Chart 4.4c, Plan 156-157 (review "data sharing agreements between school districts, charter school and pueblos, tribes, and nations"; "[NM]PED and pueblos, tribes, and nations sign" agreements to share data on tribal members as allowed by federal and state law; and start sharing data).	
Reasonable Curricula. Decision and Order at 29-32.			
Issue number	**Issue identified in the Decision and Order**	**3-year charts that conceivably address the issue**	**Is the issue addressed by Plan?**
Issue 4	Lack of programs to support at-risk student learning. Decision and Order at 29-30. The Court specifically highlighted the following types of programs whose "efficacy . . . has been recognized": • A "quality full-day pre-K, which	• Charts 1.1c, 1.1d, and 1.1e, Plan 24-28 (creating "structured literacy" courses and requirements, including a summer reading program, and the creation of a literacy center); • Chart 1.1f, Plan 29-31 (implemented various pilot programs for math in elementary and middle schools and will seek legislation "to implement numeracy instruction"); • Chart 1.1h, Plan 32-34 (develop, implement and monitor "career-connected learning" math courses); • Chart 1.1k, Plan at 38-39 (implement assessment tool for kindergarten readiness to identify resources needed for at-risk kindergarteners); • Chart 1.1l, Plan 39-42 (universal pre-k);	Partially. The Plan does not explicitly address how the State plans to improve and/or develop programs like summer school or smaller class sizes.

	addresses at-risk students starting behind other children"; • "summer school which addresses the loss of skills over the school break"; • after school programs; • smaller class sizes; and • research-based reading programs. Decision and Order at 29-30.	• Charts 1.2a, 1.2c and 1.2d, Plan 43-44, 46-48 (expand, inform, and track various ELL programs); • Chart 1.3b, Plan 51 (develop and implement Individualized Education Program (IEP) template); • Chart 1.3h, Plan 58-59 (evaluate existing programs for college-readiness, then develop and implement programs to fill in gaps); • Chart 1.4a, Plan 60-61 (create an online platform for schools to identify students "in need of targeted intervention"); • Charts 1.4b and 1.4c, Plan 61-65 (expand and track internship programs and "career-connected learning opportunities" to eventually assess how these prepare at-risk students for college and career); • Charts 2.3a and 2.3b, Plan 91-92 (require teachers to take a Culturally and Linguistically Responsive Instruction (CLRI) course for licensure renewal and incorporate such CLRI, Universal Design for Learning (UDL) and trauma informed practices in coursework); • Chart 3.1a, Plan 101-103 (determine costs of "out-of-school time programming," including transportation for students and provide free out-of-school activities, to include transportation); • Chart 3.1b, Plan 103-04 (develop and require an online program "for transportation workers on de-escalation strategies and positive behavioral interventions"); • Chart 3.2a, Plan 110-11 (develop wrap-around services for students experiencing homelessness); • Chart 3.2b, Plan 111-13 ("Pilot the [Behavioral Health] programming model in seven districts"); • Charts 3.2c, 3.2d and 3.2e, Plan 113-16 (develop New Mexico-Grown Tribal Purchasing program to bring in culturally reflective food; and develop, implement and train staff on nutrition programs that include sustainable processes, scratch cooking, and New Mexico grown products); • Charts 3.2f and 3.2g, Plan 116-19 (schools to provide transition support for at-risk students going to college; NMPED will "[r]evise Next Step Plan templates"; and improve support for students in need of remedial courses);	

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		• Chart 3.2h, Plan 119-20 (support and increase number of schools "interested in the community schools frameworks' key practices"); • Chart 3.3c, Plan 124-25 (amend Attendance Success Act to better support at-risk students, implement those changes, and then assess whether those worked by various specific metrics); • Chart 4.1e, Plan 143-145 (updated building standards to include spaces for "physical education, drama, music, and athletics"); and • Chart 4.4a, Plan 154-155 (NMPED passed a rule extending school year/school day, and limited remote instructional days; it will evaluate the effectiveness of the rule and amend accordingly).	
Issue 5	Programs to support at-risk student learning are inadequately funded. Decision and Order at 29-30.	• Charts 1.1e and 1.1f, Plan 27-31 (has acquired funding to build literacy center and STEM center); • Chart 1.1l, Plan 39-42 (funding received for universal pre-k); • Chart 1.3e, Plan 54-55 (add Native American representation on special education advisory panel and create a subcommittee to address policy/budget issues regarding Native American students with disabilities); • Chart 3.1a, Plan 101-03 (will pass legislation and seek an appropriation for out-of-school programs and transportation); and • Chart 4.1a, Plan 137-139 (the State has "updated the funding formula"; will evaluate funding formula to determine that the funding is "being targeted to programs benefitting" at-risk students and "whether additional state equalization factors may be needed to support" at-risk students, and if so, "pass legislation to change the factors").	Yes
Issue 6	NMPED failed to fund and monitor ELL programs, track ELL trainings for teachers with ELL students, and provide frameworks for districts to provide ELL education.	• Charts 1.1c and 1.1d, Plan 24-27 (NMPED to monitor "structured literacy" program); • Chart 1.1k, Plan at 38-39 (implement assessment tool for kindergarten readiness to identify resources needed for ELL kindergarteners); • Charts 1.2a and 1.2b, Plan 43-45 (develop and implement certain ELL programs, monitor their effectiveness through surveys and stakeholder meetings, and request appropriation "to attract and retain" bilingual teachers in bilingual classes);	Partially. The Court did not identify a chart that clearly tracked ELL trainings for teachers with ELL students.

	Decision and Order at 31-32.	• Chart 1.2c, Plan 45-46 (expand the "Seal of Bilingualism-Biliteracy" program); • Chart 1.2d, Plan 46-48 (assist and inform schools and districts of ELL programs, and require schools to track performance and attendance in those programs); • Chart 1.3f, Plan 55-56 (provide a manual and trainings on serving ELL students with disabilities); • Chart 2.1b, Plan 76 (increased salaries for all teachers; and will develop a tracking program to track vacancies and existing teacher certification levels and types); • Chart 2.2a, Plan 85-86 (NMPED funded supplemental salaries for Native American Language and Culture (NALC) 520 certification; amend licensure requirements to align bilingual educator preparation with national standards; and pass legislation "to require all educator candidates to graduate with an endorsement for teaching English to speakers of other languages"); • Chart 2.2c, Plan 87-88 (create resources and support for Native American Language and Culture (NALC) 520 certified teachers); • Charts 2.2d and 2.2e, Plan 88-89 (will require education preparation programs (EPPs) to expand bilingual and heritage language faculty and have competitive salaries); and • Chart 2.2e, Plan 89 (will seek appropriation to increase salaries for faculty in education preparation programs).	
Quality of Teaching & Related Issues. Decision and Order at 32-37.			
Issue number	**Issue identified in the Decision and Order**	**3-year charts that conceivably address the issue**	**Is the issue addressed by Plan?**
Issue 7	Lack of funding for districts and schools to have an adequate number of teachers; and teacher salaries	• Chart 1.2b, Plan 44-45 (will seek appropriation "to attract and retain" bilingual teachers); • Chart 1.2d, Plan 46-48 (funding formula aligns with reclassifying English Learners);	Yes

	are low. Decision and Order at 32-33, 35.	• Charts 2.1a, 2.1b and 2.1c, Plan 74-78 (has increased the minimum wage for school personnel, has increased minimum teacher salaries, and will align pre-k teacher salaries with k-12 teachers); • Chart 2.1d, Plan 78-79 (seek appropriation "to increase the number of residencies for preservice educators"); • Chart 2.2e, Plan 89 (will seek appropriation to increase salaries for faculty in education preparation programs); and • Chart 2.2f, Plan 89-90 ("Provide special education teacher retention stipends").	
Issue 8	Quality of teaching provided to at-risk students is inadequate. Decision and Order at 33.	• Chart 2.1e, Plan 79-81 (mentorship program for "early career teachers").	Partially. The Plan does not address what the Court specifically noted: there is a disproportionate number of entry-level teachers, teachers with lower average evaluation scores and fewer that are rated effective or better in high-poverty schools. Decision and Order at 33.
Issue 9	Teachers are not being retained. Decision and Order at 34.	• Chart 1.2b, Plan 44-45 (seek appropriation "to attract and retain" bilingual teachers);	Yes

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		• Charts 2.1a, 2.1b and 2.1c, Plan 74-78 (has increased the minimum wage for school personnel, has increased minimum teacher salaries, and will align pre-k teacher salaries with k-12 teachers); • Chart 2.1d, Plan 78-79 (seek appropriation "to increase the number of residencies for preservice educators"); • Chart 2.1e, Plan 79-80 (mentorship program for "early career teachers"); • Chart 2.1f, Plan 81-82 ("Increase administrator, teacher, and support staff salaries based on regional educator compensation packages."); • Chart 2.1h, Plan 83-84 (develop "innovative school staffing model" program and collect data on the effectiveness of the model, including retention); • Chart 2.2e, Plan 89 (will seek appropriation to increase salaries for faculty in education preparation programs); and • Chart 2.2f, Plan 89-90 ("Provide special education teacher retention stipends").	
Issue 10	"Teacher distrust of the [teacher] evaluation system" called NMTEACH "could lead to lower retention rates" and the evaluation system that lacks the statutorily required metrics regarding a teacher's effectiveness of serving ELL and Native American students. Decision and Order at 34-35.	• Chart 1.4a, Plan 60-61 (NMPED will publish data on the "targeted intervention" portal that summarizes trends to guide schools in better handling at-risk students); • Chart 3.3b, Plan 123-24 (publish online school and district discipline data and identify any "disproportionality for" at-risk students and require schools with such disproportions to develop an action plan); • Chart 4.3a, Plan 150-51 ("[i]dentify additional metrics" to determine school success through "listening sessions and focus groups," implement those metrics and then revise the state plan accordingly); • Charts 4.3b and 4.3c, Plan 151-52 (NMPED created a system to designate schools that result in low performing, at-risk students and then provide those schools with additional support, evaluate the program's effectiveness and have a plan in place for schools that have not improved their performance); • Chart 4.3d, Plan 153 (expand review of "traditional and spotlight schools" in DASH to include supports and outcomes for at-risk students to ensure the students "are experiencing growth in higher performing schools"); and	No. The Plan provides various methods to assess whether schools and districts adequately educate at-risk students. But the Plan does not mention NMTEACH. And the Court did not find a chart on a different means to evaluate teachers, that

		• Chart 4.4b, Plan 155-56 (NMPED updated its "school data collection system" to review outcomes for at-risk students; it will implement a statewide system and develop an early warning system from the system to identify "struggling students").	includes a way to assess how effective a teacher is in serving ELL and Native American students.
Issue 11	Difficult to recruit teachers in rural areas. Decision and Order at 36.	• Chart 2.1f, Plan 81-82 ("Increase administrator, teacher, and support staff salaries based on regional educator compensation packages.").	Yes
Issue 12	Difficult to recruit special education, STEM and bilingual teachers. Decision and Order at 36.	• Chart 1.2b, Plan 44-45 (request an appropriation "to attract and retain" bilingual teachers, and evaluate effectiveness of recruitment); • Chart 2.1a, Plan 74-76 (develop and implement recruitment strategies "to increase the proportion of Hispanic and Native American students enrolling in" education preparation programs (EPPs)); • Chart 2.1b, Plan 76 (increased salaries for all teachers; and will develop a tracking program to track vacancies and existing teacher certification levels and types); • Charts 2.1c and 2.1d, Plan 77-79 (recruit students from at-risk backgrounds to enter the "Education Rising" program, and recruit bilingual, Hispanic, and Native American "aspiring teachers" to residencies and "Educator Fellows programs"); • Chart 2.2a, Plan 85-86 (increased salaries and incentives for special education and for Native American Language and Culture (NALC) 520 certified teachers); • Chart 2.2d, Plan 88 (require education preparation programs (EPPs) to expand bilingual and heritage language faculty); and • Chart 2.2e, Plan 89 (develop competitive salaries for faculty at education preparation programs (EPPs)).	Partially. The Plan does not outline obtaining STEM teachers.

COURT EXHIBIT 1
Order Requiring NMPED Supplement its Remedial Action Plan

Issue 13	Inadequate funds to train teachers. Decision and Order at 36.	• Many charts provide trainings on specific programs. *See e.g.,* Chart 1.1f, Plan 29-31; Chart 1.1h, Plan 32-34; Chart 2.1e, Plan 79-81; Chart 3.1g, Plan 108-109; Chart 3.2b, Plan 111-113; and Chart 3.3b, Plan 123-24. • No chart outlined funding to train teachers generally.	No. The Plan does not discuss how the State has addressed the lack of funding to train teachers or how "the SEG factor that deals with training—T&E index—" no longer "fails to follow the statutory criteria." [DO 36]
Money Does Matter. Decision and Order at 46-59.			
Issue number	**Issue identified in the Decision and Order**	**3-year charts that conceivably address the issue**	**Is the issue addressed by Plan?**
Issue 14	NMPED is "required to monitor or audit" SEG and federal funds to ensure schools are using these funds as required for at-risk students. Decision and Order at 52-53.	• Chart 1.3a, Plan 49-50 (created Special Education Division in NMPED, will expand assistance and participation with the Division); • Chart 4.1a, Plan 137-139 (updated the funding formula and will continue to evaluate and determine that funding is appropriately received and used for at-risk students); • Chart 4.2a, Plan 146-147 (created a unified federal grant application and will require districts and charter schools to use this to better maximize use of federal funds; and will add in applications for state funds); and • Chart 4.2b, Plan 147-148 (in the accreditation process, NMPED will collect and review district and charter school data (including the school budget) based on "10 relevant accreditation indicators" to ensure the school is following federal/state law and providing equitable education).	Yes

Issue 15	Overall appropriation is insufficient to fund the necessary programs. Decision and Order at 53-58.	• Chart 4.1a, Plan 137-139 (updated the funding formula and will continue to evaluate and determine that funding is appropriately received and used for at-risk students); • Chart 4.1b, Plan 139-140 (appropriated money to the Indian Education Fund and will review annually if the funds are distributed and awarded appropriately); and • Chart 4.2a, Plan 146-147 (created a unified federal grant application, will require districts and charter schools to use this to better maximize use of federal funds, and will add in applications for state funds).	Yes

[END]

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

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.

COURT EXHIBIT 2

COURT EXHIBIT 2
Order Requiring NMPED Supplement its Remedial Action Plan

The Court's chart comparing the Plan to the injunctions ordered in the Final Judgment and Order.			
Injunction number	**Issue identified in the Final Judgment and Order**	**3-year charts that conceivably address the issue**	**Is the injunction addressed by Plan?**
Injunction 1	Take immediate steps by April 15, 2019, to ensure that schools have the resources necessary for at-risk students to obtain a uniform and sufficient education. Final Judgment and Order at 3-4, ¶ 3a	• Charts 1.1, Plan 20-22, 24-25, 27-29, 34-35, 38-42 (column "progress to build on 2019 through present"); • Chart 1.2, Plan 43, 46-47 (same); • Chart 1.3, Plan 49, 51-52, 55, 57 (same); • Chart 1.4, Plan 61, 63 (same); • Chart 2.1, Plan 74-77, (same); • Chart 2.2, Plan 85-86 (same); • Chart 2.3, Plan 91 (same); • Chart 3.1, Plan 102, 104-105, 108 (same); • Chart 3.2, Plan 110-13, 116, 119 (same); • Chart 3.3, Plan 121-24 (same); • Chart 4.1, Plan 138-41, 144 (same); • Chart 4.2, Plan 146-49 (same); • Chart 4.3, Plan 151-52 (same); and • Chart 4.4, Plan 154-55 (same)	Yes
Injunction 2	"Defendants must comply with their duty to provide an adequate education and may not conserve financial resources at the expense of our constitutional duty." Final Judgment and Order at 4, ¶ 3d	• *See* Court Exhibit 1	Partially. *See* Ct. Ex. 1. The Court notes that the Plan was ordered in part because Defendants had not complied with their constitutional

			duties. *See* Order Requiring Remedial Action Plan at 2, ¶ 1
Injunction 3	Reform "the current system of financing public education and managing schools" to address "the shortcomings of the current system by ensuring" public schools have the resources necessary to provide a sufficient education, including "instructional materials, properly trained staff, and curricular offerings." Final Judgment and Order at 5, ¶ 3e	• *See* Court Exhibit 1	Partially. *See* Ct. Ex. 1.
Injunction 4	A system of accountability to measure whether the programs and services actually achieve constitutional standard for education. Final	• Chart 1.4a, Plan 60-61 (publish data on the "targeted intervention" portal that summarizes trends to guide schools in better handling at-risk students); • Chart 2.1b, Plan 76 (NM Vistas will include information on "teacher vacancies and existing teacher-level certification type and endorsements"); • Chart 3.3a, Plan 121-22 (develop and administer a student survey on school culture that includes questions related to self-awareness, belonging, school climate and school safety);	Yes

	Judgment and Order at 5, ¶ 3f	• Chart 3.3b, Plan 123-24 (publish online school and district discipline data and identify any "disproportionality for" at-risk students and require schools with such disproportions to develop an action plan); • Chart 3.3c, Plan 124-25 ("Amend the Attendance Success Act to better support" at-risk students, implement those changes, and then assess whether those changes worked by various metrics); • Chart 4.1c, Plan 140-42 (relaunched the "NM Vistas" accountability tool; will develop a tool to show per pupil spending, spending across the state, program participation by district, link the program participation to at-risk students, and where investment is most effective); • Chart 4.1d, Plan 142-43 (will update NM Vistas to include features that "show whether gaps are closing or widening from the baseline years of common statewide achievement measures"); • Chart 4.2b, Plan 147-48 (NMPED created a school accreditation process to ensure the school is following federal/state law and providing equitable education and will collect data on the process and implement it); • Chart 4.2c, Plan 148-49 (require districts and charter schools to publish their cash reserves on NM Vistas); • Chart 4.3a, Plan 150-51 ("[i]dentify additional metrics" to determine school success through "listening sessions and focus groups," implement those metrics and then revise the state plan accordingly); • Charts 4.3b and 4.3c, Plan 151-52 (created a system to designate schools that result in low performing, at-risk students and then provide those schools with additional support, evaluate the program's effectiveness and have a plan in place for schools that have not improved their performance); • Chart 4.3d, Plan 153 (expand review of "traditional and spotlight schools" in DASH to include supports and outcomes for at-risk students to ensure the students "are experiencing growth in higher performing schools"); and Chart 4.4b, Plan 155-56 (NMPED updated its "school data collection system" to review outcomes for at-risk students; it will implement a statewide system and develop an early warning system from the system to identify "struggling students").	

COURT EXHIBIT 2
Order Requiring NMPED Supplement its Remedial Action Plan

[END]

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

LOUISE MARTINEZ, *et al.*,

Plaintiffs,

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COURT EXHIBIT 3

COURT EXHIBIT 3
Order Requiring NMPED Supplement its Remedial Action Plan

Excerpts of discrete metrics and standards found in the Plan

The Plan contains metrics and standards for the Plan in general and for each critical need identified by NMPED, that it had bullet-pointed in the Plan in the following places:

I. Metrics for the Plan in general, Plan 11-12;

II. Metrics for the Plan's first critical need, Plan 66;

III. Metrics for the Plan's second critical need, Plan 93;

IV. Metrics for the Plan's third critical need, Plan 126; and

V. Metrics for the Plan's fourth critical need, Plan 158.

Those metrics are quoted below.

I. Metrics for the Plan in General

NMPED set the following goals for the Plan in general:

- Increase the proficiency rate of students with disabilities, English Learners, Native American students, and economically disadvantaged students on statewide reading and math assessments by at least 10 percentage points.
- Decrease the achievement gap between these students and student groups not included in the Martinez-Yazzie lawsuit by 25 percent as measured by statewide reading and math assessments.
- Decrease chronic absenteeism rates for students with disabilities, English Learners, Native American students, and economically disadvantaged students by at least 25 percent.
- By 2029, increase the 4-year graduation rate for students with disabilities, English Learners, Native American students, and economically disadvantaged students by at least 5 percentage points.
- Reduce gaps in students' sense of belonging between students with disabilities, English Learners, Native American students, and economically disadvantaged students and student groups not included in the Martinez-Yazzie lawsuit, as measured by the school culture survey.

Plan 11-12.

II. Metrics for the First Critical Need

The first critical need—equitable access to high-quality instruction—largely focused on academic programs and support (*e.g.*, programs to improve literacy, math, and to better meet the

Indian Education Act; it also provided various ELL courses). Plan 13-66. In that context, the Plan set the following targets:

> Unless otherwise noted, each outcome has a target date of December 31, 2028.
> - 100 percent of students with disabilities, English Learners, Native American students, and economically disadvantaged students identified for needing interventions or who are not on grade level in literacy or mathematics receive structured literacy interventions.
> - All teachers who complete an elementary educator or special educator preparation program after 2028 have been fully trained in the science of reading.
> - The number of students with disabilities, English Learners, Native American students, and economically disadvantaged students earning the State Seal of Bilingualism and Biliteracy in either Spanish or heritage languages is increased by 25 percent.
> - All students with disabilities, English Learners, Native American students, and economically disadvantaged students will have access to teachers who are trained in inclusive practices, grade-level instruction, MLSS, and CLRI.
> - All students with disabilities, English Learners, Native American students, and economically disadvantaged students have access to bilingual, heritage, and English language development coursework.
> - The number of Native American students served by Native American language and culture teachers is increased by 10 percent.
> - All students with disabilities have IEP services that support grade-level or essential standards.

Plan 66.

III. Metrics for the Second Critical Need

The second critical need—equitable access to high-quality educators—focused on the type of teacher, teacher training, pay, and retention. Plan 67-93. In that context, the State set the following targets:

> Unless otherwise noted, each outcome has a target date of December 31, 2028.
> - On average, students with disabilities, English Learners, Native American students, and economically disadvantaged students are taught by teachers with equivalent or greater years of experience and licensure levels as teachers who teach the overall student population.
> - Fewer students with disabilities, English Learners, Native American students, and economically disadvantaged students are taught by long-term substitute teachers.
> - The number of Native American teachers is increased.

- All teachers who teach students with disabilities, English Learners, Native American students, and economically disadvantaged students and have fewer than 4 years of experience have mentors.
- All educators who have renewed or advanced their license and teach students with disabilities, English Learners, Native American students, and economically disadvantaged students have taken a micro-credential in CLRI and inclusive practices.
- All teachers who complete an educator preparation program after 2028 have been trained to implement inclusive practices, CLRI, and trauma-informed practices.

Plan 93.

IV. Metrics for the Third Critical Need

The third critical need—equitable access to academic, social, well-being, and behavioral services—focused on behavioral health services, creating "positive learning environments," along with providing transportation and nutrition services. Plan 94-126. In that context, the State set the following targets:

> Unless otherwise noted, each outcome has a target date of December 31, 2028.
> - 20 percent of students with disabilities, English Learners, Native American students, and economically disadvantaged students have access to an updated educational device on an annual basis.
> - All students with disabilities, English Learners, Native American students, and economically disadvantaged students have Next Step Plans that provide for postsecondary trajectories.
> - The number of students with disabilities, English Learners, Native American students, and economically disadvantaged students who are suspended or expelled is reduced by 50 percent.
> - The gap in attendance rates between students with disabilities, English Learners, Native American students, and economically disadvantaged students and the overall student population is reduced by 50 percent.
> - All schools that enroll students with disabilities, English Learners, Native American students, and economically disadvantaged students have attendance improvement plans that meet the standards of the accreditation process.

Plan 126.

V. Metrics for the Fourth Critical Need

The fourth critical need—effective funding, support, and accountability to drive systemic improvement—focused on funding along with transparency and accountability measures. Plan 127-158. In that context, the State set the following targets:

> Unless otherwise noted, each outcome has a target date of December 31, 2028.
> - Funds generated by the state equalization guarantee factors for students with disabilities, English Learners, and economically disadvantage students are spent at the schools where the students are enrolled.
> - Schools spend funds generated by the state equalization guarantee factor for students with disabilities on services for students with disabilities.
> - All school district and charter school leaders have attended and have been trained on the online assessment tool to adjust instructional services to better meet student needs.
> - All school districts and charters schools use the unified application to apply for federal funds to increase transparency and to ensure that funds are being used for intended programs and student groups.
> - All school districts and charter schools have cash reserves published on NM Vistas.
> - All DASH plans are reviewed annually by PED to ensure appropriate supports and outcomes for students with disabilities, English Learners, Native American students, and economically disadvantaged students.

Plan 158.

[END]