

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

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

LOUISE MARTINEZ, *et al.*,

Plaintiffs,

v.

No. D-101-CV-2014-00793

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

Defendants.

Consolidated with

WILHELMINA YAZZIE, *et al.*,

Plaintiffs,

v.

No. D-101-CV-2014-02224

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

Defendants.

ORDER REQUIRING REMEDIAL ACTION PLAN

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

It is therefore ORDERED, ADJUDGED AND DECREED:

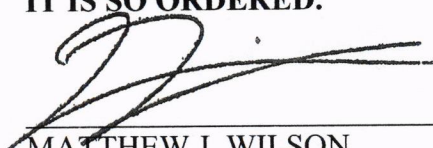
1. The Court has carefully reviewed and weighed the extensive evidence concerning NMPED's and the State's efforts to reform education. On the basis of this evidence, this Court finds that Defendants NMPED and the State of New Mexico are not in compliance with this Court's Decision and Order, issued July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

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

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

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

IT IS SO ORDERED.


MATTHEW J. WILSON
DISTRICT COURT JUDGE
DIVISION IX

CERTIFICATE OF SERVICE

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

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