

Policy Brief

Martinez-Yazzie Motion Update

Analyst: John Sena, Deputy Director

Date: September 19, 2024

The plaintiffs in the *Martinez-Yazzie* consolidated education sufficiency lawsuit filed a [motion](#) of noncompliance and request for remedial action plan on September 4, 2024 in the First Judicial District Court, arguing the state still has not addressed educational deficiencies for at-risk students. The motion asks the court to order the creation of a comprehensive remedial action plan outlining the actions needed to address the court's orders, the parties responsible for implementing those actions, and objective measures by which to evaluate success.

The motion calls for LESC staff to coordinate the planning process. It is important to note neither LESC nor its staff would be responsible for unilaterally developing a remediation plan; plaintiffs in the motion do, however, "propose to have the staff of the [LESC] lead the *process* of creating a comprehensive remedial plan."

Prior to calling for LESC staff to coordinate a planning process, the motion is largely dedicated to examples of how, in the plaintiffs' view, the state, namely the Public Education Department (PED), has failed to meet court mandates to date. It cites the court's findings in its original 2019 order and describes a perceived lack of progress toward improvement.

In calling for LESC staff to lead this planning process, the motion cites high rates of turnover in leadership at PED, continued poor outcomes for at-risk students, and defendants' refusal to work collaboratively on a remedial plan as some of the reasons for the motion.

This brief focuses primarily on the request for a comprehensive remedial plan and the role LESC may be asked to play in its development if the court grants the motion.

Call for a Plan and LESC's Proposed Role

The plaintiffs argue because PED has not adopted a comprehensive action plan, or made measurable progress in implementing the court's orders, a "comprehensive remedial plan, developed through a collaborative approach to planning is necessary to address defendants' constitutional obligations and redress their ongoing failure to achieve compliance with the court's orders." The motion cites the court's earlier recognition that if "no consensus is achieved and the constitutional mandate is not met, the court will apply appropriate remedies." The motion further states:

"Creating this comprehensive plan requires the coordinated effort among educational leaders, State and Tribal government officials, education experts and advocates, and other participants in the State's educational system, and of course, the PED."

The motion also argues "the LESC staff is the appropriate body because it is essential that the Legislature be involved in the development of a comprehensive plan." While LESC, and the Legislature as a whole, have worked to address the court's findings through funding and programs, and LESC staff has presented a [roadmap](#) to improving New Mexico's education system, LESC members and staff have not played a formal role in developing a comprehensive state plan. If granted, the motion would mean LESC staff take on a central role in that process.

Key Takeaways

- Plaintiffs in the *Martinez-Yazzie* education sufficiency lawsuit filed a joint motion of noncompliance and request for a remedial action plan on September 4, 2024 (*Page 1*).
- The motion calls for LESC staff to coordinate the planning *process* for a remedial action plan, not the unilateral development of a plan itself (*Page 1*).
- The motion calls for LESC staff to submit a draft plan by May 1, 2025, with the objective of fully satisfying the defendants' constitutional obligations by the end of 2030 (*Page 2*).
- The court has not yet ruled on the motion (*Page 3*).

LESC Expertise

The motion notes LESG's bipartisan, bicameral makeup, as well as staff's statutory focus on education research, policy, and funding. It states "LESG staff utilize local, state, and national resources for data collection, and engage with school districts and stakeholders. Staff report their findings and make recommendations on funding levels and legislative changes to the LESG, which often are developed into proposed legislation." It further cites the committee's and staff's position as "subject-matter experts" and a singular focus on education as evidenced in LESG's annual reports on education policy and budget.

Timeline and Additional Steps

The motion calls for LESG staff to submit to both plaintiffs and defendants a draft plan, developed in consultation with the PED Secretary, by May 1, 2025, with the objective of fully satisfying the defendants' constitutional obligations by the end of 2030.

By July 1, 2025, the state would present to the court a comprehensive remedial plan that all parties agree on and addresses all the necessary components, as cited by the motion. If the parties do not agree on any aspect of the plan, either may seek a ruling from the court.

As noted earlier, the motion does not place the responsibility of developing a plan solely on LESG or its staff. Rather, LESG, with parties to the suit, "shall identify the State and the school district officials, actors, and agencies whose direct involvement, cooperation, and assistance are necessary for the LESG staff to formulate for the State to implement the specific actions described in the Comprehensive Remedial Plan." LESG staff and the parties would seek input from identified experts, advocates, and others in the development of the plan.

The motion is also specific in identifying the need for staff to consult and collaborate with representatives from the state's 23 Indian nations, tribes, and pueblos in developing the plan.

Summary of Plan Components

- A multicultural and multilingual framework must be created with which districts and schools provide a culturally and linguistically responsive education that supports the assets of at-risk students.
- 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.
- A system of curriculum, instructional programs, and assessment from preschool through secondary school must be created that is culturally and linguistically responsive.
- 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.
- A system of 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.
- An adequately staffed system must be created of culturally and linguistically responsive and high-quality student and family support services.
- 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.
- An accountability and enforcement system that tracks local district expenditure of state and federal funds must be created to ensure these funds are spend in schools on at-risk students.
- The PED must fill all vacancies and increase its current capacity with high quality, culturally competent staff.

The motion requests the court to require the inclusion of specific actions and the state actor or agency responsible for overseeing implementation, stated separately for each year from 2025 through 2030, and an analysis of the resources, in addition to current funding, necessary to complete those actions.

The state would have to submit quarterly status reports to the court and plaintiffs beginning on September 20, 2025, and continuing each quarter until the court determines “the constitutional violations found by this Court have been remedied.” The motion further states a special master would be appointed to oversee implementation of the plan if sufficient progress is not made.

Other Substantive Issues

It is still unclear whether the court will grant the plaintiffs’ motion or, if it is granted, what the final version might ask of LESC and staff. Given a typical work plan and staff members’ role as support to LESC and the larger Legislature, it is possible a decision to ask LESC staff to coordinate the development of a comprehensive remedial action plan may require additional resources in the form of budget and personnel. If not, it may require staff to redirect current resources.

Additionally, the motion cites turnover at PED as one reason for the development of a long-term plan. While LESC membership and staff are relatively stable, election cycles, committee decision making, and personnel decisions all create conditions that could mean changes at any time. It may be important for the committee to consider larger state governance structures that could contribute to consistency and stability in public education governance.

Lastly, LESC and the Legislature are already preparing for the 2025 legislative session. It is unclear how quickly legal proceedings might occur and when, or if, LESC and staff may be asked to begin work addressing the motion. The current timelines indicated in the motion seem untenable given the Legislature’s usual session cycle.

Regardless of the court’s decisions, LESC staff have worked in recent years to outline a comprehensive roadmap that addresses the *Martinez-Yazzie* consolidated lawsuit as well as broader visioning to transform New Mexico’s education system.

As noted in the [LESC 2024 Annual Report](#), LESC provides the Legislature with a vision for transforming education in New Mexico by setting forward four overarching areas by which the state can focus investments and continue to examine return on investment, improve systems dynamics, and ultimately, support legislators with skilled, adaptive policy and budget decisions.

Primary among these is a focus on the Educator Ecosystem, including:

- Identifying and investing in educator recruitment and retention strategies that work;
- Requiring and incentivizing rigorous educator preparation programs that support a diverse workforce;
- Strengthening and investing in excellent school and district leadership;
- Investing in professional development and establishing access to complex career ladders; and
- Clarifying expectations and investing in the pipeline for ancillary support staff.

Second among these is a focus on Academic Design, including:

- Investing in early literacy and strong mathematics education;
- Promoting and incentivizing secondary and middle school redesign;
- Investing in career and technical education and work-based learning aligned to economic development;
- Supporting culturally and linguistically responsive education and aligning investments to support New Mexico’s education acts;
- Investing in a world-class bilingual and multilingual education system; and

-
- Requiring strong systems of intervention and support for struggling students and students with disabilities.

Third, LESC envisions Whole Child Education systemic supports including:

- Investing in social and emotional learning, both proactively and in response to trauma;
- Investing in at-risk supports such as targeted tutoring, extended time, and intervention programming;
- Promoting community school transformational models;
- Investing in fine and performing arts; and
- Investing in physical and health education.

Last, LESC emphasizes Overarching Systems through which all of the above manage to operate, including:

- Establishing and investing in a world-class data and accountability system that aligns across birth to career services, agencies, and programs;
- Understanding and improving the school funding formula to improve local governance and state stewardship;
- Improving and clarifying roles and responsibilities among school district and state governance; and
- Ensuring capital outlay, school buildings, school safety, school-based technology, and transportation are fundamentally supported.