

### Background

In 2018, the court ruled that New Mexico is violating the constitutional rights of "at-risk students"—including Native American students, English learners, students with disabilities, and those from low-income families—by failing to provide the education they need to be prepared for college or career.

After years of delay and inaction, the Yazzie and Martinez **plaintiffs returned to court in September 2024, filing a Joint Motion** to show that the State still isn't meeting the court's order or its constitutional responsibilities. Plaintiffs **demand a remedial action plan** to fix the education system and deliver on the promise of equity for at-risk students.

### What did the Court order?

In April 2025, **the judge agreed.** The court found that New Mexico's public education system is still unconstitutional and ordered the Public Education Department (PED) to develop a comprehensive plan to correct ongoing violations.

The judge also required that:

- PED work with outside experts—**LANL Foundation and WestEd**—to develop the plan;
- And that the plan be created with **real input from students, families, educators, and Tribal Nations.**

### Remedial Plan Timeline

- **Oct. 1, 2025 – Draft Due:** PED must submit a draft plan, developed with the consultants, legislative staff, and public input.
- **Nov. 3, 2025 – Final Plan Due:** PED must submit the final version.
- **Dec. 2025 – Court Review:** If the plan is inadequate, plaintiffs can return to court to demand stronger action.

### What Must the Plan Include?

The plan must address the Nine Key Components of a sufficient education—identified by the plaintiffs and rooted in the court's findings and community input, including the Yazzie Platform for Action, Tribal Remedy Framework, and PED's own Strategic Plan.

For each component, the plan must outline:

1. **Who is responsible for carrying it out**
2. **What funding is needed**
3. **How progress will be measured each year**

### Community Involvement

**Transform Education NM** is mobilizing families, educators, Tribal leaders, and advocates through its People's Table and Partners Table to shape a truly community-led plan—one that reflects the needs, values, and priorities of those most impacted.



### The power to transform education in New Mexico lies with us.

**We are just getting started.** As the State begins drafting the Remedial Action Plan, our communities will be watching every step. We'll be tracking every major milestone and continuing to gather so that this work stays rooted in justice and led by the people.

### Sign up to join the People's Table or Partner's Table!

These tables will help guide the process and make sure the plan reflects what our students truly need to thrive. These spaces will keep community leadership front and center as the state moves through the process.



[www.bit.ly/TENMtables](https://www.bit.ly/TENMtables)

**Sign up here!**

## Key Components of the Action Plan

- 1. Cultivating Multicultural & Multilingual Education:** School districts must establish a multicultural and multilingual framework to deliver Culturally and Linguistically Responsive (CLR) education that supports at-risk students and complies with the New Mexico EA, HEA, BMEA, and BEA. This involves conducting student needs assessments, providing extensive multicultural and multilingual programming, and creating inclusive, anti-racist learning environments where students are treated equitably and free from discrimination and marginalization.
- 2. Ensuring Inclusive Education for Students with Disabilities:** A transparent and accountable system is essential to ensure students with disabilities receive inclusive and equitable education. This includes timely identification, fully funded individualized programs, trained staff, assistive technology, and transportation. It must also ensure full parental involvement, compliance with disability laws, and standardized measures to prevent exclusionary discipline.
- 3. Transforming Curriculum and Instructional Approaches:** A comprehensive Pre-K-12 curriculum and instructional system that is CLR and meets the needs of at-risk students. It should include English development, social-emotional learning, and individualized support, ensuring that all at-risk students graduate with academic outcomes comparable to their peers and are well-prepared for college, careers, and civic engagement.
- 4. Building a Diverse and Qualified Educator Workforce:** A robust system to recruit, train, and retain high-quality, diverse educators—teachers, administrators and support professionals—who reflect the diversity of our students, especially Native American and Latino communities. Educators should receive training in heritage language immersion, CLR pedagogy, special education, bilingual/TESOL, literacy/bi-literacy, trauma-informed practices, and anti-racism. Ongoing support, competitive pay, and placement in classrooms serving at-risk students are essential.
- 5. Enhancing Technology Access for All Students:** A system must be established to ensure that all at-risk students and their teachers have reliable broadband access and dedicated digital devices, both at school and home. This requires sufficient funding for IT support, teacher training, and interim solutions when broadband is unreliable.
- 6. Establishing Comprehensive Student & Family Support Services:** A system of CLR and high-quality support services, enrichment and extracurricular programs, and community-based education must be established, especially in underserved, rural, and tribal communities. This system should address students' academic, cultural, language, special education, social, and health needs, closely linking services to each student's school, family, and community to promote holistic development.
- 7. Implementing an Equitable Funding System:** An equitable funding system must be established to ensure sufficient and consistent funding for districts and tribal communities that prioritizes the needs of at-risk students. **Funding should:**
  - 1. be based on student needs rather than available resources; be provided in a timely manner to close achievement gaps; fully support the IEA, HEA, BMEA and BEA and special education; and**
  - 2. allocate additional resources to support targeted programs and services.**
- 8. Developing Robust Accountability Mechanisms:** An accountability and enforcement system must be established to track how districts spend state and federal funds on at-risk students. This system should ensure that funds are used effectively in schools, provide oversight and assistance to districts, reliably assess student outcomes using culturally relevant metrics, evaluate the implementation of the IEA, BMEA, HEA and BEA, and develop multi-year budgets based on student needs, equity, and transparency.
- 9. Strengthening the Capacity of the Public Education Department (PED):** The PED must hire high quality, culturally competent staff to fill vacancies and expand capacity, streamline funding processes and establish transparent tracking and accountability systems, create mechanisms for for community input and secure tribal consent on policies affecting Native American students, and strengthen tribal consultation and develop a reliable data system to publicly monitor progress in real-time at-risk students.