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November 21, 2025

Update on *Martinez-Yazzie* Lawsuit and Action Plan

The *Martinez-Yazzie* Lawsuit

In 2014, plaintiffs alleged New Mexico was not meeting constitutional obligations to provide sufficient funding and programming for at-risk students.

In 2019, the 1st Judicial District Court ruled:

Inputs (funding/programming) were inadequate and

Outputs (student outcomes) were “dismal,” therefore

Funding and Oversight are insufficient.

In 2020, the court assigned a new judge and noted the lack of access to Internet, devices, and IT support during school closures caused harm to at-risk students.

In 2025, the court ordered PED to develop a remedial action plan, using an outside expert to identify stakeholders, and invites LESC to participate.

Remedial Plan Timeline

- ✓ **July 1, 2025:** PED and LESC select an outside expert to develop the plan
- ✓ **October 1, 2025:** PED produces a draft remedial plan, with input from plaintiffs and stakeholders
- ✓ **November 3, 2025:** PED submits final remedial plan
- **December 1, 2025:** Plaintiffs may file objections to the plan

The *Martinez-Yazzie* Lawsuit

Next Steps

“By December 1, 2025, Plaintiffs may file objections to the final plan. Defendants will then have 15 days to file a response, and 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.”

“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.”

“The NMPED’s and the State’s failure to comply with this injunction may result in appropriate sanctions from the Court.”

- 1st Judicial Court’s 2025 Order Requiring Remedial Action Plan for the Martinez-Yazzie Case

2018 Court Findings of Outputs

“The evidence of both student outputs and State inputs presented at trial proves that the vast majority of New Mexico’s at-risk children finish each school year without the basic literacy and math skills needed to pursue post-secondary education or a career. Outputs are test results, graduation rates, and frequency of need for remedial courses in college.”

- 1st Judicial Court’s 2018 Findings of Fact and Conclusions of Law for the Martinez-Yazzie Case

Output: Test Results

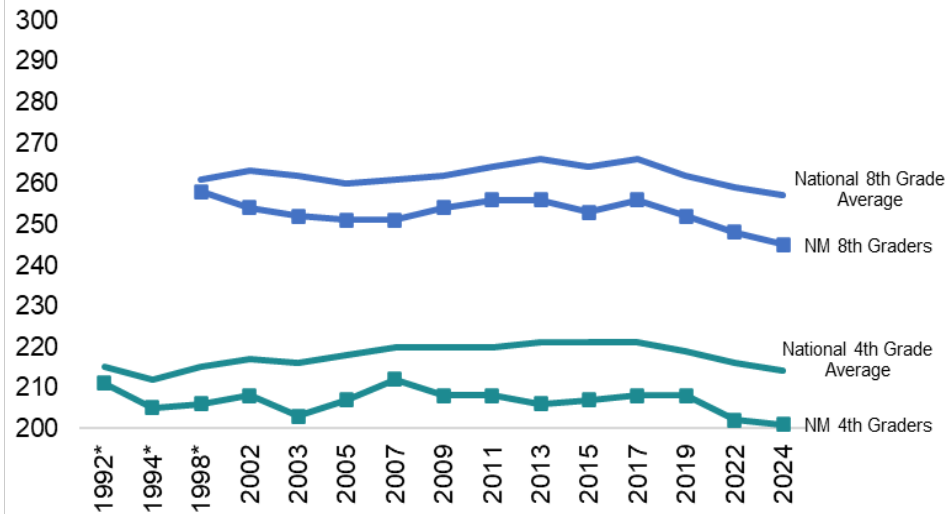
- National Assessment of Educational Progress (NAEP) reading proficiency and achievement gap
- NAEP math proficiency and achievement gap
- State standardized test (NMSBA, PARCC) reading proficiency and achievement gap
- NMSBA, PARCC math proficiency and achievement gap

Output: College and Career Ready

- High school graduation rate
- Graduation gaps with at-risk students
- Dropout rates
- Alternative demonstrations of competency rates
- College remediation rates
- Labor force participation rates
- Unemployment rates

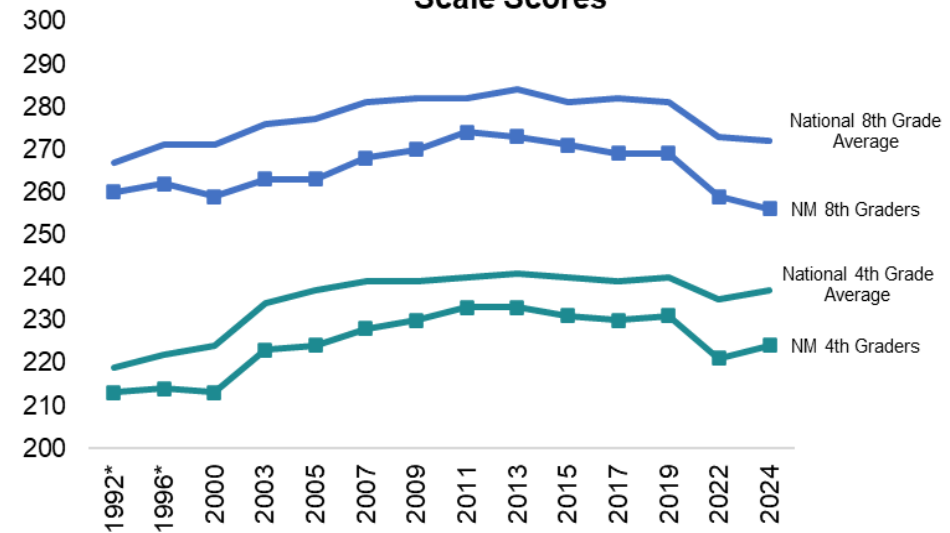
Status of Outputs

**National Assessment of Educational Progress
Reading Scale Scores**



*No accommodations allowed during this test year
Source: U.S. Department of Education, NAEP

**National Assessment of Educational Progress Math
Scale Scores**

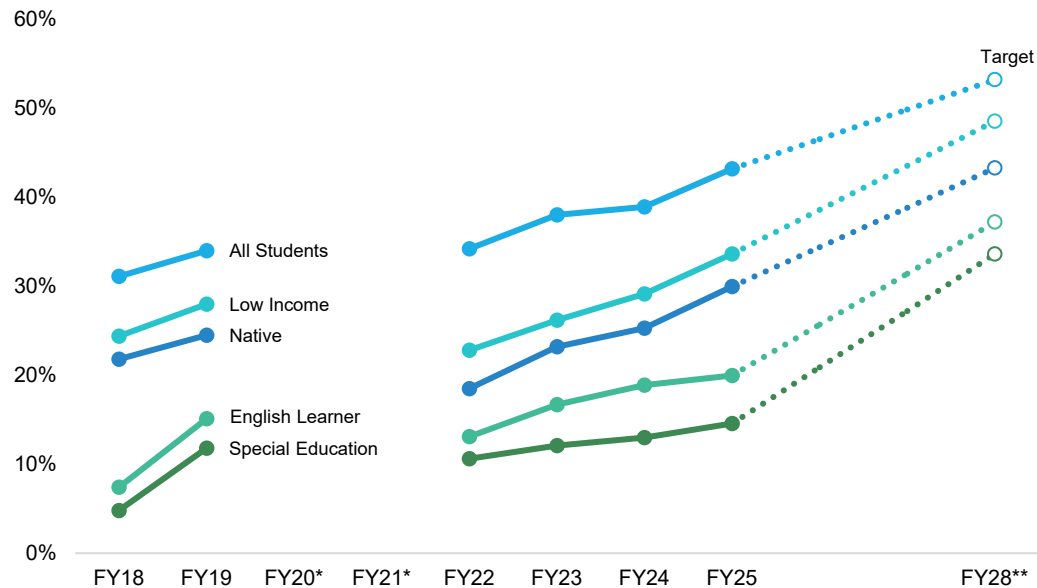


*No accommodations allowed during this test year
Source: U.S. Department of Education, NAEP

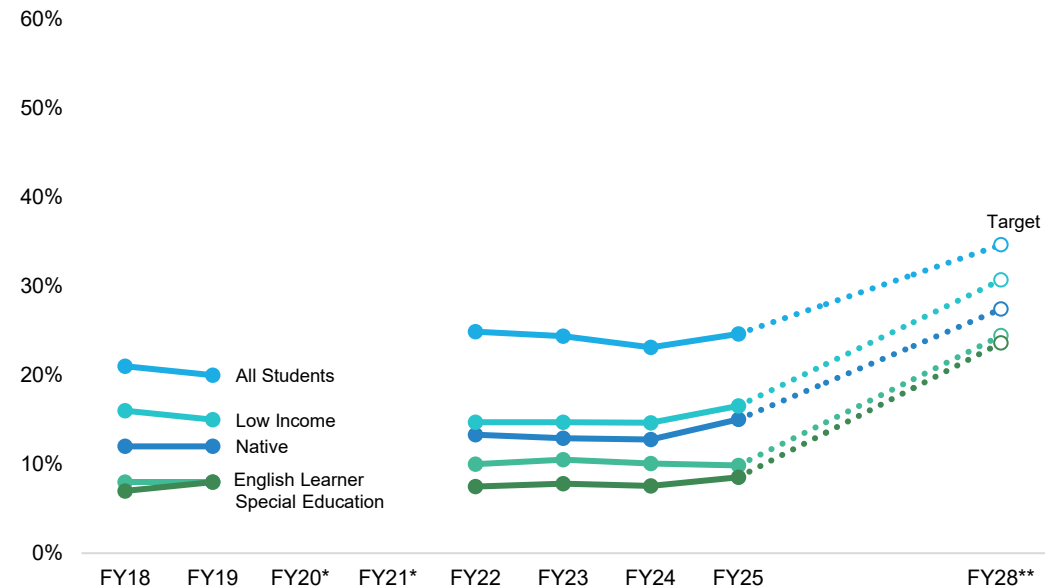
- New Mexico's NAEP reading scores are at an all-time low and currently rank 50th in the nation.
- New Mexico's NAEP math scores have not recovered from the pandemic and currently rank 50th as well.
- State assessments are not aligned with NAEP and report different proficiency rates for the same grades.

Status of Outputs

State Assessment Reading Proficiency Rates



State Assessment Math Proficiency Rates



*The state did not test students in FY20. In FY21, the state switched from the TAMELA to MSSA test. Students who opted into testing in FY21 did not reach a representative sample.

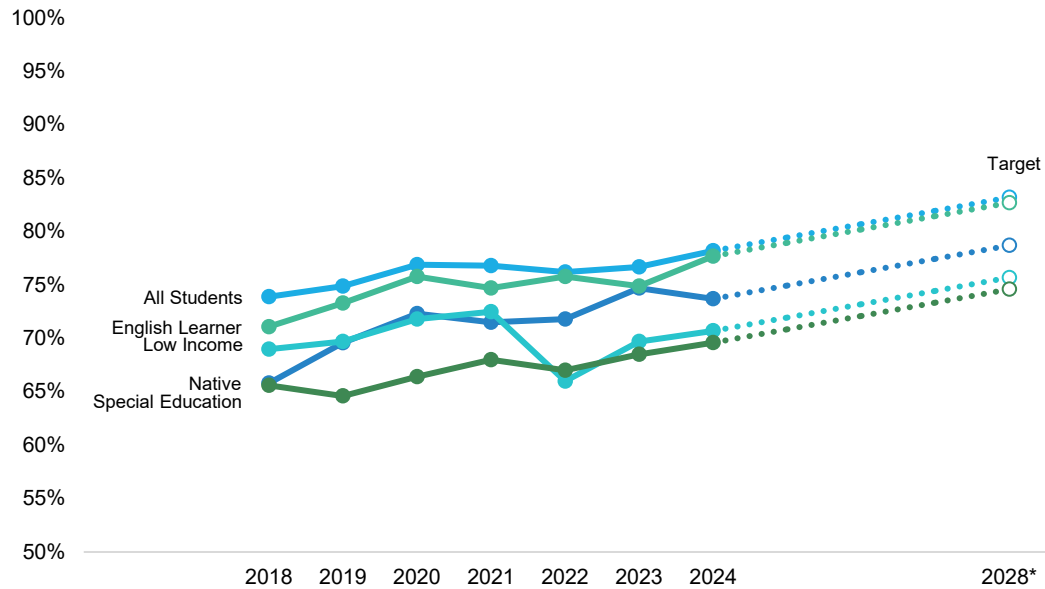
**PED's *Martinez-Yazzie* action plan sets a performance target of increasing proficiency by 10 percentage points and reducing achievement gaps by 25 percent for at-risk students.

Source: PED

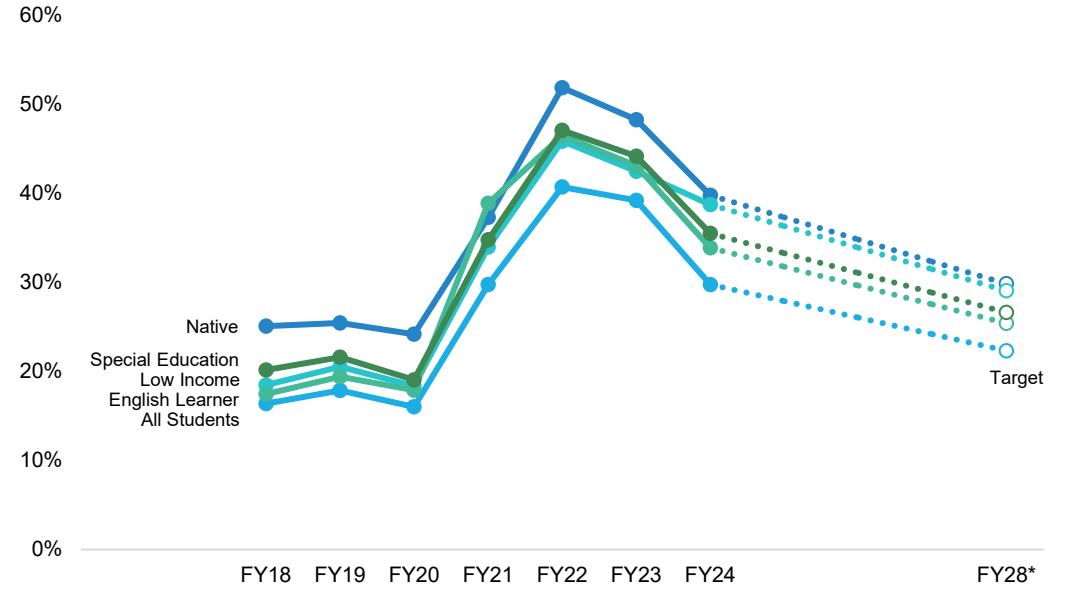
- Reading proficiency for assessed students have improved year-over-year on the state test (Grades 3-8, and 11)
- Math proficiency remains flat, and achievement gaps across student groups remain

Status of Outputs

High School 4-Year Graduation Rates



Chronic Absenteeism Rates

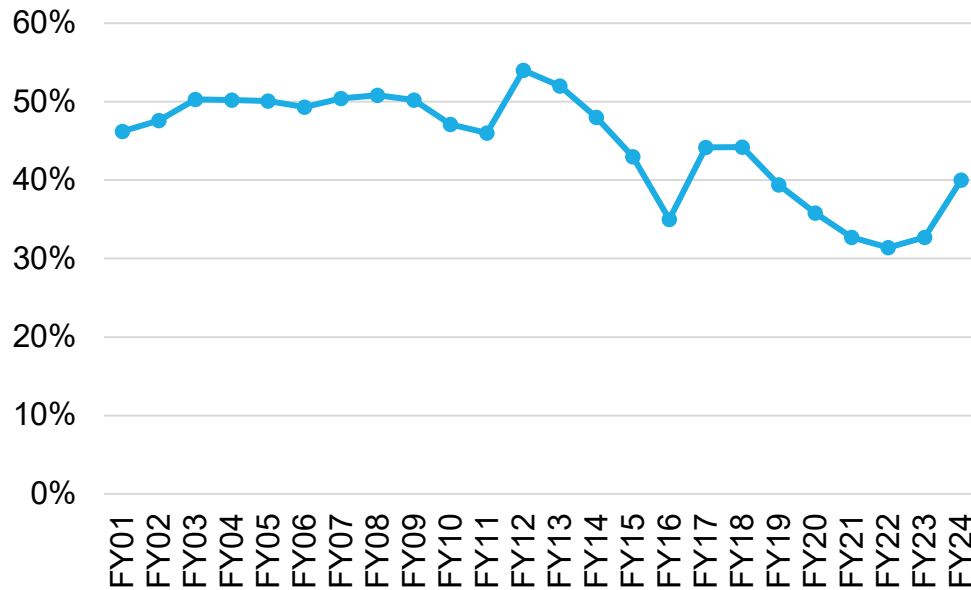


*PED's *Martinez-Yazzie* action plan sets a performance target of increasing graduation by 5 percentage points and reducing chronic absenteeism by 25 percent for at-risk students. Source: PED, FutureEd

- Graduation rates have improved slightly but remain below the 2022 national graduation rate of 87 percent
- Chronic absenteeism rates have improved but remain among the 10 highest rates nationwide for FY24

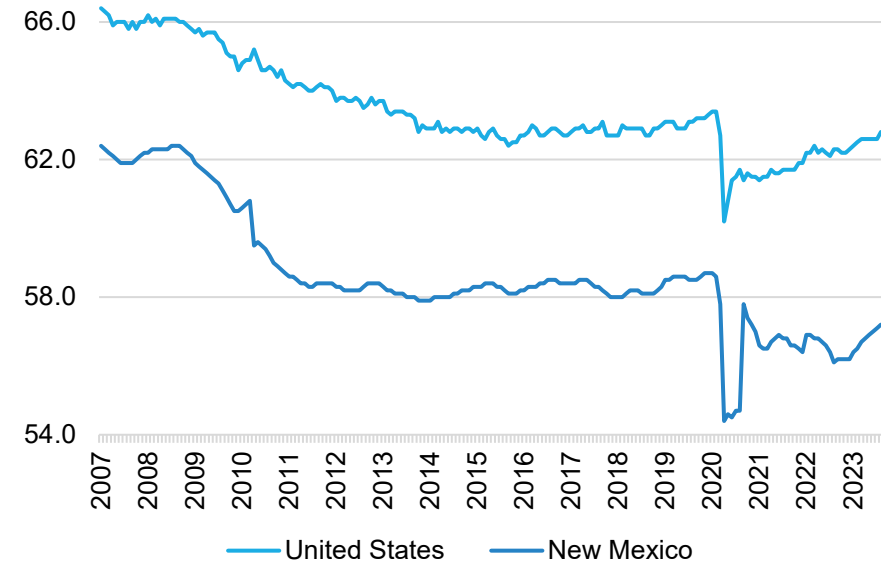
Status of Outputs

New Mexico College Remediation Rate



Source: PED

Labor Force Participation Rate



- College remediation is increasing again after years of improvement, signaling more students are not college ready
- Labor force participation is nearing prepandemic levels but remains significantly lower than the national rate

Court Findings on Inputs

The Court identified the following educational inputs as inadequate in 2018:

1. Programs and funding designed to support at-risk students including:

- A. Quality, full-day prekindergarten
- B. K-3 Plus extended school year programs
- C. Afterschool, summer school, and extended learning time programs
- D. Smaller class sizes
- E. Research-based reading programs
- F. Counselors, social workers, and other non-instructional staff

2. Funding for English learners

3. Implementation of the Indian Education Act

4. Programs to ensure college and career readiness

5. Quality instruction, leadership, and related issues

6. Instructional materials accessible to all students

2018 Plaintiff Proposed Remedies

Proposed *Yazzie* Remedies

- Restore \$307 million lost since FY09
- Expand prekindergarten access to all 4-year-olds
- Mandate K-5 Plus to all at-risk students and require at least the equivalent of 192 school days statewide
- Expand literacy services, community schools, and culturally and linguistically relevant materials
- Require IEA and HEA needs assessments and tribal consultations
- Mandate nursing, social work, and counseling service levels
- Create stipends for bilingual teachers and require all teachers to be TESOL endorsed
- Raise teacher minimums to \$45k, \$55k, and \$65k for levels 1, 2, and 3 and tie increases to inflation
- Raise at-risk index to 0.366 and BMEP factor to 1.0
- Increase transportation and small school funding

Proposed *Martinez* Remedies

- Fund and monitor ELL programs and training
- Convert T&E index to TCI factor
- Account for ELLs in the teacher evaluation system
- Reduce class sizes
- Fund afterschool and extended learning time
- Provide anti-racism and restorative justice training
- Ensure at-risk dollars follow at-risk students
- Fund and monitor special education programs
- Implement a plan to close the achievement gap
- Fund full-day, quality prekindergarten
- Fund K-3 Plus programs
- Ensure instructional materials reflect a culturally relevant curriculum
- Amend school grading system to include educational sufficiency
- Fund bilingual multicultural education programs

Legislative Appropriations since FY19

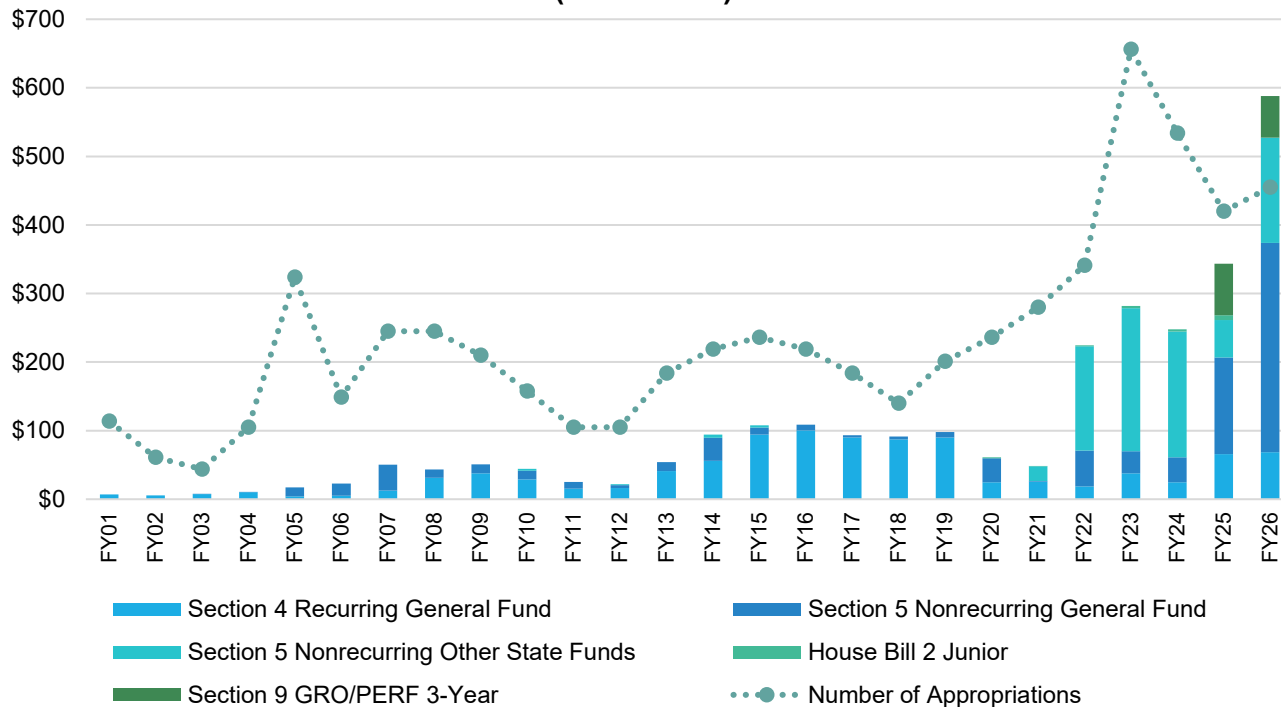
Base Change in Recurring Public School Support General Fund Appropriations (in thousands)

Purpose	FY20 Operating Budget	FY21 Operating Budget	FY22 Operating Budget	FY23 Operating Budget	FY24 Operating Budget	FY25 Operating Budget	FY26 Operating Budget	Total Change from FY19
SEG Educator Salaries and Benefits	\$ 175,539.4	\$ 12,667.6	\$ 72,732.9	\$ 331,994.8	\$ 259,296.4	\$ 119,821.1	\$ 177,874.4	\$ 1,149,926.6
SEG K-5/12 Plus, ELTP, and Instructional Hours	\$ 182,393.4	\$ (31,103.4)	\$ 78,773.9	\$ 48,859.5	\$ (26,589.9)	\$ 60,000.0		\$ 312,333.5
SEG At-Risk Index	\$ 113,177.9	\$ 50,152.1			\$ 31,926.2		\$ 41,670.9	\$ 236,927.1
SEG Impact Aid and Mill Levy Credits		\$ 78,500.0	\$ 51,000.0					\$ 129,500.0
SEG Other Funding Formula Changes	\$ (3,011.6)				\$ 4,100.0		\$ 91,264.2	\$ 92,352.6
SEG Instructional Materials	\$ 30,000.0		\$ 5,000.0	\$ 8,000.0	\$ 12,000.0			\$ 55,000.0
SEG Additional Education Reforms		\$ 19,000.0		\$ 10,000.0		\$ 30,000.0		\$ 59,000.0
SEG Base Adjustment and Fixed Costs	\$ (11,673.3)	\$ (151,556.3)	\$ 34,478.4	\$ (13,591.5)	\$ 14,558.0	\$ (8,352.0)	\$ 16,454.8	\$ (119,681.9)
PED Transportation	\$ (8,875.8)	\$ 21,777.1	\$ (3,349.4)	\$ 7,615.0	\$ 12,150.6	\$ 6,971.5	\$ 7,215.4	\$ 43,504.4
PED Indian Education Fund	\$ 3,500.0	\$ (750.0)		\$ 9,738.6	\$ 5,011.4			\$ 17,500.0
PED Other Categorical	\$ (8,324.6)	\$ 221.0	\$ 2,030.0	\$ (1,000.0)	\$ 811.0	\$ 1,031.0	\$ 2,770.0	\$ (2,461.6)
PED Universal School Meals						\$ 41,000.0	\$ 1,201.0	\$ 42,201.0
PED Early Literacy		\$ 1,661.0		\$ 6,339.0	\$ 3,500.0		\$ 2,500.0	\$ 14,000.0
PED Educator Profesional Development	\$ 5,000.0	\$ 361.0		\$ 139.0	\$ 2,500.0	\$ 1,000.0		\$ 9,000.0
PED Other Below-the-Line Initiatives	\$ (70,059.0)	\$ (916.9)	\$ (7,039.1)	\$ 12,425.0	\$ (18,863.4)	\$ (596.6)	\$ (850.0)	\$ (85,900.0)
PED Agency Operating Budget	\$ 2,372.2	\$ 745.7	\$ 733.0	\$ 5,771.5	\$ 2,720.1	\$ 932.5	\$ 1,742.1	\$ 15,017.1
TOTAL	\$ 410,038.6	\$ 758.9	\$ 234,359.7	\$ 426,290.9	\$ 303,120.4	\$ 251,807.5	\$ 341,842.8	\$ 1,968,218.8

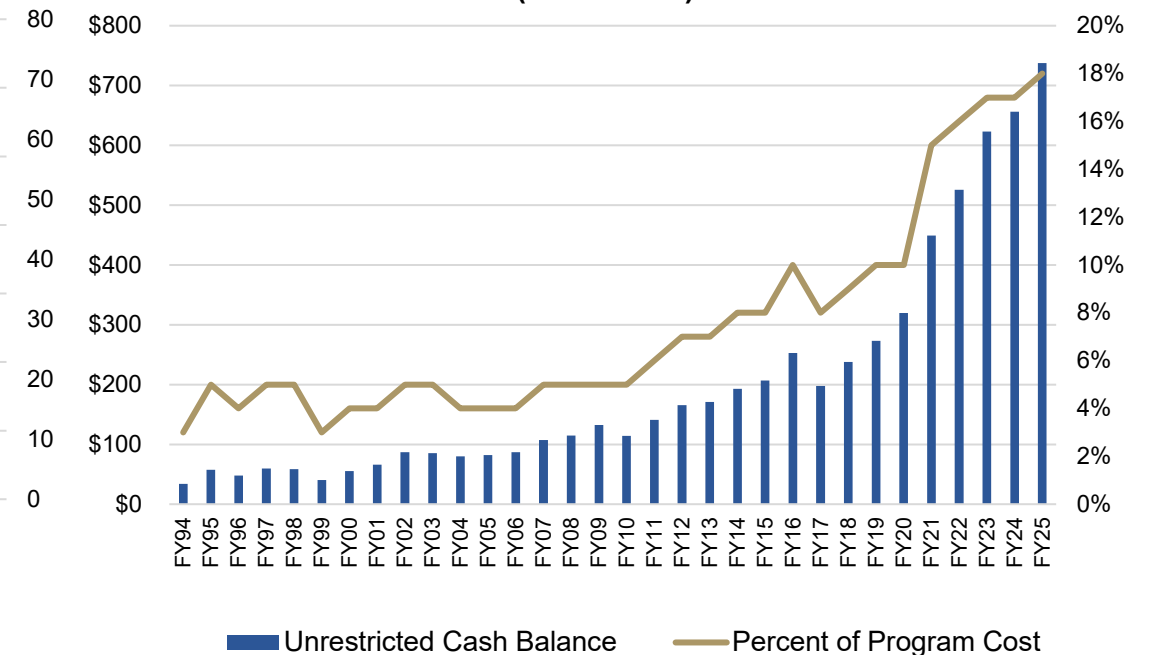
Source: LFC Files

Other Education Budget Trends

**PED "Below-the-Line" Special Appropriations
(in millions)**



**School Unrestricted Cash Balances
(in millions)**



Source: LFC Files


- State education initiatives have grown in number and amounts since FY18, mostly in nonrecurring appropriations
- Average school cash balances have also grown since FY11, when cash balance restrictions were lifted

Related Education Legislation since FY19

Session	Bill No.	Purpose
2018	HB188	Raised at-risk index from 0.106 to 0.130 and then to 0.140 and 0.150 in subsequent years and phased out T&E index and phased in TCI
2018	SB119	Raised teacher minimum salaries to \$36,000, \$44,000, and \$54,000
2019	HB5/SB1	Raised at-risk index from 0.130 to 0.250, established K-5 Plus and extended learning time programs, capped funded students at age 22, phased out size adjustment units in larger districts and phased in rural population units, and raised teacher minimum salaries to \$40,000, \$50,000, and \$60,000
2019	HB91	Created the 7-year CTE pilot program and CTE fund
2019	HB236	Established the Attendance for Success Act
2019	HB250	Required tribal student needs assessments through the Indian Education Act
2019	HB589	Established the Community Schools Act
2020	HB59	Raised at-risk index from 0.250 to 0.300
2020	HB83	Created the Early Childhood Education and Care Department
2020	HB92	Established the Teacher Residency Act
2021	HB6	Eliminated the Impact Aid and 0.5 mill levy formula credit in SEG
2021	HB60	Set minimum salary for Native language and culture teachers the same as level 1 teachers
2022	SB1	Raised teacher minimum salaries to \$50,000, \$60,000, and \$70,000
2022	SB36	Increased ERB employer contributions by 3 percent over two years
2023	HB127	Raised minimum salary for educational assistants to \$25,000
2023	HB130	Raised instructional hour requirement to 1,140 hours and replaced K-5 Plus and ELTP with K-12 Plus
2023	HB533	Raised employer coverage of insurance premiums for educators to match state employees
2024	HB171	Revised high school graduation requirements
2024	HB196	Established the government results and opportunity fund
2025	HB63	Replaced the at-risk index with the family income index, added program units for exited English learners, and raised secondary membership formula factor
2025	HB156	Raised teacher minimum salaries to \$55,000, \$65,000, and \$75,000
2025	HB157	Revised school administrator preparation program requirements
2025	SB201	Converted the public education reform fund into a research fund

Legislative Roadmap

- In 2022, LESC analyzed existing plans and research while also identifying critical gaps in New Mexico’s education system.
- It developed a plan (the LESC Roadmap) to address those critical education issues.
- Over the last few years, the Legislature has enacted and funded several pieces of legislation intended to improve New Mexico’s education system:
 - Increased instructional hours
 - Updated graduation requirements
 - Funding formula revisions
 - Improved standards for educator and administrator preparation
 - Increased educator salaries
 - Improved school board training



Hearing Brief

Date: October 13, 2022
 Prepared By: Gwen Warniment
 Witness: Gwen Perea Warniment, Director, Legislative Education Study Committee; LESC; John Sena, Deputy Director, LESC; Daniel Estupinan, Fiscal Analyst, LESC
 Expected Outcome: Alignment among policy and budget considerations and the Martinez and Yazzie v. State of New Mexico consolidated lawsuit.

Martinez and Yazzie v. State of New Mexico: A Legislative Roadmap

Overview

It has been four years since the 9th Judicial District Court issued a Decision and Order, finding the state of New Mexico had violated the Education Clause, the Equal Protection Clause, and the Due Process Clause of the New Mexico Constitution, failing to provide a uniform, statewide system of free public schools sufficient for all students.

Importantly, in reflecting on the violation of each of these clauses, the court declared the state specifically violated the rights of at-risk students in three distinct ways:

- The state has failed to provide programs and services necessary to make students college or career ready;
- Funding has not been sufficient to provide such programs and services, particularly examining the needs of all school districts and charter schools; and
- The Public Education Department (PED) has failed to meet its supervisory and audit functions to assure that money is spent efficiently and effectively by school districts, charter schools, and schools and ensure at-risk students have the programs and services needed.

Critical to education is Singleton educational Mexico Leg statutory pr Shceded by A. The the prin syst stud

LESC Hearing

Key Takeaways

Judge Singleton determined the New Mexico Legislature had defined educational adequacy, located in existing statutory provisions in Section 22-2-1.2 NMSA 1978.

Page 1


New Mexico has five symptoms of an uncoordinated education system that may contribute to the inability to fully realize the definition of sufficiency in statute.

Pages 2 - 3

Education stakeholders in New Mexico have

Legislative Education Study Committee:
Roadmap

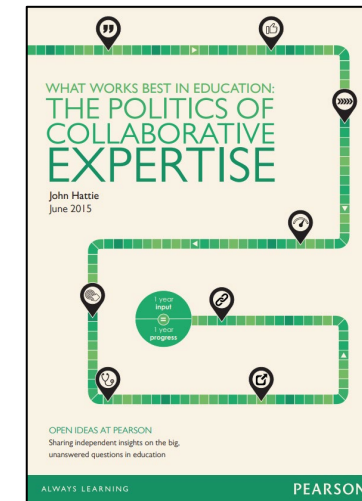
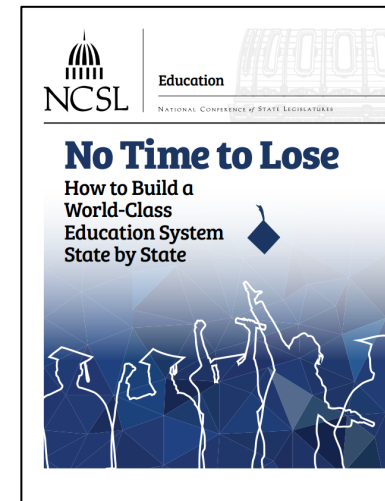
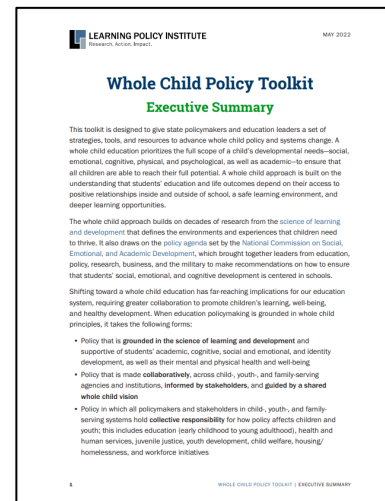
July 25, 2024



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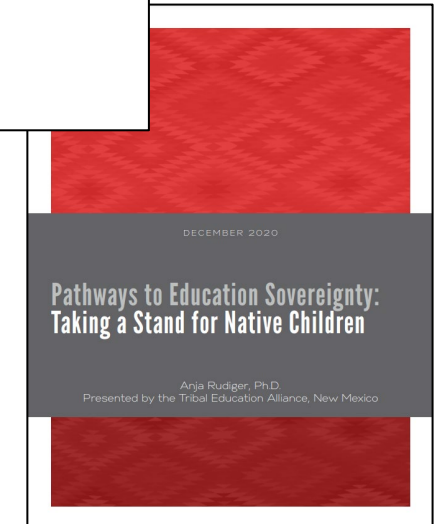
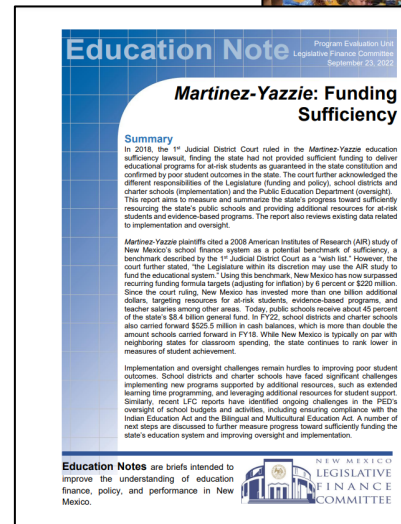
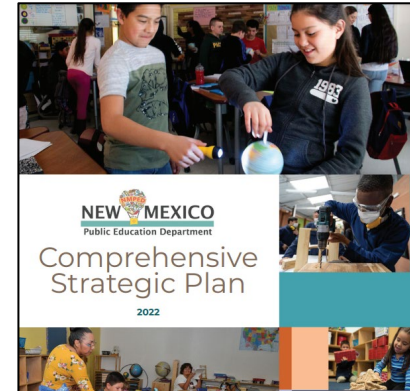
Legislative Roadmap

- In addition to New Mexico specific research and engagement, LESC staff have also leveraged international and national frameworks to inform the LESC Roadmap.
 - Aspen Institute: [We Are What We Teach](#)
 - Learning Policy Institute: [Whole Child Policy Toolkit](#)
 - National Conference of State Legislatures: [No Time to Lose Report](#)
 - John Hattie: [On the Politics of Collaborative Expertise](#)

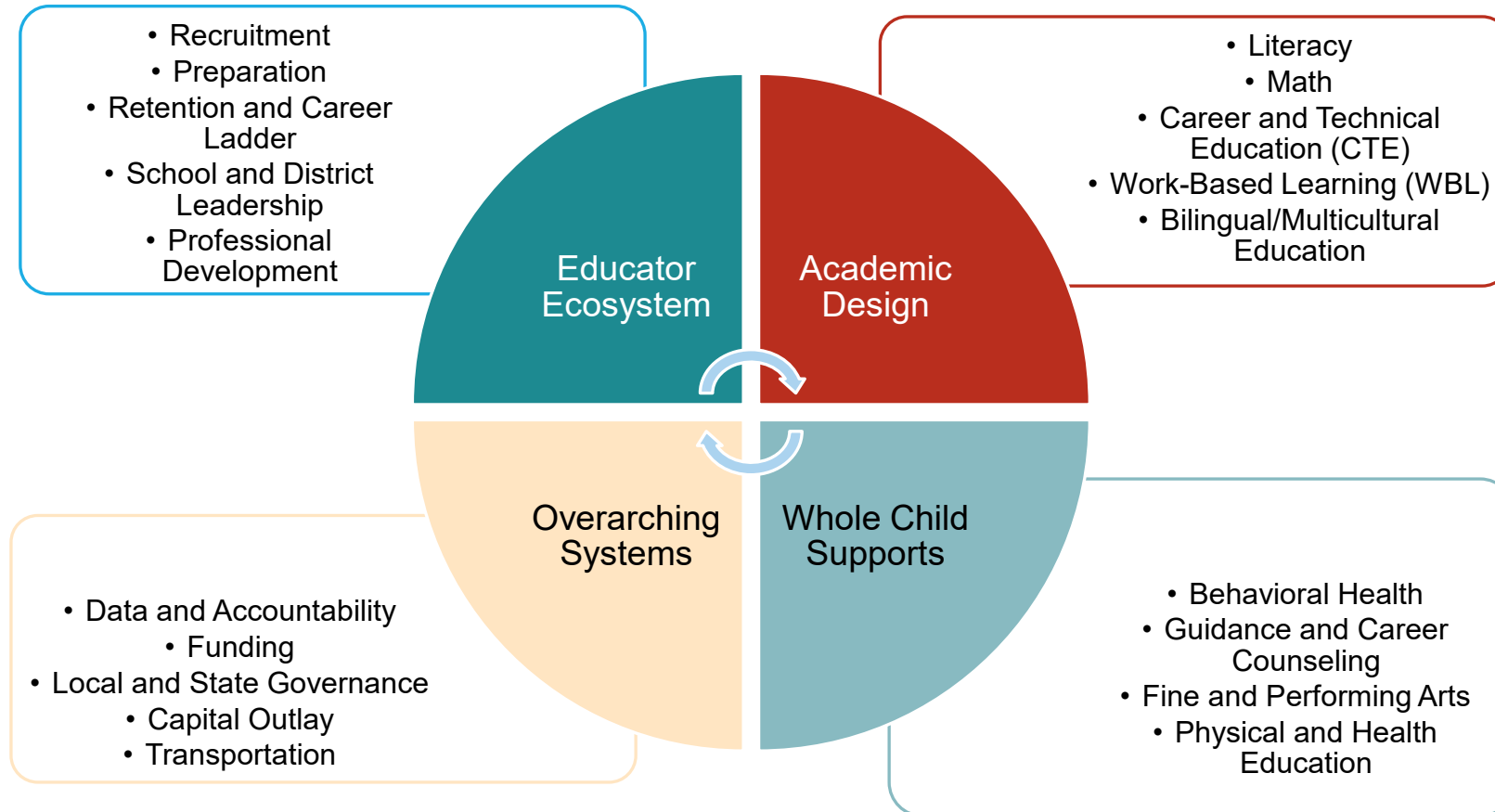


Legislative Roadmap

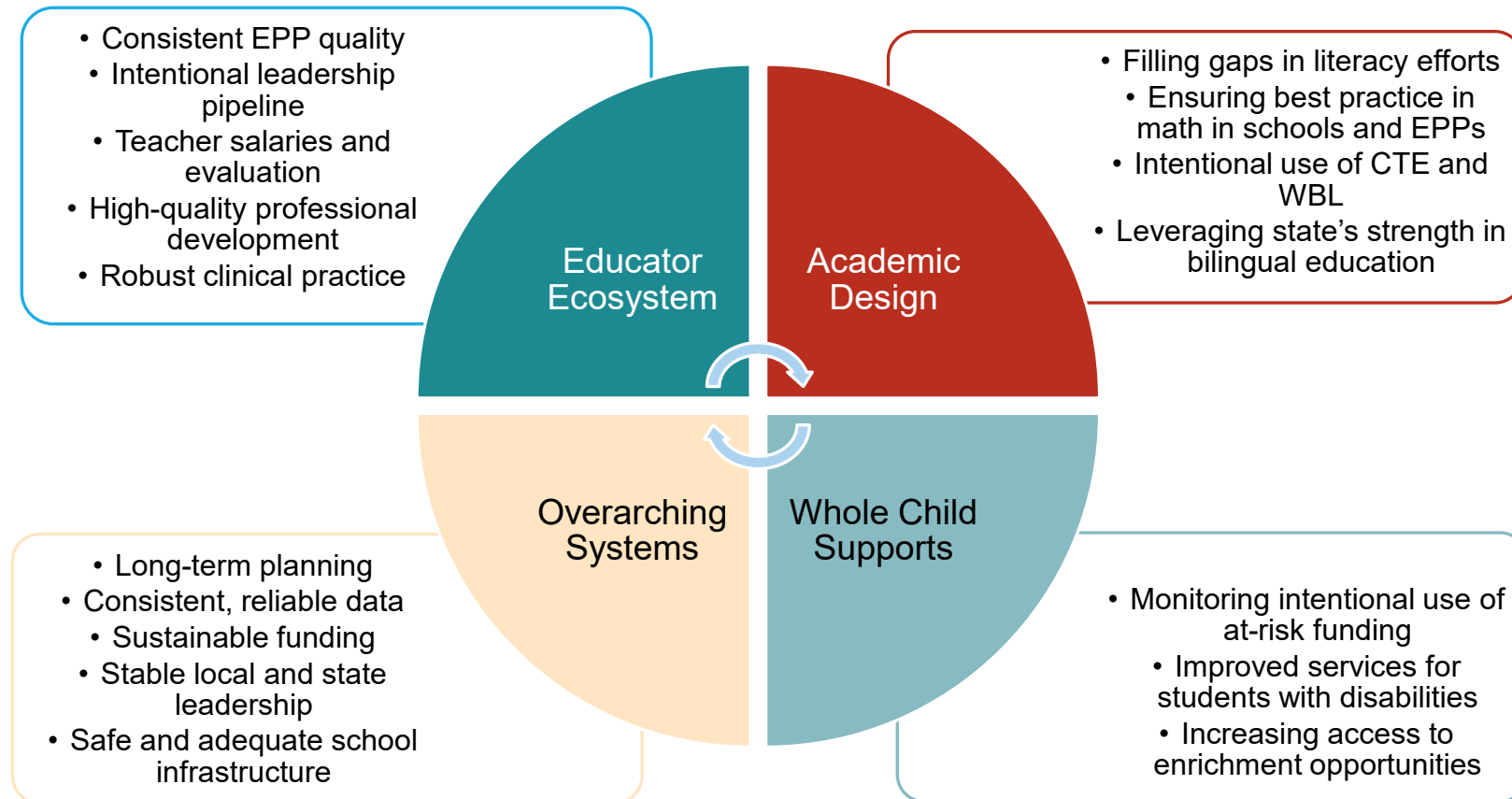
- More recently, LESC staff provided the committee with a crosswalk of the various proposals and plans from New Mexico organizations and stakeholders.
- Overall, there is broad agreement about educational priorities.



Legislative Roadmap Focus Areas



Legislative Roadmap Next Steps



Future Use of Roadmap

- The Roadmap continues to guide staff work plans, but it can also strengthen other processes.
- It can serve as evaluation tool to vet education-related proposals from staff, PED, external stakeholders, and other legislators.
- As the Legislature continues to respond to the *Martinez-Yazzie* lawsuit, it can be a guidepost for the legislative body.
- As political changes occur, it can provide consistency in policy and budget.

LESC Action Plan Participation

- LESCS staff outlined its willingness to participate in an advisory and technical role, consistent with the agency's statutory responsibility to provide nonpartisan research and fiscal analysis to the Legislature, including the following:
 - Identifying and allocating staff time to attend and participate in stakeholder meetings as appropriate, to support transparency and gather input for legislative understanding;
 - Assisting PED in identifying components, areas of inquiry, and questions that could be considered during stakeholder engagement;
 - Providing relevant national and international studies, original LESCS staff analysis, and any other research that might inform evidence-based interventions, services, and supports for student populations identified in the lawsuit as being at-risk;
 - Providing statutory review by identifying sections of New Mexico law that may need to be addressed to contribute to a comprehensive remedial action plan;
 - Providing policy research and fiscal modeling related to potential costs and implementation considerations for proposed plan components;
 - Working in partnership with PED to identify characteristics, attributes, and qualifications that could be beneficial to see in an external consultant; and
 - Collaborating with PED and PED's selected external consultant to ensure alignment of plan elements with legislative context and feasibility.

Martinez-Yazzie Action Plan Overview

- Developed in response to a court order
 - The Public Education Department (PED) agreed - this is the right time for this plan
- A comprehensive effort with the public, community organizations, sister agencies (Early Childhood Education and Care Department and Higher Education Department) and legislative partners (Legislative Education Study Committee)
- Builds upon the ongoing work of PED, charts new directions for education, and reflects a collaborative and inclusive process

The plan

- Recognizes tribal sovereignty and fully implements the Indian Education Act.
- Enhances programs, resources, and funding to support English Learners.
- Ensures schools have training, resources, and supports for students with disabilities.
- Provides economically disadvantaged students with resources to succeed in school and in meaningful postsecondary options

Action Plan Components

Introduction

- Goals and vision
- Community voice
- Responsible parties and roles

Four Critical Needs

- Themes of stakeholder feedback
- Each includes its own three-year plan with action steps
- Build on progress made since 2019
- Expected outcomes



Critical Needs

Critical Need 1	equitable access to high-quality instruction
Critical Need 2	equitable access to well-prepared and culturally and linguistically responsive educators
Critical Need 3	equitable access to academic, social, well-being, and behavioral services
Critical Need 4	effective funding, support, and accountability to drive systemic improvement

Stakeholder Feedback on Draft Action Plan

- *Martinez-Yazzie* Action Plan and online feedback survey was **made public on October 2nd**
- Presented an update to the Legislative Finance Committee on October 15th
- Tribal leader and tribal educator meeting and review session on October 16th
- PED, LESC, and Plaintiff's attorneys meeting to review feedback on October 21st
- **551 survey responses** received
- **10 organizational response letters** received
- WestEd analyzed responses and the draft Action Plan was updated, incorporating stakeholder feedback
- Revised Action Plan was **submitted to the court November 3rd** and was made public November 4th



We Listened!

Updates from Proposed Plan to Submitted Plan

- Greater specificity of action steps
- Inclusion of outcome measures
- Expanded supports for English learners
- Better aligned to Tribal Remedy Framework
- Expansion of out-of-school-time
- Increased community engagement throughout plan implementation
- Greater accountability
- Strengthened educator compensation
- Provisions on restraint and seclusion
- Linked career connected learning to transition plans for students with disabilities



2026 Legislative Actions (Year One)

- Pass legislation requiring structured **literacy and numeracy** in elementary schools and supports for students with low reading levels
- Pass legislation to create a **Special Education Act**, codifying the Office of Special Education
- Pass legislation to amend the **Attendance for Success Act**, to reduce suspension and expulsion practices
- Increase school **administrator, teacher, and staff compensation**
- Provide **funding** to implement the FY27 planned actions

Year One PED Action Highlights

- **School accreditation** process including budget review and accounting
- Develop linguistically and culturally relevant **assessment measures** for literacy and math
- Require Native American representation on **special education advisory panels**
- Establish standards for **school administrator and superintendent preparation programs**
- Publish a **discipline dashboard** that identifies cases of disproportionality in discipline
- Require districts and charter schools to engage in tribal consultation for **school calendars**
- Implement a **statewide information system**
- Provide technical assistance and professional development on **usage of HQIM**
- Collaborate with Native American, TESOL, and special education teachers to **review HQIM**
- Expand partnerships to increase the number and quality of **internships** and career-connected learning opportunities
- Work with Higher Ed to increase the number of **Hispanic and Native American candidates in EPPs**

Next Steps

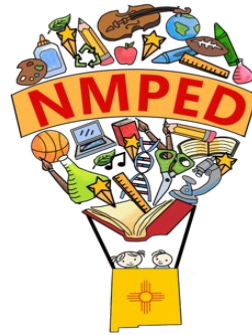
- Plaintiff's attorneys submit their response **December 1st**
- PED reviews comments and provides response **within 15 days**
- The court will set a hearing when the matter is ready for review
- The work of the Martinez-Yazzie Action Plan is underway
 - PED is implementing Year One now
 - Developing legislation and budget revisions for legislative consideration
 - Meeting with stakeholders and legislators for feedback
 - Realignment of PED staff and resources to address the work of the plan
- Ongoing stakeholder feedback during implementation
 - Education advisory councils
 - Tribal leaders and educators
 - Students and families
 - Educators
 - Colleges and Universities (educator preparation programs)



Thank You!



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