

Regis Pecos, Chair
Tribal Education Alliance
c/o Leadership Institute at the Santa Fe Indian School

February 16, 2026

Honorable Judge Matthew J. Wilson
First Judicial District Court
Santa Fe County District Courthouse

RE: No. D-101-CV-2014-00793; Court Order Requiring Remedial Action Plan

Dear Honorable Judge Wilson,

On behalf of the Tribal Education Alliance, and as an Expert Witness to the Trial, I wish to express my gratitude for your Court's Order of May 20, 2025, requiring the Public Education Department (PED) to develop a comprehensive remedial action plan to bring the State of New Mexico into compliance with the Court's Decision and Order of July 20, 2018, and the Final Judgement and Order of February 14, 2019. The Tribal Education Alliance (TEA) works in partnership with New Mexico's Nations, Tribes, and Pueblos to ensure an equitable, culturally relevant education for Native children within the State's public school system.

Since the Court's 2018 Decision and Order, TEA and our tribal partners have asked the PED for a remedial plan. Additionally, in response to the Court's Order, all Nations, Tribes and Pueblos collaborated in developing our own comprehensive education plan, the *Tribal Remedy Framework*, to demonstrate to PED what actions are needed to fulfill Native students' rights. Over nearly nine months following the Decision and Order, the Leadership Institute was the lead facilitator, supported by a team of subject area experts, of an extensive tribal engagement process, which included meeting separately with the Jicarilla Apache Nation President, Tribal Council and community members, the Mescalero Apache Tribe President, Tribal Council and community members, the Navajo Nation executive and legislative branches, and the 19 Pueblos, which culminated in a large Pueblo Convocation. We have continued tribal deliberations in larger convenings and smaller meetings over the course of the last seven and a half years, collectively refining and advancing the *Tribal Remedy Framework*.

Despite persistent tribal efforts, we are still witnessing how State institutions, systems, budgets, programs, and practices continue to violate Native students' right to a sufficient and uniform education.

We regret to inform you that TEA must reject the "Martinez-Yazzie Action Plan" (the Plan) submitted by PED to this Court on November 3, 2025. PED's Plan does not contain the comprehensive actions necessary to remedy the constitutional violations experienced by Native students. The Plan does not provide adequate strategies, actions, accountability mechanisms and cost estimates to lift up Native students whose rights and needs have been ignored for so long.

TEA has prepared a detailed analysis of the Plan, which I enclose in an appendix to this letter. I would like to offer a brief summary of our main concerns:

1. The Plan does not contain sufficient actions tailored to Native students and to the specific needs of Native students. The Plan does not address racism, discrimination, the legacy of colonialism, systemic resource deprivation, and the need to protect and enforce civil rights.
2. The Plan does not sufficiently differentiate between the four “at-risk” student groups. The Plan omits data of disparities in educational inputs and outcomes and offers no explicit strategies to close persistent gaps in inputs and outcomes. It does not sufficiently target interventions to the four student groups who need them most.
3. The Plan contains no proposal or cost estimate for fully implementing the Indian Education Act (NMSA 1978 Chapter 22, Article 23A).
4. The Plan does not address, or seek to rectify, the lack of funding for Native students. The state funding formula does not include a factor for Native students or Native languages, which means school districts do not have a regular funding stream for providing services tailored to Native students. The Plan also does not contain an accountability mechanism to ensure that districts spend the money they receive for “at-risk” students on those same students.
5. The Plan does not contain robust, specific, and achievable actions to maintain Native languages, as required by the Indian Education Act.
6. The Plan does not contain robust, specific, and achievable actions to reduce the persistent Native teacher shortage.
7. The Plan does not contain specific actions to support, develop and implement curricula, instructional methods, and materials relevant to Native students and created in collaboration with Tribes and Indigenous education experts.
8. The Plan does not contain any actions to strengthen collaboration with sovereign Tribes. It also does not support tribal community-based education programs, which are essential for Native students’ out-of-school time learning.

In addition to our concerns about the Plan itself, I must also to notify this Court that the State did not conduct formal tribal consultations about the Plan and its development. While tribal members and some tribal leaders participated in regional community meetings organized by PED’s consultants, PED did not hold designated government-to-government consultations about the Plan, nor did they collaborate with Nations, Tribes, and Pueblos in the development of the Plan.

TEA is concerned that if this Plan were to be adopted, it would not provide the necessary guidance to the executive and legislative branches requested by the Court. The Executive’s FY27 budget request did not mention the Plan, and the general appropriations act of 2026, as passed by the New Mexico House of Representatives, earmarks only \$2 million for the implementation of the “Martinez-Yazzie Action Plan”. The vast majority of education budget items is heavily skewed toward measures that are not tailored to the four student groups and that sideline the mandates of the Indian Education Act and the Bilingual Multicultural Education Act.

New Mexico urgently needs a sound and robust education plan to guide the State toward compliance with the Court’s 2018 Decision and Order. Any plan that lacks targeted and tailored

actions, estimated costs, and clear lines of accountability will give policymakers an excuse to continue avoiding compliance.

On behalf of TEA and our partners, I hope that PED will be compelled to come to the table and work with our Nations, Tribes and Pueblos, alongside other stakeholders and subject matter experts, to rewrite this plan and turn it into a robust tool that can guide New Mexico toward an education system that works for all children.

Thank you for your continued attention to this important matter.

Sincerely,



Regis Pecos
Expert Witness
Chair, Tribal Education Alliance
Director, Leadership Institute at the Santa Fe Indian School

Enclosed:
Tribal Education Alliance: Analysis of PED's "Martinez-Yazzie Action Plan"