

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

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.

FINAL JUDGMENT AND ORDER

Following a bench trial which extended from June 12 through August 4, 2017, the parties presented written closing arguments and responses which were completed on February 8, 2018. Thereafter the Court entered its Decision and Order on July 20, 2018. After Defendants informed the Court of their intention to file a notice of appeal, the parties filed their proposed findings and conclusions and the Court issued its Findings of Fact and Conclusions of Law

on December 28, 2018. The decision and the findings of fact and conclusions of law are incorporated in and made a part of the judgment. *See Luna v. Cerrillos Coal R. Co.*, 1923-NMSC-073, ¶ 2, 29 N.M. 161, 218 P. 435, 436

It is therefore ORDERED, ADJUDGED AND DECREED that:

1. Final judgment in this case is entered in favor of the *Martinez* and *Yazzie* Plaintiffs and against the Defendants in accordance with the Court's July 20, 2018 Decision and Order and the Court's December 20, 2018 Findings of Fact and Conclusions of Law.

2. As set forth in the Decision and Order and Findings of Fact and Conclusions of Law, the Court declares as follows:

a. The Court declares that Defendants have violated the Education Clause, and the Due Process and Equal Protection Clauses of the New Mexico Constitution. 7/20/18 Decision and Order at 70. (FF&CL 3185)

b. Defendants have violated the rights of at-risk students by failing to provide them with a uniform statewide system of free public schools sufficient for their education. 7/20/18 Decision and Order at 70. (FF&CL 3186) For purposes of this case, at-risk students include children who come from economically disadvantaged homes, children who are English Language Learners, children who

are Native American, and children with a disability. (FF&CL 520)

c. Defendants have failed to provide at-risk students with programs and services necessary to make them college or career ready. 7/20/18 Decision and Order at 70. (FF&CL 3187).

d. The funding provided has not been sufficient for all districts to provide the programs and services required by the Constitution. 7/20/18 Decision and Order at 70. (FF&CL 3188)

e. The Public Education Department has failed to meet its supervisory and audit functions to assure that the money that is provided has been spent so as to most efficiently achieve the needs of providing at-risk students with the programs and services needed for them to obtain an adequate education, including not having appropriately exercised its statutory authority to ensure that districts are properly prioritizing and funding programs and services for at-risk students through district allocation. 7/20/18 Decision and Order at 70-71. (FF&CL 3189)

3. As set forth in the Decision and Order and Findings of Fact and Conclusions of Law, Defendants are hereby enjoined as follows:

a. An injunction is hereby issued enjoining the Defendants to take immediate steps, by no later than April 15, 2019, to ensure that New

Mexico schools have the resources necessary to give at-risk students the opportunity to obtain a uniform and sufficient education that prepares them for college and career. 7/20/18 Decision and Order at 74. (FF&CL 3206)

b. It is the State's duty to provide a constitutionally adequate system regardless of whether an injunction is entered. 7/20/18 Decision and Order at 74. (FF&CL 3207)

c. The school children who are now caught in an inadequate system and who will remain there if an injunction is not entered will be irreparably harmed if better programs are not instituted. 7/20/18 Decision and Order at 74. (FF&CL 3208)

d. The Defendants must comply with their duty to provide an adequate education and may not conserve financial resources at the expense of our constitutional resources. 7/20/18 Decision and Order at 74. (FF&CL 3209)

e. Reforms to the current system of financing public education and managing schools should address the shortcomings of the current system by ensuring, as a part of that process, that as soon as practicable every public school in New Mexico would have the resources, including instructional materials, properly trained staff,

and curricular offerings, necessary for providing the opportunity for a sufficient education for all at-risk students. 7/20/18 Decision and Order at 74-75. (FF&CL 3210)

f. The new scheme should include a system of accountability to measure whether the programs and services actually provide the opportunity for a sound basic education and to assure that the local districts are spending the funds provided in a way that efficiently and effectively meets the needs of at-risk students. 7/20/18 Decision and Order at 75. (FF&CL 3211)

4. Within 15 days of the entry of this Final Judgment and Order, the *Martinez* Plaintiffs and the *Yazzie* Plaintiffs shall separately file their bill of costs as provided in Rule 1-054(D), NMRA.

5. Within 15 days of the entry of this Final Judgment and Order, Plaintiffs may submit any motions for attorneys' fees as provided in Rule 1-054(E), NMRA, and must include within their request a justification based on statute, rule, or other comparable authority for an award of attorneys' fees in this type of case.

6. The Court retains jurisdiction over this matter to issue such orders and take such further actions as may be necessary to timely remedy the determinations set forth in the Decision and Order and Findings of Fact and Conclusions of Law issued by this Court and to effectuate all relief granted in this case. Because there

is no just reason for delay as to the finality of this Court's rulings on the merits of this case, this Final Judgment and Order is a final order under Rule 1-054 and the time for appeal shall run from the date of the entry of this Order. In order to assure that any notice of appeal that is filed is timely, the notice should be filed within 30 days of the entry of this judgment; however, if a party needs more time to consider whether to appeal, a motion for extension of time for an additional 30 days will be considered expeditiously. Any party objecting to such an extension will file its opposition thereto within three days of the service of the motion for extension.

7. Any discovery needed in aid of enforcing this judgment shall be conducted pursuant to the Rule of Civil Procedure, Rule 1-069(B). After April 15, 2019, any party may file with the Court a report about whether it believes Defendants are in compliance with this Court's Orders. Upon receipt of any such report, the Court will issue an order setting forth the process by which it will address any issues raised by such report.

IT IS SO ORDERED.



Sarah M. Singleton, Judge Pro Tem Sitting by Designation

This Judgment was entered after review of Plaintiffs' proposed judgment and Defendants' objections thereto.

Submitted,

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