

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

**LOUISE MARTINEZ, individually  
and as next friend of her minor children  
AN. MARTINEZ, AA. MARTINEZ,  
AR. MARTINEZ, and AD. MARTINEZ, et al.,**

**Plaintiffs,**

vs.

**No. D-101-CV-2014-00793**

**THE STATE OF NEW MEXICO, et al.,**

**Defendants.**

*Consolidated with*

**WILHELMINA YAZZIE, individually  
and as next friend of her minor child,  
XAVIER NEZ, et al.,**

**Plaintiffs,**

vs.

**No. D-101-CV-2014-02224**

**THE STATE OF NEW MEXICO, et al.,**

**Defendants.**

**ORDER GRANTING *YAZZIE* PLAINTIFFS' EXPEDITED MOTION FOR FURTHER  
RELIEF CONCERNING DEFENDANTS' FAILURE TO PROVIDE ESSENTIAL  
TECHNOLOGY TO AT-RISK PUBLIC SCHOOL STUDENTS**

This matter came before the Court on *Yazzie* Plaintiffs' Expedited Motion for Further Relief Concerning Defendants' Failure to Provide Essential Technology to At-Risk Public School Students. Having reviewed the parties' briefs and the arguments made at the hearing on this motion held on April 30, 2021 and being fully apprised of the facts and the law, the Court hereby **GRANTS** the *Yazzie* Plaintiffs' motion. As grounds therefor, the Court finds:

1. On July 20, 2018, the Court issued a comprehensive decision and order, ruling that the State violated the New Mexico Constitution, Art. XII, Sec. 1, by failing to provide a uniform and sufficient system of education for all school-age children. *See* Decision and Order at 59. The Court recognized the necessity for access to technology in this Order. *Id.* at 26 – 29.

2. In this Decision and Order the Court enjoined the State to comply with its duty to provide an adequate education and ruled that it may not conserve financial resources at the expense of its duties under the New Mexico Constitution. The Court ordered the State “to immediately direct resources to the schools to ensure that all at-risk students receive a uniform and sufficient education” that gives them the opportunity to be ready to pursue college or a career after graduation. *Id.* at 74.

3. The Court retained jurisdiction to issue orders to enforce the remedies required by its Decision and Order. *See* Final Judgement and Order (Feb. 14, 2019), para 6, p. 5. When the beneficiary of an injunction seeks relief to achieve the purposes of the provisions of the decree or order, a district court has the authority to modify the decree so as to achieve the required result.

4. On the basis of the evidence presented to the Court, the Court finds that students who are lacking access to high-speed internet and technology for remote learning are not getting much of an education, if at all, let alone one that is sufficient to make them college and career ready. The Court further finds that there are many students in New Mexico who do not have access to high-speed internet or to computers sufficient to obtain the constitutionally required education to which they are entitled.

Therefore, it is hereby **ORDERED, ADJUDGED AND DECREED** as follows:

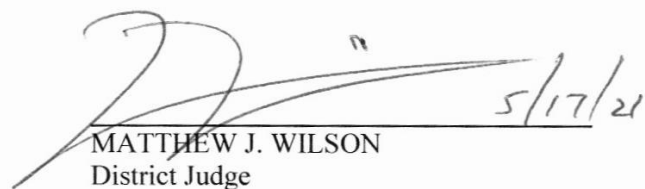
1. **Access to Digital Devices.** Defendants shall immediately determine which at-risk students and their teachers do not have a dedicated digital device and immediately provide one or ensure that one is provided to each of these students and their

teachers. Defendants shall obtain this information and the costs of providing these devices from each school district.

2. **Access to High-Speed Internet.** Defendants shall immediately determine which at-risk students do not have access to high-speed internet that will allow them to work remotely from home and immediately provide them with access to a high-speed internet service sufficient to reliably download and upload assignments, stream instructional videos, and participate in individual and/or group video conferencing. Defendants shall obtain this information and the costs of providing these connections from each school district. When access to high-speed internet sufficient to allow working from home remotely is not immediately possible, and on an interim basis only, the Defendant shall provide school districts with funding for special remote learning expenses, including, but not limited to, transportation costs, until all at-risk students have access to high-speed internet.
3. **Sufficient Funding for IT Staff.** Defendants shall immediately provide school districts with funding for qualified information technology (IT) staff sufficient to support and maintain digital devices, internet access, other remote learning needs, teacher training and IT professional development.

Defendants shall immediately complete the requirements of this Order ~~by September 1, 2021. By September 8, 2021, Defendants shall report to this Court about their completion of the directives in this Order~~ for each of the 23 Focus School Districts designated previously in this case. [MJW]

**IT IS SO ORDERED.**

  
MATTHEW J. WILSON  
District Judge

Submitted by:

/s/ DANIEL YOHALEM

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