

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

ELOY GIRON AND BRYAN SMITH,

Appellants,

vs.

No. D-101-CV-2021-02112

NEW MEXICO PUBLIC EDUCATION DEPARTMENT,

Appellee.

DECISION AND ORDER ON ADMINISTRATIVE APPEAL

This matter comes before the Court on an administrative appeal pursuant to NMSA 1978, Section 39-3-1.1 (1999). Appellants appeal the Decision Regarding Suspension of Local School Board issued by the Secretary of Education on August 31, 2021 permanently suspending the Los Lunas School Board. The Court, having been fully advised and having held oral arguments on May 17, 2022, hereby FINDS and ORDERS:

1. The Court determines that NMSA 1978, Sections 22-2-2 and 22-2-14 are not contrary to Article XII, Section 14 of the New Mexico Constitution.
2. The Court determines that Appellants were not denied due process by the actions of the Secretary of Education and the hearing process.
3. The Court finds that the Public Education Department did not act fraudulently, arbitrarily, or capriciously.
4. The Court finds that, based upon the whole record on appeal, the decision of the Public Education Department is not supported by substantial evidence as to Appellants Eloy Giron and Bryan Smith.

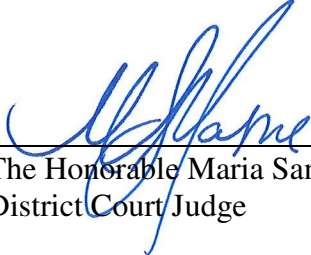
5. The Court finds that the action of the Public Education Department was not outside the scope of authority of the Public Education Department.

6. The Court finds that the Secretary of Education failed to consult with the Public Education Commission, as required by NMSA 1978, Section 22-2-14(C) (2004) and 6.30.6.9 NMAC. Therefore, the Public Education Department's permanent suspension of the Los Lunas School Board was not in accordance with law.

WHEREFORE, the decision of the Secretary of Education is hereby REVERSED, and the Court hereby ORDERS, ADJUDGES AND DECREES the immediate reinstatement of Appellants Eloy Giron and Bryan Smith.

IT IS SO ORDERED.

Date: May 19, 2022



The Honorable Maria Sanchez-Gagne
District Court Judge

Approved as to form:

/s/ Joseph Goldberg
Counsel for Appellants