

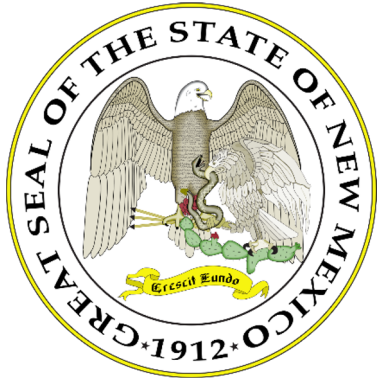
# Transforming Public Education in New Mexico:

## *Yazzie/Martinez* Court Ruling



**Every student deserves to graduate ready for college and career, and to pursue their dreams.**





# NM Constitution

“A ***uniform*** system of free public schools ***sufficient*** for the education of, and open to, all the children of school age in the state shall be established and maintained.”

N.M. Constitution, Article XII, Section 1

# NM's students



- Native American Students 10.6%
- ELL 14.4%
- Students with Disabilities 14.8%
- Low-Income 71%

# NM's Public Schools are Insufficient and Inequitable

- **Public schools are starved of resources.**

A 2008 AIR report found NM schools were significantly underfunded.



- **The education system lacks a multicultural and multilingual framework** and fails to embrace the strengths of students' cultures, languages and heritages.

- **The state is not providing educational programs and opportunities for students to succeed:**

- Most K-12 students do not read or do math at grade level.
- Low high school graduation rates and college enrollment.
- High rates of college remediation.

# New Mexico Indian Education Act (2003)



- Culturally relevant learning environments and instructional materials;
- Maintenance of native languages;
- Provide affective educational systems for Native students;
- PED and Tribal Partnerships;
- Development of relationships between tribes, BIE and others;
- Urban American Indian community participation;
- Inclusive of all Stake-holders: parents, community, PED, tribes, etc.;
- Tribal approval of all culturally relevant curricula.

# Yazzie Plaintiffs filed suit in 2014



Wilhelmenia Yazzie, Parent

# Yazzie v. State

- **2014 – Filed in State Court**

- **Plaintiffs**

- 5 Family Plaintiffs
- 6 School District Plaintiffs

- **Defendants**

- State of New Mexico, the NM Public Education Department, and the Secretary of Education

- **Legal Claim**

- Defendants have violated the State Constitution.
- *Yazzie* was consolidated with *Martinez*

- **2017 – Trial**





# Trial began in June of 2017



# Yazzie v. State

Court considered evidence from **23 focus districts**, as well as statewide data, national data and local and national expert witnesses.

Alamogordo, Albuquerque, Bernalillo,

Cuba, Española, Gadsden,

Gallup McKinley, Grants-Cibola, Hatch,

Jemez Valley, Lake Arthur, Las Cruces,

Los Lunas, Magdalena, Moriarty-Edgewood,

Peñasco, Pojoaque, Rio Rancho,

Santa Fe, Silver City, Taos, Tucumcari, Zuni



# **We Won!**

## **July 2018**

The Court decided in favor of the Plaintiffs.

The Court ruled that the State of New Mexico is violating the constitutional rights of students by failing to provide a sufficient education.

# Court's Findings

*"...[T]he State Constitution requires the State to provide every student with the opportunity to obtain an education that allows them to become **prepared for career or college.**" (Judge Singleton)*



**Multicultural Framework:** The State has failed to provide a framework or comply with laws for culturally and linguistically diverse students.

**Indian Education Act:** The state has failed to provide an adequate education to Native students and is not in compliance with the Act.

**Teachers:** Low teacher pay is an impediment to recruiting and retaining teachers. There are inadequate funds to adequately train teachers.

**Effective Programs and Services:** Programs like full-day PreK, extended learning time, health and social services, literacy programs and adequate instructional materials are effective, but not available to all students.

**Funding and Accountability:** Funding is inadequate for all districts, and the state has failed to ensure funds are spent on needed programs.



# Top Five Take-Aways

From the Court's Decision

- 1. New Mexico children have the right to be college and career ready.**
- 2. The State violated students' rights.**
- 3. Lack of funds is no excuse.**
- 4. We know what works.**
- 5. The state must comply with the Constitution.**

# Yazzie v. State

- **2019 – Yazzie plaintiffs filed a motion for compliance.**
- Motion explains that the state continues to violate the rights of **Native American students** by:
  - Not meeting the mandates of the IEA;
  - Failing to provide technical assistance to school districts;
  - Not having a sustainable response to increase the number of Native American teachers, teachers that have access to culturally-relevant training;
  - Not having a curriculum and pedagogy that is culturally relevant and responsive to Native American students; and not providing programs and services for students.
- Asks the Court to order the state to develop a comprehensive statewide plan and timetable.

# Yazzie v. State

- **2020 – The State filed a motion to dismiss the case**
- *Martinez* files a motion for discovery
- **June 29, 2020 – Court hearing and judge's rulings**
  - Denied Motion to Dismiss
  - Denied Motion for Compliance as premature
  - Granted Motion for Discovery
- **Discovery**
  - Began August 15, 2020 until May 31, 2021
  - Collaboration with the *Martinez* legal team



# TRANSFORM EDUCATION — NM —

[transformeducationnm.org](http://transformeducationnm.org)



Equity In Education  
#YouthSummit2020

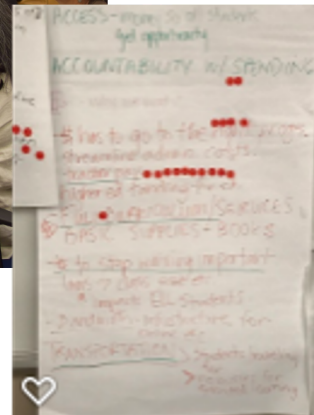
## COALITION BUILDING for an equitable and sufficient public education system

- Developing a transformative framework for education based in local expertise.
- Building broad consensus on a platform of proposed remedies for the state.
- Educating policymakers on steps necessary to implement the *Yazzie* ruling.
- Launching a communications and outreach campaign to engage the public.
- Holding the state accountable to the *Yazzie* ruling.





# Community Summits May-Sept 2018



**300 stakeholders convened in a series of Education Summits in 2018, leading to the formation of the coalition and its platform.**

## Yazzie Proposed Remedy Platform

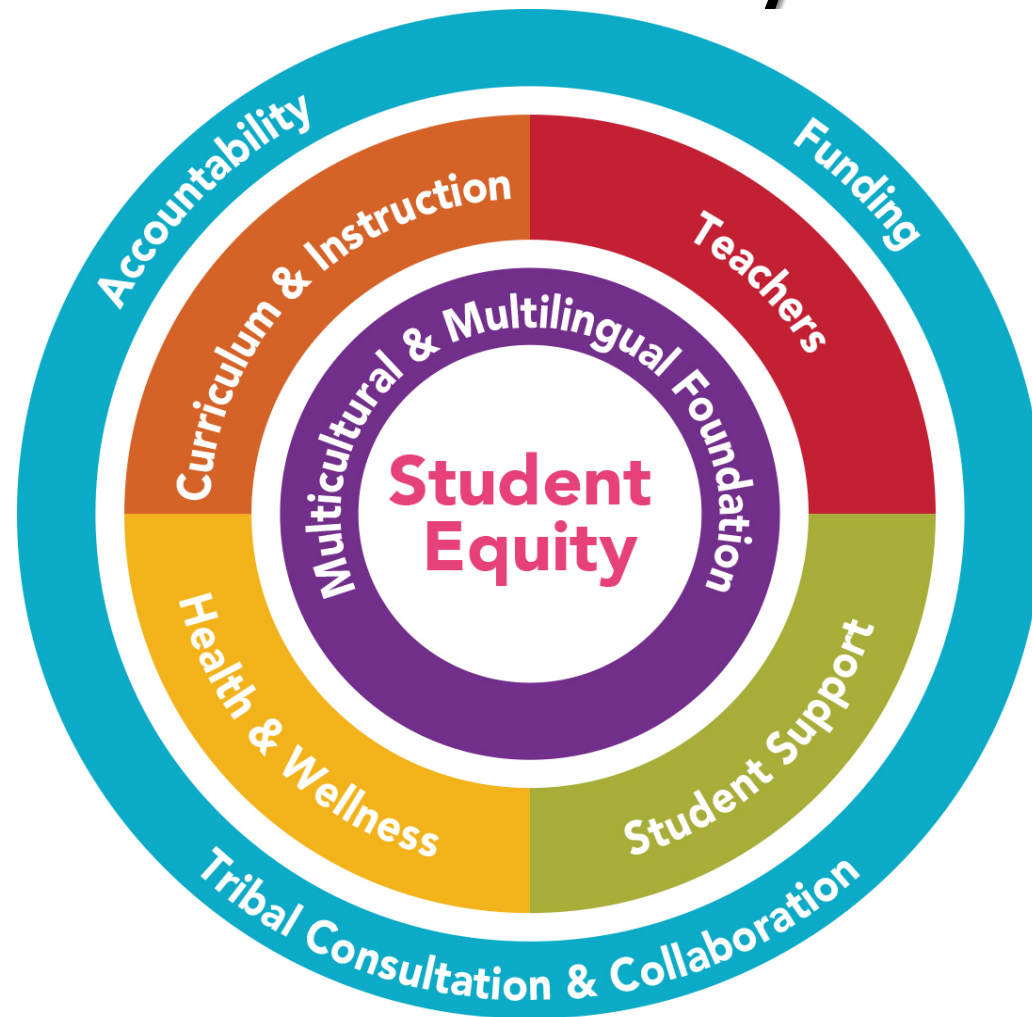
The Yazzie Proposed Remedy Platform, which is rooted in the District Court’s 7/20/18 opinion in *Yazzie/Martinez v. State of New Mexico*, is based on evidence from trial, and statewide input from Native American educational leaders, education experts, educators and community organizations. The Center on Law & Poverty held several individual meetings with experts, superintendents, and community stakeholders to develop the proposed remedies. The Center also held three large events, with hundreds of people in attendance, that focused on gathering input on the proposed remedies from the participants

The Yazzie Proposed Remedy Platform is a working document that will need continuous review and updating as we move forward working with plaintiff groups, experts, stakeholders, the community, and the State. The proposed remedies represent the minimum the state must do to meet its constitutional obligation to provide all children in New Mexico a sufficient education.

	Judge’s Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
<b>Foundational Elements</b>				
<b>Instructional materials</b>	<p><u>Funding is inadequate.</u> (pg. 26-27)</p> <ul style="list-style-type: none"> <li>Funding cuts have prevented schools from purchasing adequate and up-to-date textbooks</li> <li>The instructional materials stipend is insufficient.</li> </ul>	<p><u>Oversight and Spending of Instructional Materials in Public Schools</u></p> <ul style="list-style-type: none"> <li>According to a 2014 LFC report, “the system for funding instructional material does not meet current needs, resulting in reports of inadequate resources while allocated money goes unspent; A disconnect between what school districts are expected to purchase and annual appropriations to the instructional materials fund exists; According to teachers, classroom instructional material needs are not currently met.” (p. 21, 23);</li> <li>“The legislature should ... Modify statute mandating that</li> </ul>	<p><u>Funding</u></p> <ul style="list-style-type: none"> <li>Put in place a uniform mechanism for determining what funding necessary to comply with current instructional materials / text book laws and appropriate that additional funding in 2019 session.</li> </ul>	<p><u>Funding</u></p> <ul style="list-style-type: none"> <li>Determine ongoing need, create sustainable funding stream, and maintain sufficient funding for all schools to have up-to-date materials based on text book cycles and so that all students are able to bring textbooks and other instructional materials home with them.</li> </ul>



# The Yazzie Remedy Platform



# **A long way to go!**

## **Public schools are still insufficient**

- **Not much has changed for students** at the heart of the lawsuit: Native American, English language learners, students with disabilities, and low-income students. For example:
- **Teacher shortage still over 640+ teachers**
- **Thousands of classrooms don't have bilingual teachers or TESOL**
- **Only 36% of 4 year old children have access to full day Pre-K**
- **Funding does not get back to 2008 levels** (considering inflation) **Most schools do not have enough funding to expand programs for at-risk students**, and still lack funding for transportation and instructional materials. Many cuts to programs and positions.

# What's Next?

## Advocacy effort

- Sufficiency and equity in education (and transparency!)
- Comprehensive plan, timeline, funding, accountability
- Unity



# Contact Info

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- Also visit: Transform Education NM – [www.transformeducationnm.org](http://www.transformeducationnm.org)