



# MALDEF

The Latino Legal Voice for Civil Rights in America.

## Martinez Plaintiffs' Guide on How New Mexico Can Repair Its Constitutionally Insufficient System

<b>Key Components of the Public School System</b>	<b>What the District Court Found in Ruling the System Unconstitutional</b>	<b>What the State Can Do To Repair the System *</b>
<b>Bilingual Education and ELL Education</b>	<ul style="list-style-type: none"> <li>- NM Constitution requires perfect equality for students of Spanish descent (21)</li> <li>- New Mexico is not meeting the federal and state requirements to educate ELL students (31)</li> <li>- PED lacks sufficient monitoring programs to determine if ELL students are receiving adequate assistance (31)</li> </ul>	<ul style="list-style-type: none"> <li>- Provide funding and monitoring that ensure that all ELL have access to adequate English acquisition services and bilingual programs, and that Latinx and Native American students have access to quality bilingual education</li> <li>- Raise bilingual weight in State Equalization Guarantee</li> <li>- Provide professional development for ELD and Bilingual programming</li> </ul>
<b>Effective Teachers</b>	<ul style="list-style-type: none"> <li>- Highly effective teachers are key to improving proficiency and these teachers need to be allocated to schools serving the most at-risk students (32)</li> <li>- Districts do not have adequate funds to pay for all of the effective, qualified teachers that they need (32-33)</li> <li>- The quality of teaching for at-risk students is inadequate (33)</li> <li>- NMTEACH does not account for ELL services or culturally relevant curriculum, and may contribute to retention problems (34-35)</li> <li>- State Equalization Guarantee (SEG) factor that deals with training – T&amp;E</li> </ul>	<ul style="list-style-type: none"> <li>- Provide funding that ensures that public school districts can afford the teachers that they need</li> <li>- Change the funding formula Training and Experience (T&amp;E) index to ensure that dollars are allocated in a way that reflects teacher training needs</li> <li>- Increase teachers' salaries</li> <li>- Change the teacher evaluation system to ensure that quality teachers teach in classrooms where they are</li> </ul>

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	index – fails to follow the statutory criteria and is inadequately funded (36)	most needed and that the system accounts for culturally relevant curriculum and the needs of ELL students
<b>Class Size</b>	<ul style="list-style-type: none"> <li>- Smaller class sizes provide needed support to at-risk and ELL students (29-30, 37)</li> <li>- Financial constraints have led schools to seek class size waivers (31, 33)</li> </ul>	Address systemic causes of increased class sizes, including funding and class size waivers
<b>After School and Extended Learning Programs</b>	<ul style="list-style-type: none"> <li>- After-school and extended learning programs provide needed support to at-risk and ELL students (29-30)</li> <li>- Such programs are not funded to the extent that allows all students to access them (30)</li> </ul>	<p>Provide appropriate funding for research-based, quality after-school and extended learning programs to at-risk and ELL students</p> <p>Provide funding for auxiliary staff that most aid at-risk students, such as social workers, nurses, and counselors</p> <p>Provide resources so that at-risk students can access extra-curricular activities</p>
<b>Multicultural Education</b>	<ul style="list-style-type: none"> <li>- A key to success is having a multicultural education system (17)</li> <li>- State has failed to provide a framework to districts for providing multicultural education (32)</li> </ul>	<p>Provide districts with the framework for the provision of culturally relevant curriculum and pedagogy to all students</p> <p>Sufficiently fund programs including, but not limited to, provided for under Bilingual Multicultural Education Act and Indian Education Act</p> <p>Implement training on anti-racism and restorative justice</p>
<b>At-Risk Funding</b>	<ul style="list-style-type: none"> <li>- Various programs have been shown to provide the supports that at-risk students need to learn, but have not been funded to the extent that all at-risk students can access them (29-30)</li> <li>- Current funding through the at-risk formula and Title I does not provide the money needed to educate at-risk students (30)</li> </ul>	<p>Increase funding formula's at-risk index to .366</p> <p>Include all economically disadvantaged students (those qualifying for free and reduced lunch) in the at-risk index</p> <p>Monitoring to ensure that dollars generated by at-risk</p>

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		<p>students follow those students</p> <p>Funding of programs that provide additional supports to at-risk students so that all at-risk students can access those programs</p>
<b>Instructional Materials</b>	<ul style="list-style-type: none"> <li>- Funding for instructional materials is inadequate (26-27)</li> <li>- Lack of uniform access to technology necessary for a sufficient education (27)</li> <li>- Lack of appropriate instructional materials for Native American students in New Mexico schools (27-28)</li> </ul>	<p>Systemic adjustment to funding formula for provision of adequate instructional materials</p> <p>Instructional materials should be available to all students, including in rural areas and areas serving Native Americans</p> <p>Instructional materials should reflect a culturally relevant curriculum</p>
<b>Pre-K and Early Childhood Education</b>	<ul style="list-style-type: none"> <li>- Pre-K and other early education programs are not uniformly available to New Mexico's children (30)</li> <li>- K-3 Plus lowers achievement gap between at-risk students and non-at-risk students (30)</li> </ul>	<p>Appropriate funding to ensure uniform access to full-day, quality Pre-K for all at-risk children</p> <p>Appropriate funding for programs such as K3 Plus that are proven to improve performance of at-risk students</p>
<b>Students with Disabilities</b>	<p>There is insufficient funding for Students with Disabilities, in violation of the Due Process Clause of the NM Constitution</p>	<p>Sufficiently fund educational programs for students with disabilities</p> <p>Ensure monitoring of use of funds for special education</p>
<b>Hispanic Education Act</b>	<ul style="list-style-type: none"> <li>- While not limited in scope to ELL students, the Hispanic Education Act is to "provide for the study, development and implementation of educational systems that affect the educational success of Hispanic students to close the achievement gap and increase graduation rates" (21)</li> <li>- This Act recognizes the importance of bilingual and multicultural school programs by requiring PED to report on the number of such programs. (21)</li> </ul>	<p>Ensure that the State works with districts and Latino community to implement a comprehensive plan for closing the achievement gap between Latino students and their non-Latino peers</p> <p>Ensure the provision of appropriate multicultural instructional materials and culturally relevant curriculum and pedagogy to</p>

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		Latino students
<b>Indian Education Act</b>	The Indian Education Act's requirement that Native American students be provided with a culturally relevant education has not been met (28)	Ensure that all Native American students receive a culturally relevant education
<b>Accountability for Schools</b>	The PED —shall establish a statewide assessment and accountability system that is aligned with the state academic content and performance standards. (18)	Amend the A-F School Grading system to align with all elements of an adequate education in New Mexico
<b>Overall Public School Funding</b>	<p>There is insufficient funding to maintain necessary programs for at-risk students (52)</p> <p>The overall public schools appropriation is insufficient to fund the programs necessary to provide an opportunity for all at-risk students to have an adequate education (53)</p> <p>State not properly exercising its authority to require that money allocated is used for programs known to help at-risk students (53-54)</p>	<p>Provide appropriate overall funding to public schools to enable them to provide an adequate education to all at-risk students</p> <p>Require that money allocated for programs that help at-risk students is used for those programs</p>

\* This chart is not intended to offer a holistic solution to every deficiency found by Judge Singleton in *Martinez/Yazzie v. New Mexico, et al.* Rather, it is intended to help guide legislators on some of the key deficiencies that the State of New Mexico must address to provide quality, equal educational opportunities to all New Mexican schoolchildren.