

Yazzie/Martinez vs. State of New Mexico



Current Status of NM Education

Give NM students the opportunity to succeed

The Opportunity Gap

- Most K-12 students fail to read and do math at grade level
- Low HS graduation rates and college enrollment rates
- High rates of College Remediation
- Opportunity gap vs. achievement gap

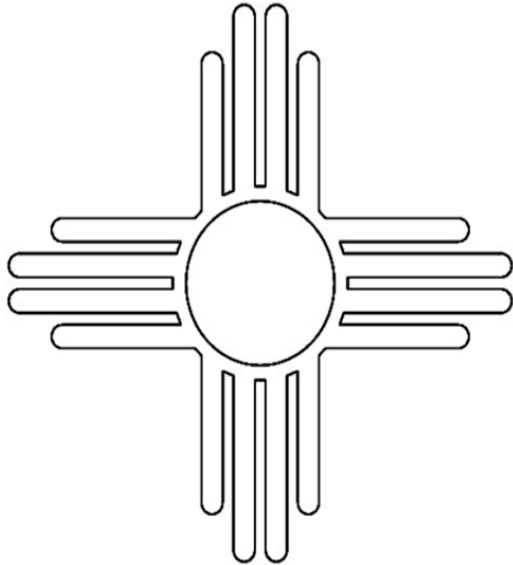


The State fails to provide enough resources to our schools.

- In 2019, schools needed about \$1 billion dollars in new resources, but the State gave districts less than \$400 million.
- The State funding formula does not adequately address the cost of educating NM children;
- The State is not implementing enough evidence based programming that is proven to close the gap;
- NM is failing to provide students with an opportunity to succeed.



Who Is Impacted?



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

Legal Requirements

Related to Public Education

What Does the NM Constitution Say?

“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

New Mexico Indian Education Act (2003)



- **Culturally relevant learning environments and instructional materials**
- **Maintenance of natives 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**



THE BILINGUAL MULTICULTURAL EDUCATION ACT (2004)

Ensures equal education opportunities for students in New Mexico by encouraging development

- (1) using the cultural and linguistic backgrounds of the students in a bilingual multicultural education program;
- (2) providing students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner; and
- (3) teaching students to appreciate the value and beauty of different languages and cultures.

New Mexico Hispanic Education Act (2010)

Provides for the study, development and implementation of educational systems that . . . close the opportunity gap and increase graduation rates

Provides mechanisms for parents, community and business organizations, school staff, higher education, the PED and policymakers to work together to improve educational opportunities for Hispanic students . . .



Yazzie Plaintiffs filed suit in 2014



Yazzie v. State

- **Filed in State Court** – 1ST JUDICIAL DISTRICT COURT
- **Plaintiffs**
 - 5 Family Plaintiffs
 - 6 school districts – Rio Rancho, Gallup, Lake Arthur, Moriarty, Santa Fe, and Cuba
- **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*
- 8 week trial began in 2017

Trial began in June of 2017





We Won!
August 2018

Judge's Decision

*"...[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: PED has not given the school districts a framework to use in providing a multicultural education. The State has not implemented the NM Indian Education Act, the Hispanic Education Act, or the Bilingual Multicultural Education Act.



Effective Programs and Services: Programs like full-day PreK, extended learning time, and culturally and linguistically relevant curriculum and instructional materials are effective, but not available to all at-risk students.

Judge's Decision (continued)

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

Funding: Funding is inadequate for all districts to provide a constitutionally sufficient education.

Accountability: The PED has failed to assure that funds are spent to provide at-risk students with needed programs and services.





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.**

and....

5. The state must comply with the Constitution

The State had until **April 15, 2019** to take immediate steps to ensure that NM Schools have the resources to provide all students with a sound basic education that prepares them for college and the workforce.

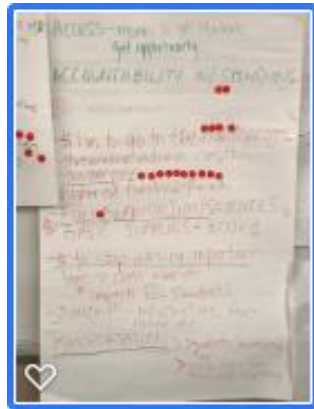
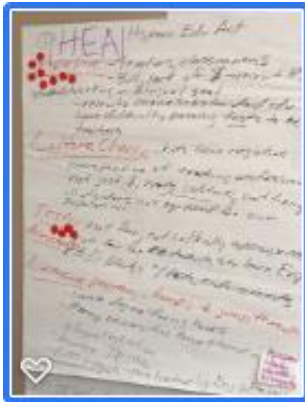


Developing a Platform of Remedies

The Yazzie Platform of Remedies was developed by a broad group of experts and stakeholders and aligns with the Court Order.

- Plaintiff School Districts (Cuba, Gallup-McKinley, Lake Arthur, Moriarty-Edgewood, Rio Rancho, Santa Fe)
- Plaintiff Families
- Educators: teachers, school boards, superintendents
- Tribal leaders and education departments
- Community groups representing students and families
- Local education experts and researchers

Community Summits May-Sept 2018



150 stakeholders convened at an Education Transformation Summit on September 14th. The summit followed two “pre-summits” in May and June 2018.



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EDUCATION
— **NM** —

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.

Coalition Member Organizations:

- NM Center on Law and Poverty
- CHI St Josephs
- Plaintiff Superintendents
- Learning Alliance
- NACA Inspired Schools Network
- Santa Fe Indian School Leadership Institute
- Native American Budget & Policy Institute
- College Horizons



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- NM Association Bilingual Education
- NM School Boards Association
- Coalition for the Majority
- Keres Children's Learning Center
- Dual Language Education NM
- National Education Association
- NGAGE NM
- NM Voices for Children

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
Foundational Elements				
Instructional materials	<p><u>Funding</u> is inadequate. (pg. 26-27)</p> <ul style="list-style-type: none"> Funding cuts have prevented schools from purchasing adequate and up-to-date textbooks The instructional materials stipend is insufficient. 	<p><u>Oversight and Spending of Instructional Materials in Public Schools</u></p> <ul style="list-style-type: none"> 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); "The legislature should ... Modify statute mandating that 	<p><u>Funding</u></p> <ul style="list-style-type: none"> 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. 	<p><u>Funding</u></p> <ul style="list-style-type: none"> 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.

The Yazzie Remedy Platform



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Yazzie Legislation-2019

A Multicultural, Equitable Foundation

HB 159 – Multicultural Education Framework

HB 111 – Cultural and Linguistic Education Support

HB 120 – Bilingual Teacher Preparation Act

HB 394 – Cultural & Linguistic Appropriate Education

HB 250 – Native American Student Needs Assessments

HB 516 – American Indian Education Outcomes

HB 121 – Social Services as Basic Sufficient Education

HB 182 – Reading Initiative Literacy & Biliteracy

Bills for Universal Pre-K, Extended Learning Time and Increased Teacher Pay



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2019 Legislative Session Outcome

- HB 5/SB 1
 - K-5 Plus
 - Extended Learning Program
 - Increased teacher salaries
 - At-risk index to .25
- HB 2
 - Appears to be an increase of about \$450 M in public school support, but once you check the fine print, the total this year does not reach 2008 levels.

2019 Legislative Session Outcome

With increase in funding, after raising teacher salaries, most of the 23 focus districts in the Yazzie case:

- Cannot expand programs and services for at-risk students;
- Still lack funding for transportation and instructional materials; and
- Have had to cut programs and positions in their districts;
- Funding does not get back to 2008 levels when considering inflation.

Yazzie Plaintiffs'

Notice of Case Status

The Yazzie Plaintiffs filed a Notice of Case Status on June 28, 2019 informing the judge of:

- The deficiencies of the Legislature's actions;
- The difficulties districts are experiencing with the FY 2020 budget and the new legislation (especially regarding participation in K-5 Plus and Extended Learning); and
- That the Yazzie and Martinez Plaintiffs are working with PED on an implementation plan.

We'd like to hear about your district's experience

- Get in groups and discuss the questions. Write down your answers on the form.
 - What programs/funding does your district need to ensure that all students are college and career ready?
 - What are the challenges your district faces in securing the programs and funding that your at-risk students need?

How Yazzie/Martinez can help your district

- The Yazzie/Martinez decision
 - Is a tool that can help districts provide the programs and services that their students need to be college and career ready.
 - Establishes a constitutional right to a sufficient education for all students
 - Will shape education policy and funding for years to come.
- Districts' voices are important in this process.

Preparing the next generation of teachers

Scholarship Landscape Overview for Aspiring Teachers

Teacher Preparation Affordability Act (HB275) - \$10M

- For education majors to complete educational programs of study and become licensed teachers
- Up to \$3,000 per semester
- Prioritizes bilingual and Native teachers

Grow Your Own Teachers Act (HB20) - \$510k

- For educational assistants to complete educational programs of study and become licensed teachers
- Up to \$3,000 per semester for tuition and fees.
- Paid leave from schools to complete coursework and student teaching requirements

Preparing the next generation of teachers (cont'd)

Teacher Loan for Service

For education majors who want to teach in a designated shortage area within the state of New Mexico following the completion of their program.

- Up to \$4,000 per year in loan forgiveness
- 100% of the loan is eligible for forgiveness if the entire service agreement is fulfilled

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