

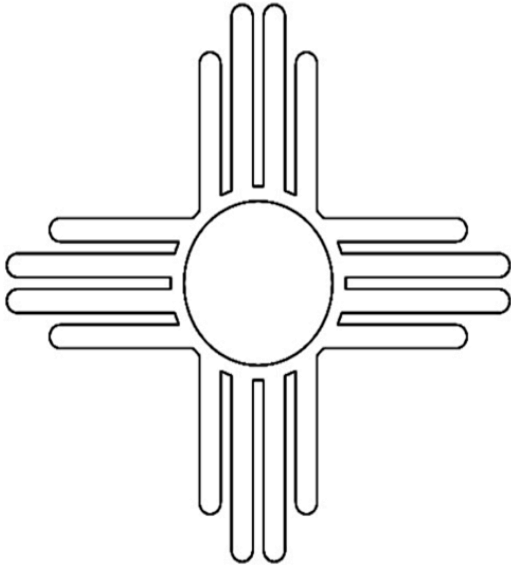
Yazzie/Martinez vs. State of New Mexico

The 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%

Give NM students the opportunity to succeed

The Education 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.

- Public school budget is based on last year's budget, and is not based on the cost of providing all students with the programs and services necessary to be college and career ready.
- 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.



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**

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 . . .





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.

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

Yazzie/Martinez 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

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 such as 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.

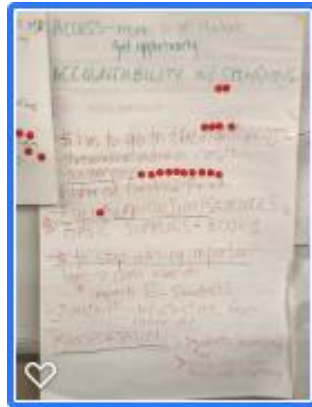
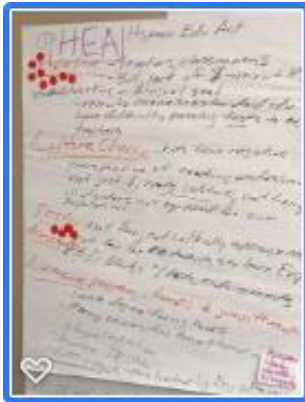


Developing a Platform of Remedies

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.

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.

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
- The Yazzie and Martinez Plaintiffs are working with PED on an implementation plan.

Leadership:

We Need a Plan and We Need Action!

- Yazzie Plaintiffs' 10/31/19 Motion for Court to Order Defendants to Meet Constitutional Mandate to Ensure All New Mexico Public School Students Have the Opportunity to be College and Career Ready
 - New school year started and nothing has changed for students
 - 23 Focus Districts -- New money was spent on teachers' raises – nothing left for programs and services for at risk students
 - Comprehensive multi-agency statewide planning, with funding streams required to actually do what it is going to take
 - Short term obvious steps necessary while developing this plan

Extensive evidence but not too late to join us

- Affidavits from Plaintiff Districts: Rio Rancho, Gallup-McKinley, Santa Fe, Moriarty-Edgewood, Lake Arthur, Cuba
- Affidavits from certain focus districts: Magdalena, Hatch, Taos, Zuni, Espanola, Jemez Valley, Pojoaque Valley, Grants-Cibola
- Affidavits from Family Plaintiffs: Yazzie (Gallup), Leno (Grants and Bernalillo), Sanabria (Gadsden), Martinez (Albuquerque)
- Interviews with all 23 focus districts
- Resolutions and support from all 22 Tribal Nations: All Pueblo Council of Governors, Mescalero-Apache, Jicarilla-Apache and Navajo Nation



TRANSFORM
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



TRANSFORM
EDUCATION
NM

- 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

The Yazzie Remedy Platform



TRANSFORM
EDUCATION
NM

2020 Legislative Platform For Yazzie Compliance

1. Develop capacity of educators: -- Build pipeline of bi-lingual and TESOL endorsed teachers, Native language instructors, PreK teachers and special ed teachers; Professional development in cultural/linguistic education
2. Literacy specialists and social services
3. All 4 year olds to have access to full day pre-K
4. Instructional materials and technology – including funding for wifi on tribal lands
5. Flexible extended learning programs
6. Educator salary increases – 45/55/65 plus 10% increase for all others
7. Funding formula changes -- increase at-risk index, bi-lingual index, special ed funding and small district funds; permit tribes to run extended learning programs
8. Develop capacity of PED to assist districts
9. Institutions of Higher Ed and other Centers to develop culturally and linguistically responsive curriculum, teacher development, social services, language preservation, etc.

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