

YAZZIE/ MARTINEZ V. STATE OF NEW MEXICO



THE CASE FOR EDUCATION EQUITY

Judge's findings related to Native students:

The NM Indian Education Act (IEA) is a state constitutional requirement.

But the state has provided insufficient funding to districts to implement the IEA.



ONLY 2% OF
ALL NM TEACHERS
ARE NATIVE AMERICAN!

Schools must provide a curriculum and materials that are culturally relevant and responsive to Native students.

Our schools have historically lacked culturally and linguistically relevant programs and services to meet Native students' needs.



Summer and after school programs, tutoring, and mentoring are effective, but are not funded sufficiently.



Lack of transportation is a barrier to adequate education for many families.



Lack of technology, high speed internet and digital devices is a barrier to remote learning.



Inadequate funding for school counselors, social workers, and other non-instructional staff.

What is this education lawsuit about?

Children's constitutional right to a sufficient education, which includes implementation of the NM Indian Education Act (IEA).

What is at stake for our children?

Native students have been deprived of the programs and services they need to be college, career and community ready, resulting in unequal educational, health and employment outcomes.

What does the ruling require for public education?

The State's education system violates the constitution and children "will be irreparably harmed if better programs are not instituted."

The State has failed to implement the IEA.

Must the state provide more funding to public education?

The court ordered the State to provide more funding. Lack of funds cannot be used as a defense for violating Native student's right to a sufficient education.

What did the court order the state to do to comply with the ruling?

NM Public Education Department must **create a plan** for transforming education and implementing the IEA.

The legislature must **provide more funding** targeted to meet the needs of at-risk students, including Native students, English language learners, children with disabilities, and economically disadvantaged students.

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In July 2018, the court ruled that the State of New Mexico is violating the constitutional rights of students to a sufficient education—one that prepares them for college and career.



The court ordered the state to take immediate steps to increase funding, programs, and services to support “at-risk” children facing the deepest inequities from public school deficiencies, including **Native American students, English language learners, students with disabilities, and students from low-income families.**

The court’s decision **emphasized the state’s duty to provide a culturally and linguistically responsive education to students**, and held that the state has failed to comply with the **New Mexico Indian Education Act, the Hispanic Education Act and the Bilingual Multicultural Education Act** - laws that set forth the requirements for providing students with a multicultural and multilingual education.

Hispanic Education Act (HEA)

- The purpose of the HEA is to close the achievement gap, increase graduation rates and increase postsecondary enrollment, retention and completion for Hispanic students.
- The HEA requires the study, development and implementation of educational systems to improve outcomes for Hispanic students.
- The HEA provides mechanisms for parents, community organizations, schools, districts, and universities and colleges, the PED and policy makers to work together to improve educational opportunities for Hispanic students.

Indian Education Act (IEA)

- The purpose of the IEA is to ensure equitable and culturally relevant learning environments, educational opportunities, and culturally relevant instructional materials for Native American students, including the maintenance of Native languages.
- The IEA establishes a formal government-to-government relationship between the state and tribes and the development of relationships with BIE and other entities serving Native American students.
- The IEA requires parents, tribal departments of education, community-based organizations, the PED, HED, universities, and policy makers to work together to find ways to improve educational opportunities for Native American students, including the successful and seamless transition of Native American students into post-secondary education and training.

Bilingual Multicultural Education Act (BMEA)

- The BMEA goals for all students, including English language learners, are to become biliterate in English and a second language and meet state academic content standards and benchmarks.
- The State has a duty to ensure that all ELL students have an adequate language acquisition program and they continue to receive content-area education at their grade level in their native language, if necessary.
- The BMEA sets out the requirements for Bilingual Multicultural Education Programs, which must meet the educational needs of students’ linguistic and cultural assets, emphasize the history and cultures of these students, require professional development for employees that is specific to the education of ELLs, and foster parental involvement.

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TIMELINE & SUMMARY:

2014

FILING

Families and school districts sued the State of New Mexico and the Public Education Department for failing to provide a sufficient and uniform system of education to all New Mexican children as guaranteed by the state constitution.

July 2018

RULING

The court ruled in favor of the plaintiffs, holding that the State of New Mexico is violating the constitutional rights of students to a sufficient education—one that prepares them for college and career.

The court ordered the state to take immediate steps to increase funding, programs, and services to support “at-risk” children facing the deepest inequities from public school deficiencies, including: Native American students, English language learners, students with disabilities, and students from low-income families.

April 2021

TECHNOLOGY MOTION

The court ruled in favor of the Yazzie plaintiffs’ motion that asked the state to address the lack of access to technology and internet exacerbated by the pandemic for at-risk students, particularly students living in tribal and rural areas. The court ordered the state to immediately provide digital devices and high-speed internet service to at-risk students who lack access at home, and to provide school districts with sufficient funding to meet students’ technology needs.

The court detailed the major areas of deficiency within the education system requiring immediate attention, including:

CULTURALLY & LINGUISTICALLY RESPONSIVE EDUCATION



The court’s decision emphasized the state’s duty to provide a culturally and linguistically responsive education to students, and held that the state has failed to comply with the New Mexico Indian Education Act, the Hispanic Education Act, and the Bilingual Multilingual Education Act—laws that set forth the requirements for providing students with a multicultural and multilingual education.

CURRICULUM & INSTRUCTIONAL PROGRAMS



The court held the state failed to provide at-risk students with the programs and materials that it acknowledges prepare them for college and career. This includes culturally relevant curricula and instructional materials and culturally competent programming, extended learning opportunities, high-quality and full-day pre-k, smaller class sizes, and comprehensive reading programs.

TEACHERS & SCHOOL STAFF



The court recognized that public schools lack experienced and well-trained teachers and have insufficient funding to pay for adequate numbers of teachers, to recruit and retain effective teachers (especially in rural areas, special education, science and bilingual education), and to provide support for teacher training and professional development that is culturally and linguistically responsive to students.

STUDENT SUPPORTS



The court underscored the lack of access to technology and internet in some districts, particularly rural districts. The court found that interventions such as after-school, summer school, and tutoring programs have been shown to be effective, yet districts do not have enough funding to provide such services to all at-risk students. Although transportation is a necessary element of off-hour programs, extended learning programs and pre-k, funding for transportation is insufficient.

FUNDING & ACCOUNTABILITY



The court concluded that a lack of funds is not an excuse for denying New Mexico’s students a sufficient education. The state must come up with the necessary funding to meet New Mexico students’ rights, with the court listing examples of various revenue raising options that could be adopted. The court also found that the PED has failed to meet its oversight functions to ensure that all students are receiving the programs and services they need, and that funds are provided in a way that efficiently and effectively meets the needs of at-risk students.

HEALTH & SOCIAL SERVICES



The court found that the state failed to provide sufficient resources for counselors, nurses, social workers, and other health professionals and non-instructional staff that all students, especially at-risk students, need to succeed. The court found that districts do not have funding to hire these professionals and have eliminated these positions and/or reduced their time due to budget cuts.

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Yazzie Technology Order (2021) Concerning Access to Broadband & Computer Devices:

What is the Yazzie Technology Order?

In 2020, the Yazzie Plaintiffs went back to court on the basis that New Mexico students who do not have access to high-speed internet or computers at home cannot obtain a constitutionally adequate education to which they are entitled. In 2021 the court agreed, and issued an order affirming students' right to access to technology.

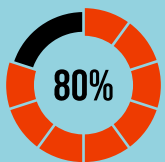
What is at stake for our children?

In today's world, high-speed internet at home is not a luxury -- it is fundamental to an adequate educational opportunity. **Students who lack access to high-speed internet and technology at-home are not getting much of an education, if at all, let alone one that is sufficient to make them college and career ready.**

In New Mexico, an estimated 23% of the population lacks broadband internet service, as of 2019.

23%

Broadband capacity does not exist at all in significant parts of the state, such that 9% of the population does not even have the ability to purchase it.



An estimated 80% of Native Americans residing on tribal lands do not have internet services, so **Native American students are disproportionately impacted by this disparity.**

What did the Court order the State of New Mexico to do for students and educators?

PROVIDE DEVICES

The state must immediately provide a dedicated digital device to all at-risk students and their teachers who do not have a device.



PROVIDE HIGH SPEED INTERNET

The state must immediately determine which at-risk students do not have access to high-speed internet to work remotely from home and immediately provide them with access to high-speed internet service to reliably download and upload assignments, stream instructional videos, and participate in individual and/or group video conferencing.



PROVIDE FUNDING FOR IT STAFF

The state must immediately provide school districts with funding for IT staff sufficient to support and maintain digital devices and internet access, among other IT needs.



Yazzie/Martinez court findings regarding students' access to technology in 2018:

The state failed to provide adequate resources for technology and instructional materials to all at-risk students in all districts.

Districts, particularly rural districts, lack access to technology, and that access to computers and related infrastructure is "essential" to a constitutionally sufficient education.

The ability to utilize technology is within the knowledge and skills that students need to enter college or the workforce. Students who lack access to technology are at a disadvantage.