

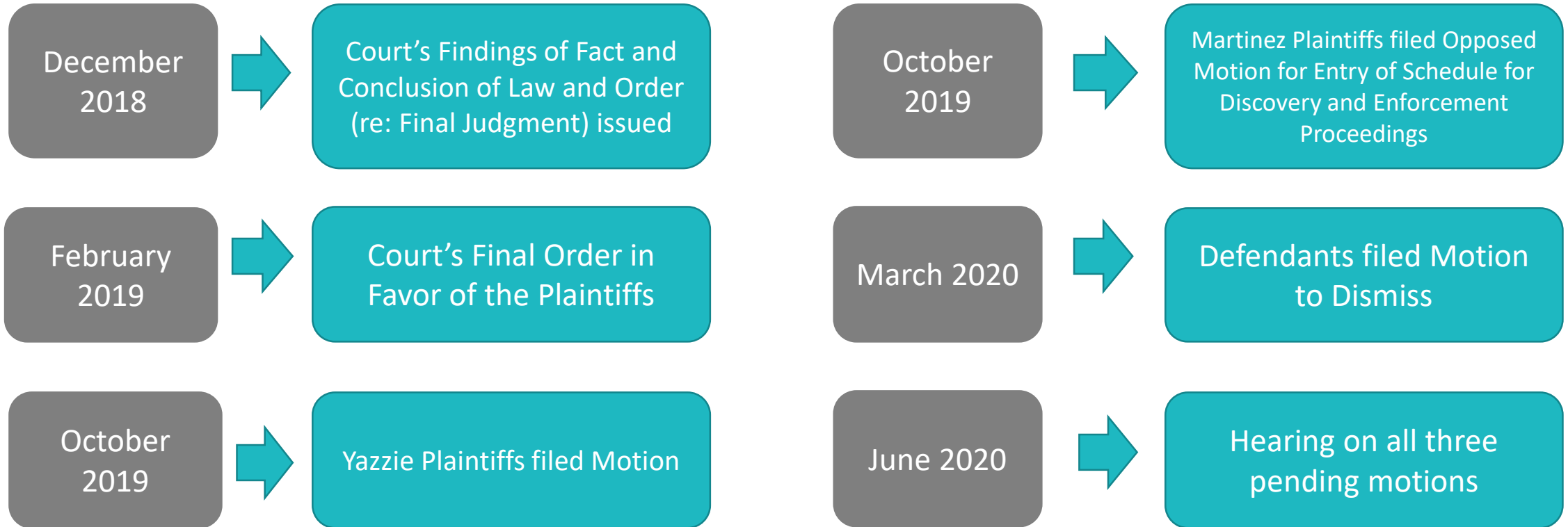
Overview

- History of the Consolidated Lawsuit
- June 29, 2020 Motions Hearing
- Hearing Outcomes
- Current Status
- Measures to Address Consolidated Lawsuit: Legislative, Financial, Programmatic, and Accountability
- Next Steps

History of the Consolidated Lawsuit



History of the Consolidated Lawsuit



June 29, 2020 Hearing

State: Motion to Dismiss

Martinez: Opposed Motion for Entry of Schedule for Discovery and Enforcement Proceedings

Yazzie: 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

Hearing Outcomes – First Ruling

- State Motion:
 - **Court ruled the State did take immediate action to begin addressing the inequities in the lawsuit**
 - Court ruled not only immediate action is required, but also a showing of a constitutionally-adequate funding scheme
 - Finally, Court found it could not make a finding of adequacy without additional information on changed outcomes
 - Court denied motion to dismiss

Hearing Outcomes – Second Ruling

- Martinez Motion:
 - Granted request for discovery
 - Parties directed to confer on discovery schedule

Hearing Outcomes – Third Ruling

- Yazzie Motion:
 - Denied without prejudice
 - In denying motion, re-emphasized need for deference to Legislature and Executive Branch
 - Court is willing to reconsider Yazzie motion after discovery

Important Takeaways from Motions Hearing

- Although the State's Motion to Dismiss was denied, by also denying the Yazzie Plaintiffs' Motion, the Court rejected Yazzie Plaintiffs' arguments that the State had done "nothing" to comply with the Court's orders
- Further, the Court declined to impose additional requirements on the State
- The Court explicitly acknowledged the efforts made by the State and simply indicated it wanted more information about implementation and outcomes from those initial efforts

NM Constitution

- The New Mexico Constitution recognizes a balance between the executive, legislative, and judicial branches of government. It is important to preserve this balance.
- PED filed the motion to dismiss in recognition of the constitutionally distinct roles between the branches of government as it concerns the education of our most at-risk students.

Current Status

- Final written orders to be issued within 2 weeks of hearing
- Parties will soon engage in discovery

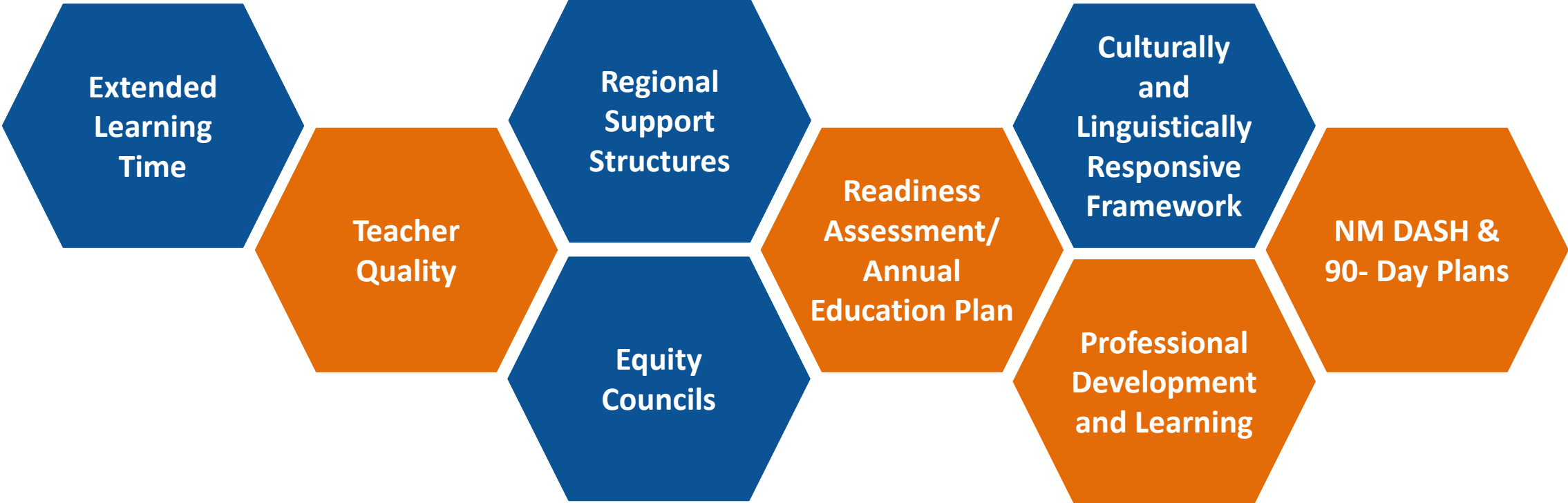
Measures to Address Consolidated Lawsuit: Legislative

- Extended Learning Time
- At-Risk Funding
- Early Childhood Education
- CTE Funding
- HB5/SB1 from 2019 legislative session
- Overall increased education funding

Measures to Address Consolidated Lawsuit: Financial

- Investments in key programs
- Oversight of districts and schools through audit, budget, and finance processes
- Establish tracking of at-risk funding in order to better report back to stakeholders on the intended and actual use of increased funding
- Districts will be required to align their annual budgets with the annual education plan submitted to PED for approval

Measures to Address Consolidated Lawsuit: Programmatic



Readiness Assessment

- PED required LEAs to complete the Martinez/Yazzie Readiness Assessment by June 15, 2020
- The Readiness Assessment provides an opportunity to examine the steps that can be taken to ensure that the needs of student groups identified in the lawsuit are included in PED's current processes and systems

Technical Assistance

- PED's Identity, Equity, and Transformation team will work directly with districts and charters to provide guidance and technical assistance to ensure that equity for all students continues, especially during the pandemic
- PED remains committed to ensuring that all children receive a culturally and linguistically responsive education, especially those students identified in the lawsuits as having been traditionally underserved

Measures to Address Consolidated Lawsuit: Accountability

Administrative guidance
memos

Tribal consultations and
Equity council meetings

Annual school/district
assurances

Progressive and
corrective actions plans

Rulemaking for IEA,
HEA, and BMEA

Annual school climate
survey

Tracking at-risk
students' access to
programs

EL programs/student reports
(3 times a year)/annual
student assessment

Next Steps

Deepen investment
in critical programs

Verification of at-risk
submissions

PED strategic plan

Support of highest-
need students

Strengthening cross-
agency
communications

Thank You!

Ryan Stewart, Ed.L.D.
Secretary of Education

