

Litigation Update

Board of Education of the Zuni Public School District, et al. v. State of New Mexico, et al.

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Presentation to the Indian Affairs Committee
October 30, 2024



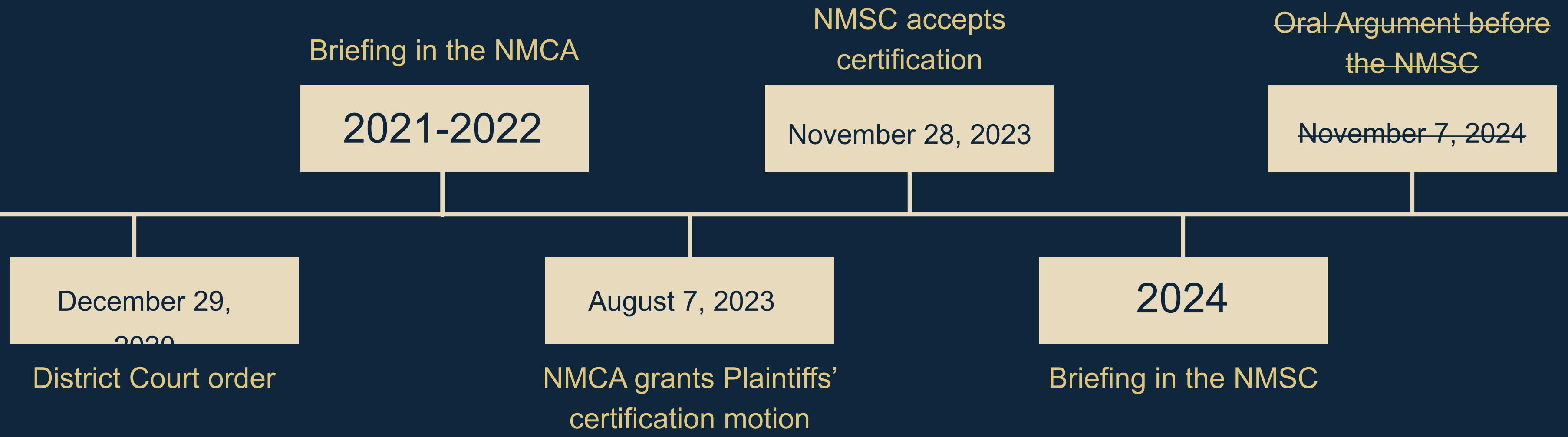
Overview

- Parties
 - ❖ Plaintiffs: Board of Education of the Zuni Public School District & Board of Education of the Gallup-McKinley School District
 - ❖ Defendants: State of New Mexico & Public School Capital Outlay Council
- This case concerns whether New Mexico's scheme for public school capital outlay funding violates the New Mexico Constitution's Education Clause
 - ❖ "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. Const. art. XII, § 1.
- District court ruled that the State's public school capital outlay funding system is neither uniform nor sufficient and thus unconstitutional; ruling currently on appeal
 - ❖ Public School Capital Outlay Act (PSCOA), NMSA 1978, §§ 22-24-1 to -12
 - ❖ Public School Capital Improvements Act (PSCIA), NMSA 1978, §§ 22-25-1 to -11

Case History

- **1998** – Initial complaint filed
- **1999** – District court ruled public school capital outlay funding unconstitutional
- **2002** – Special master report: State following court's directives to develop and implement uniform system
- **2013** – Plaintiffs filed an unopposed motion to reinstate the case
- **2015** – Plaintiffs filed amended complaints
- **2016 & 2019** – Bench trial
- **2020** – District court ruled that the PSCOA and PSCIA are unconstitutional
- **2021** – District court denied State's motion for post-judgment relief
- **2021** – State appealed to the New Mexico Court of Appeals
- **2023** – New Mexico Supreme Court accepts certification of the case

Recent Timeline



District Court

Case No. D-1113-CV-98-00014

District court order – December 2020

- Declared the PSCOA and PSCIA unconstitutional; neither uniform nor sufficient
- Ordered the State “to create and implement a statutory scheme funding capital outlay for public schools within the mandates of Article XII, Section 1 of the New Mexico Constitution in such a way that the scheme itself does not create substantial disparities in capital funding among the school districts in New Mexico”

State’s motion for post-judgment relief

- State argued the district court order did not provide sufficient guidance or explanation and that the court should have considered post-trial developments
- District court denied motion

Appeal

- State appealed to New Mexico Court of Appeals
- District court ruling is stayed pending appeal

New Mexico Court of Appeals

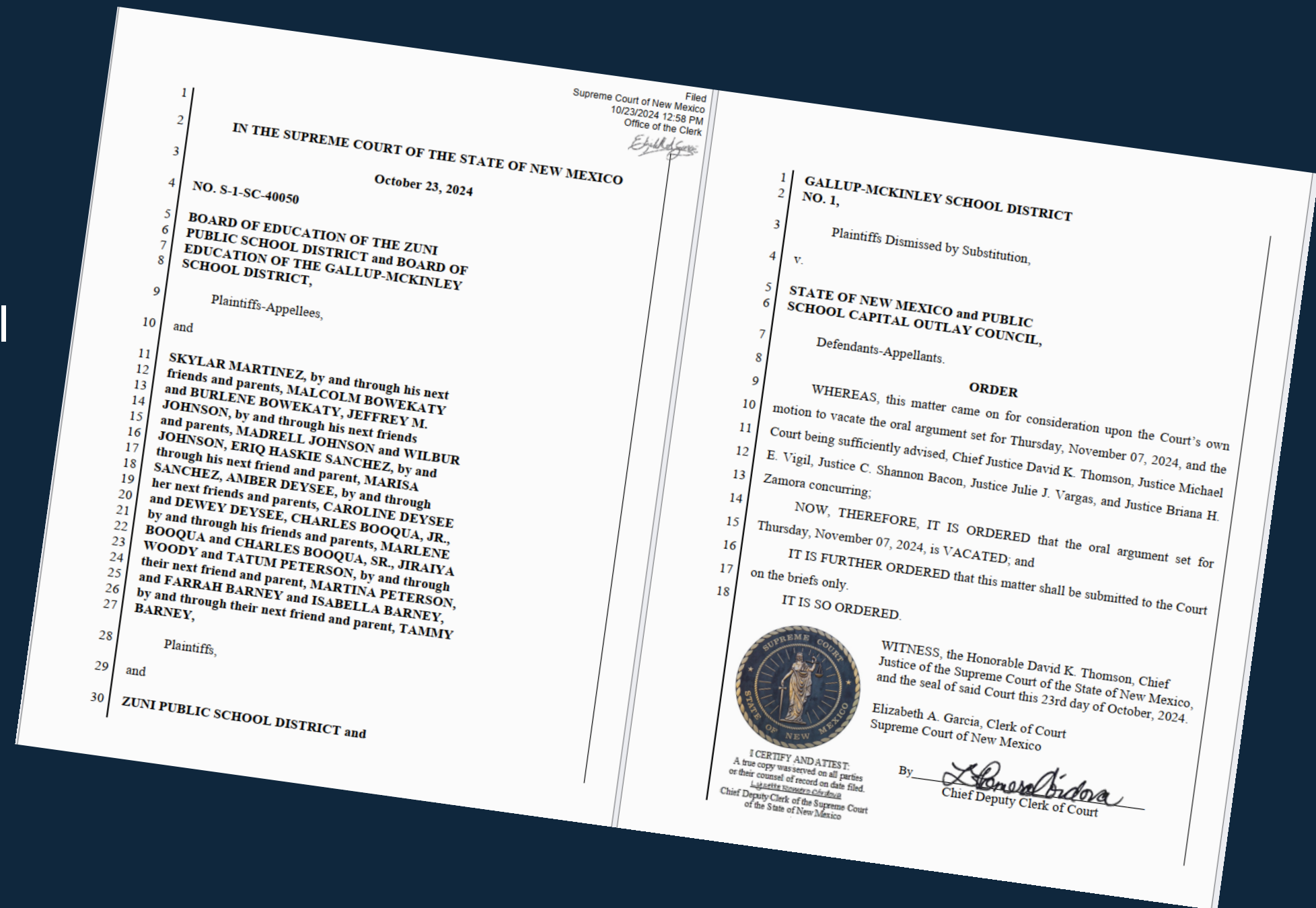
Case No. A-1-CA-39902

- Appeal docketed and assigned to general calendar
- Party briefing
- Case assigned to a panel of judges in July 2023
- Plaintiffs filed an opposed motion to certify appeal to NMSC
 - ❖ The supreme court has appellate jurisdiction in matters appealed to the court of appeals, . . . if the court of appeals certifies to the supreme court that the matter involves: (1) a significant question of law under the constitution of New Mexico or the United States; or (2) an issue of substantial public interest that should be determined by the supreme court. NMSA 1978, § 34-5-14(C).
- NMCA granted Plaintiffs' request and issued order of certification – August 2023

New Mexico Supreme Court

Case No. S-1-SC-40050

- NMSC accepted certification – November 2023
- Party briefing
- Amicus brief: Central Consolidated School District in support of Plaintiffs
- ~~Oral argument – November 7, 2024~~
- **October 23, 2024:**
 - Court issued order vacating oral argument
 - Case submitted on the briefs



Questions?

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