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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
55th Legislature, 2nd Session, 2022

Bill Number	<u>SM12</u>	Sponsor	<u>Lopez/Pope/Sedillo Lopez</u>
Tracking Number	<u>.222194.1</u>	Committee Referrals	<u>SRC/SEC</u>
Short Title	<u>Yazzie Lawsuit Plan & Reporting</u>		
Analyst	<u>Estupiñan</u>	Original Date	<u>1/27/2022</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

Senate Memorial 12 (SM12) requests the Public Education Department (PED) to develop a comprehensive education plan for addressing the systemic inequities in access, opportunities, and outcomes identified in the *Martinez-Yazzie* education sufficiency lawsuit. That report would be required by June 1, 2022, and should include:

- Detailed plans for meeting the constitutional rights of Native American students, English learners, low-income students, and those with disabilities;
- Short- and long-term goals and action steps, along with timeframes, staffing, accountability measures, and projected funding amounts needed to implement those goals;
- Plans that build on frameworks already put forward by tribes, pueblos, and nations, as well as relevant research for improving outcomes among the four aforementioned student groups;
- Extensive collaboration with the plaintiffs in the *Martinez-Yazzie* lawsuit with the goal of ending ongoing litigation in that case.

Further, the memorial would require that PED collaborate with the Higher Education Department (HED) to alleviate the teacher shortage by building an effective teacher workforce that reflects the identities of local communities.

PED would be required to submit an annual report to the Legislature, the Legislative Finance Committee, and LESC detailing its implementation of the comprehensive education plan.

FISCAL IMPACT

Legislative memorials do not carry appropriations. SM12, however, would require staff time and agency resources. No agency analysis was available at the time of the memorial's analysis.

SUBSTANTIVE ISSUES

The court's decision in the *Martinez-Yazzie* lawsuit was rooted in the inequities experienced by four historically underserved groups of students:

Native American Students. A lack of access to a culturally and linguistically relevant education has prevented Native American students from receiving instruction that validates and honors the unique language and culture of their communities.

Students with Disabilities. There are persistent challenges in special education programs, including a shortage of qualified special education teachers, long waits for disability screenings, and policies that allow restraint and seclusion of students experiencing severe behavioral challenges that are disproportionately used on students of color and those with disabilities.

Low-Income Students. Approximately 73 percent of students in New Mexico are considered to be low-income, with many of those students lacking access to broadband internet, technological devices at home, and essential services like health, mental health, and socio-emotional supports in their schools or their local communities.

English Learners. Bilingual and multicultural education programs throughout the state lack sufficient certified staff to deliver high-quality instruction in the native language of English learners thereby depriving them of access to a linguistically relevant education that preserves their cultural identity and enhances their ability to become fluent in two or more languages.

Costs associated with the ongoing litigation in the *Martinez-Yazzie* lawsuit continue to accrue, with the state having now spent at least \$8 million to litigate the case.¹

ADMINISTRATIVE IMPLICATIONS

PED would be required to invest staff time and resources in collaborating with internal and external stakeholders to develop the requested comprehensive education plan.

OTHER SIGNIFICANT ISSUES

PED is currently drafting its plan for addressing the unique needs of tribal communities. That plan, however, was expected to be released by December 1, 2021, after a period of consultation with tribes beginning in October of last year. As of the writing of this analysis, PED has not yet released its comprehensive plan for providing a culturally and linguistically relevant education in Native American communities.

SOURCES OF INFORMATION

- LESC Files

DE/hfg/mb

¹ <https://www.lcsun-news.com/story/news/education/2022/01/05/overdue-education-plan-frustrates-new-mexico-native-leaders/9103986002/>