

# Indian Affairs Committee

## *Yazzie/Martinez Overview*



# OVERVIEW

1. Yazzie/Martinez lawsuit
  - *Litigation*
  - *Notice of Case Status*
2. Yazzie Remedy Platform
  - *Transform Education NM Coalition*
  - *Results of 2019 Legislative Session*
3. Moving Forward
  - *Developing Policy Recommendations*
  - *Pueblo Convocation 2019*

***1. Yazzie/Martinez  
vs. State Of New Mexico***

***A watershed moment in the education of  
Native American children***

# July 20, 2018

**Judge rules lack of sufficient education for all NM students violates constitutional rights**

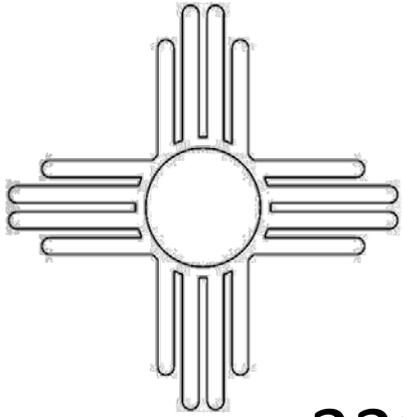


# NM Constitution guarantee:

“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

# Who Is Impacted?



## **At-risk Students in Public Schools**

- 330,000 students in 89 School Districts:
  - Low-Income Students 71%
  - English language learners (ELL) 14.4%
  - Students with Disabilities (SWD) 14.8%
- 36,000 Native American Students:
  - 23 school districts serve 5% or more.

# Comprehensive Programs & Services

- Culturally & linguistically relevant and responsive programs
- Early childhood education
- Extended learning opportunities
- Summer & After school programs
- Fine Arts, P.E., Music
- Social workers, Counselors & Nurses
- Dual language & bilingual education
- Transportation and access to Wi-Fi technology
- Community based schools
- College and Career Readiness Preparation

# Statewide: schools lack resources, students lack opportunities



## Schools lack sufficient resources:

- NM schools are underfunded and under-resourced.
- Schools located on or near tribal lands are deprived most.

## Opportunity Gap:

- Students lack access to sufficient educational opportunities.
- New Mexico students are in need of comprehensive programs and services, in order to succeed academically.

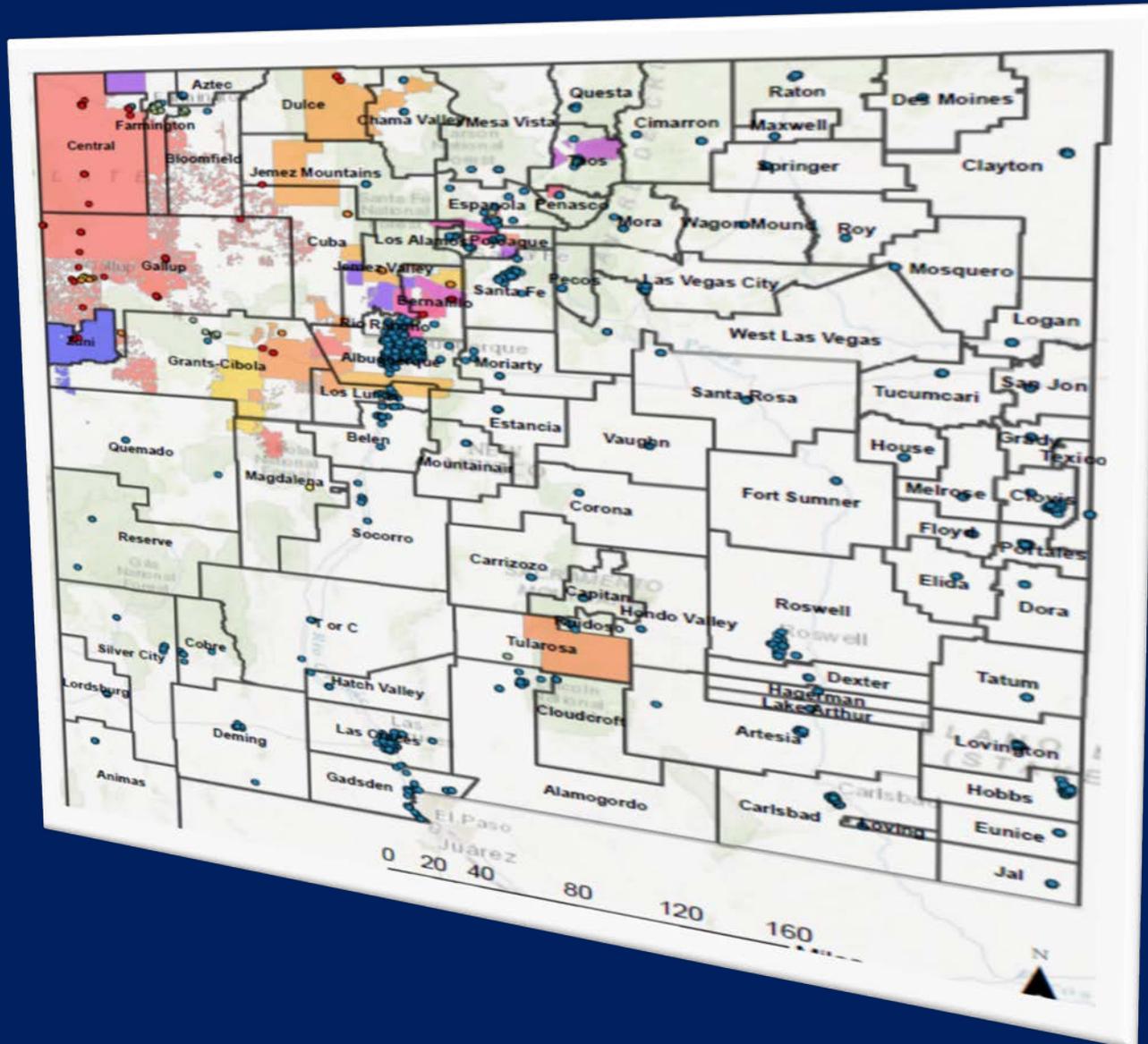


## Achievement Gap:

- K-12 students fail to read and do math at grade level.
- Low HS graduation rates and college enrollment rates
- High College Remediation rates.

# Indian Education

# KEY ISSUES AFFECTING 23 SCHOOL DISTRICTS THAT SERVE NATIVE AMERICAN STUDENTS



# New Mexico Indian Education Act (2003)



- Culturally relevant learning environments and instructional materials
- Maintenance of natives languages
- Provide effective educational systems for Native students
- Government to Government
- Seamless transition into College institutions
- Inclusive of all Stake-holders: parents, community, PED, tribes, State Reps
- Tribal approval of all culturally relevant curricula

## **Accountability:**

- The State does not fully fund or implement the NMIEA.

## **Programs and Services:**

- Programs and services are not culturally/linguistically relevant or responsive.
- Schools cannot provide comprehensive educational opportunities.

## **Funding/Resources:**

- Schools on or near tribal lands lack adequate resources.
- PED lacks the capacity and expertise to respond to Native student needs.

## **Shared Governance of Public Schools:**

- Tribes and schools are not collaborative partners.
- Tribes require more governance over public education.

# 4 Main Points

## (from the Court's Ruling)

1. NM students have a constitutional right to be **college and career ready**.
2. The State has violated the rights of **at-risk students**.
3. The State must provide students the following:
  - **A Multicultural education framework**
  - **Instructional materials**
  - **Adequate teaching**
  - **Comprehensive Programs and Services**
  - **Accountability and Monitoring**
  - **Resources/funding**

## 4. 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.



# Court Findings: Native American Students



- “Failure to comply with [the NMIEA] amounts to a violation of the state constitution.”
- “...a sufficient education for Native American students in New Mexico is one that prepares them for **both** college and career opportunities and to serve within the various roles of their tribal communities and tribal governments.”

Current Status of the  
Yazzie/Martinez lawsuit  
July 2019

# Outcome of 2019 Legislative Session

## **HB 5 & SB 1:**

- Increased funding for public education by approx. \$470 million.
- Increased at-risk factor from .12 to .25.
- Funding for Extended Learning Program.
- Funding for K-5 Plus Program
- Increased salaries for teachers and staff.

## **Main Issues:**

- Not community-driven legislation.
- Not targeted to address the needs of Native American students and tribal communities.
- Schools spent funds on salary requirements; not at-risk students.
- Strict Requirements for Extended Learning & K5 Plus funding.
- Does not expand bilingual education programs or services.

# June 2019: *Yazzie* Plaintiffs File a Notice with the Court

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## Filing: State not doing enough for at-risk students

BY SHELBY PEREA / JOURNAL STAFF WRITER  
Friday, June 28th, 2019 at 11:35pm

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A “patchwork system of education and inadequate funding.”

That’s how plaintiffs in a monumental education lawsuit described the state’s latest efforts to comply with the court ruling in an update filed on Friday.

They say the state and lawmakers still have not done enough to ensure all students have access to an adequate education – a right guaranteed under the state constitution.

# Notice of Case Status to the Judge

*Yazzie* Plaintiffs filed Notice on **June 28, 2019** describing:

- Outcome of the 2019 Legislative Session;
- Difficulties districts are experiencing with FY 2020 budget;
- Difficulties with new legislation (including K-5 Plus and Extended Learning); and
- *Yazzie* and *Martinez* Plaintiffs meetings with PED to discuss and develop an implementation plan.

# **2. The Yazzie Remedy Platform & Transform Education NM (TENM) Coalition**

	Judge's Finding	LESC & LFC Analysis	Short-term Plan	Long-term Plan
<b>Foundational Elements</b>				
<b>Instructional materials</b>	<p><u>Funding</u> is inadequate. (pg. 26-27)</p> <ul style="list-style-type: none"> <li>Funding cuts have prevented schools from purchasing adequate and up-to-date textbooks</li> <li>The instructional materials stipend is insufficient.</li> </ul>	<p><u>Oversight and Spending of Instructional Materials in Public Schools</u></p> <ul style="list-style-type: none"> <li>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);</li> <li>"The legislature should ... Modify statute mandating that</li> </ul>	<p><u>Funding</u></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p><u>Funding</u></p> <ul style="list-style-type: none"> <li>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.</li> </ul>

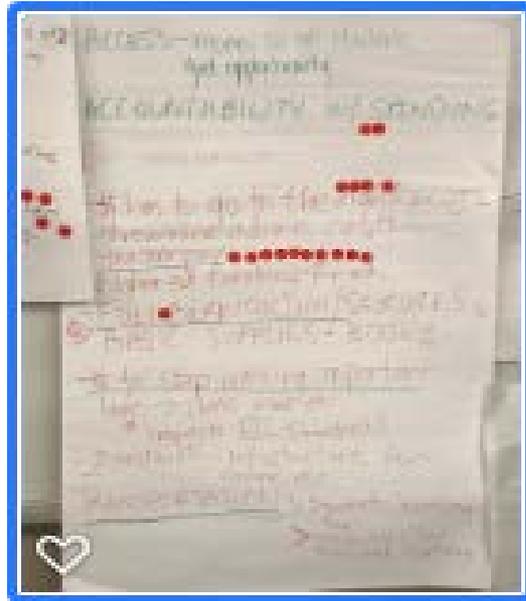
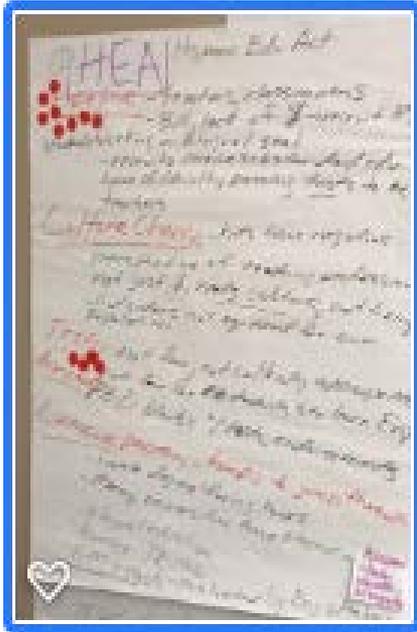
The Yazzie Remedy Platform can be found at:  
[nmpovertylaw.org](http://nmpovertylaw.org)

# Developing a Platform of Remedies (2018)

**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 representatives
- 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 14<sup>th</sup>.** The summit followed two “pre-summits” in May and June 2018.

# The Yazzie Remedy Platform



**TRANSFORM**  
**EDUCATION**  
NM

# Coalition Member Organizations:

- NM Center on Law and Poverty
- CHI St Josephs
- 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
- Dual Language Education NM
- National Education Association
- NGAGE NM
- NM Voices for Children
- Southwest Organizing Project (SWOP)

# TENM proposed legislation:

**HB 111:** increase capacity of RECs to provide schools technical assistance.

**HB 120:** Builds pipeline for bilingual/TESOL endorsed teachers and Native language and PREK instructors, and Educational Assistants.

**HB 121:** Makes health and behavioral services part of a sufficient education.

**HB 159:** Creates new PED departments and accountability mechanisms.

**HB 171:** Increases teacher salaries to be competitive with surrounding states.

**HB 182:** Amends current law to ensure culturally and linguistically relevant literacy instruction.

**HB 250:** Amends NMIEA to create a student needs assessment.

**HB 394:** Requires all teachers to obtain a TESOL endorsement.

**HB 455:** Provides greater funding for at-risk students.

**HB 516:** Increases base budgets for Higher Education institutions that have expertise to address the issues affecting tribal communities.

**HB 670:** provides tribes access to libraries and Wi-Fi technology.

# NM Indian Education Act – Student Needs Assessment (2019)

## **Purpose of the law:**

- Schools to identify academic, home and community supports needed to help Indian students succeed in college and the workplace.
- Holds the PED and School Districts ACCOUNTABLE for fully implementing the NMIEA by meeting the needs of Native students.

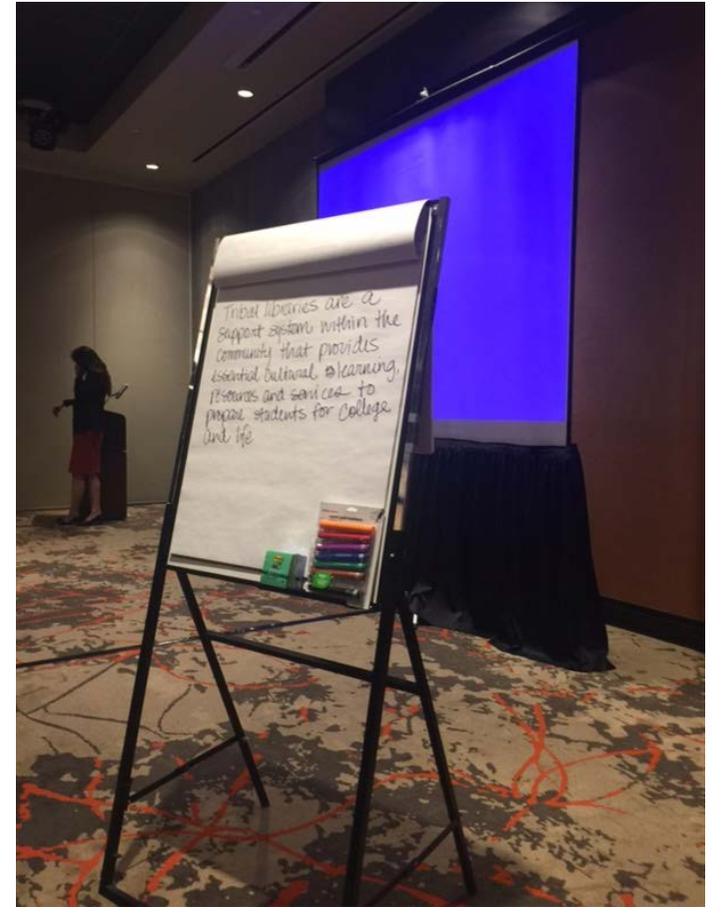
## **Requires school districts to:**

- Assess the academic, social, and health, and cultural needs of students;
- Meet with local tribes to prioritize the needs of students.
- Close the achievement gap for Native students (as a priority)
- Seek funding to fully address the needs of students.
- Develop an accountability tool that measures their efforts;
- Work with tribes, students and families to develop an accountability framework

## 3. Moving Forward:

Developing Policy  
Recommendations and  
Legislative Solutions

# Pueblo Convocation 2019



Tribal libraries are a support system within the community that provides essential cultural learning resources and services to prepare students for college and life.

**Thank you.**

