HOUSE MEMORIAL 1

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2020

INTRODUCED BY

Derrick J. Lente and Javier Martínez and Angelica Rubio and
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A MEMORIAL

EXPRESSING OPPOSITION BY THE HOUSE OF REPRESENTATIVES TO THE
STATE'S MOTION TO DISMISS YAZZIE/MARTINEZ V. STATE OF NEW
MEXICO; REQUESTING THE STATE TO PROVIDE AT-RISK CHILDREN WITH A
UNIFORM AND SUFFICIENT EDUCATION; REQUESTING THE PUBLIC
EDUCATION DEPARTMENT TO ADOPT A POLICY TO ADDRESS SYSTEMIC AND
INSTITUTIONAL RACISM; REQUESTING THE PUBLIC EDUCATION
DEPARTMENT TO CONSULT WITH NEW MEXICO'S INDIAN NATIONS, TRIBES
AND PUEBLOS TO DEVELOP AND IMPLEMENT A COMPREHENSIVE EDUCATION
PLAN TO PROVIDE ALL STUDENTS WITH A SUFFICIENT EDUCATION;
REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO PROVIDE THE
LEGISLATURE WITH AN ANNUAL REPORT ON EDUCATION EQUITY.

WHEREAS, all New Mexico children have a constitutional and
human right to a sufficient education; and

WHEREAS, persistent systematic and institutional racism in
New Mexico's education system has resulted in deep inequities for Native American, Hispanic, African American and Pacific Islander children, depriving them of the educational opportunities and outcomes needed to become college-, career- and civic participation-ready; and

WHEREAS, education inequities are revealed in disparate education outcomes; for example, in 2019, the graduation rate of New Mexico's Native American and African American students was ten percent lower than that of Caucasian students; and the math and science proficiency scores of Native American, Hispanic and African American students were one-half the scores of Caucasian students; and

WHEREAS, in addition to disparate academic outcomes, the failures of the state's education system have exposed children to discrimination, stereotyping and marginalization, erased their history and culture, deprived them of their language, negated their values and those of their communities, stripped them of their identities and inflicted trauma; and

WHEREAS, education inequities negatively affect all children because no child benefits from a perpetuation of stereotypes, an inaccurate teaching of history and culture, a suppression of diversity of peoples and languages and a one-way, one-size-fits-all education that subtracts rather than adds to students' strengths; and

WHEREAS, education inequities have been deepened by the
coronavirus disease 2019 pandemic, which has deprived New Mexico's disadvantaged children of access to education; for example, according to the legislative finance committee, only forty-five percent of students in Title I schools were engaged in education toward the end of this school year and thirty-five percent of students in Title I schools lacked access to a computer, which is essential for distance learning; and

WHEREAS, the Yazzie/Martinez decision and order of July 2018 declared New Mexico's education system to be a "systemic failure" and in violation of the state's constitution and stated in its December 2018 findings of fact and conclusions of law that Native American, African American and Hispanic children, as represented by the plaintiffs, have been "harmed by the denial of a sufficient and uniform education in New Mexico" and, in its February 2019 final judgement, stated that the defendants, the state's executive and legislative branches, "must comply with their duty to provide an adequate education and may not conserve financial resources at the expense of our constitutional resources"; and

WHEREAS, in March 2020, during the coronavirus disease 2019 pandemic that disrupted education in the state, the executive branch filed a motion to dismiss the Yazzie/Martinez case without any notice or consultation with the state legislature, a named defendant in the suit; and

WHEREAS, New Mexico's Indian Education Act, Hispanic
Education Act and Bilingual Multicultural Education Act give
clear mandates for designing a multicultural, multilingual
education system that ensures equitable and culturally relevant
learning environments and increases community control over
education; and

WHEREAS, a coalition of educational leaders, parents,
educators and experts developed a Yazzie remedy platform in
2018 delineating necessary actions for the state to comply with
the supreme court's ruling; and

WHEREAS, in 2019, New Mexico's Indian nations, tribes and
pueblos developed and endorsed a tribal remedy framework
delineating necessary actions for the state to comply with the
supreme court's ruling and the Indian Education Act, such as
increased tribal collaboration and control, community-based
education and a culturally and linguistically relevant
education that builds on the strengths of children and their
communities; and

WHEREAS, the state has failed to provide a comprehensive
plan to show how it intends to comply with the Yazzie/Martinez
ruling and to guide resource investments, has failed to provide
sufficient resources for programs and services specifically
targeting at-risk students and has failed to make systemic
educational changes leading to improved outcomes for those
students, given that an increase in funding without systemic
change is not enough;
NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that it oppose the motion to dismiss Yazzie/Martinez v. State of New Mexico; and

BE IT FURTHER RESOLVED that the state, through its public education department, be requested to take immediate steps to adopt a policy and plan to address the systemic and institutional racism that contributes to the systemic education inequities and deficiencies identified by the court in Yazzie/Martinez; and

BE IT FURTHER RESOLVED that the state, with leadership from the public education department, and in consultation and collaboration with New Mexico's Indian nations, tribes and pueblos, be requested to immediately develop and begin to implement a long-term comprehensive education plan, with time frames and accountability measures and with resources determined based on students' education needs, so as to come into compliance with the state's constitutional duty to provide all students with a sufficient education; and

BE IT FURTHER RESOLVED that this comprehensive plan incorporate the Yazzie remedy platform and the tribal remedy framework recommendations to meet the supreme court's ruling and to comply with the Indian Education Act; and

BE IT FURTHER RESOLVED that the public education department be requested to provide the legislature, the legislative finance committee and the legislative education
study committee with an annual report of measurable
improvements in education equity, based on a system of
accountability measures; and

BE IT FURTHER RESOLVED that copies of this memorial be
transmitted to the governor, the secretary of public education,
the legislative finance committee, the legislative education
study committee, the Indian education advisory council, the
Hispanic education advisory council and the first judicial
district court of New Mexico.

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