

1 A MEMORIAL

2 REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO DEVELOP A
3 COMPREHENSIVE EDUCATION PLAN TO ADDRESS THE CONSOLIDATED
4 *YAZZIE/MARTINEZ V. STATE OF NEW MEXICO* COURT DECISION AND
5 ORDER IN CONSULTATION WITH THE PLAINTIFFS; REQUESTING THE
6 PUBLIC EDUCATION DEPARTMENT TO PROVIDE THE LEGISLATURE WITH
7 AN ANNUAL REPORT ON THE IMPLEMENTATION OF THE COMPREHENSIVE
8 EDUCATION PLAN AND COMPLIANCE WITH THE CONSTITUTION OF NEW
9 MEXICO TO PROVIDE AT-RISK CHILDREN WITH A UNIFORM AND
10 SUFFICIENT EDUCATION.

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

14 WHEREAS, in the consolidated *Yazzie/Martinez v. State of*
15 *New Mexico* court decision and order of July 2018, the court
16 held that the state was violating the constitutional rights
17 of at-risk students to a sufficient education, one that
18 provides them with an adequate opportunity to prepare for
19 college and careers; and

20 WHEREAS, the court ordered the state to take immediate
21 steps to increase funding, programs and services for New
22 Mexico's educational system and provide adequate support for
23 at-risk students facing the deepest inequities, which include
24 Native American students, English language learners, students
25 with disabilities and students from low-income families; and

1 WHEREAS, the court directed the executive and
2 legislative branches of government to work cooperatively to
3 accomplish this constitutional mandate; and

4 WHEREAS, in June 2020, the court rejected the state's
5 motion to dismiss the consolidated *Yazzie/Martinez v. State*
6 *of New Mexico* case and held that the state must ensure that
7 long-term comprehensive reforms are made so that all at-risk
8 students have the opportunity to be ready for college and
9 careers, and that the court would retain jurisdiction over
10 the case to enforce compliance with its 2018 decision and
11 order and 2019 final judgment; and

12 WHEREAS, the court's decision and findings detail the
13 deficiencies of New Mexico's educational system, including
14 insufficient overall funding for school districts and for
15 programs and services to specifically support at-risk
16 students, the failure to comply with state law requiring
17 multicultural and multilingual education for students, the
18 lack of experienced and well-prepared teachers in classes
19 serving at-risk students, the lack of adequate curricula such
20 as extended learning programs, early childhood education and
21 pre-K programs, the need for smaller class sizes and reading
22 programs, the lack of student supports such as technology,
23 transportation and career and vocational programs, inadequate
24 programming for English language learners, insufficient
25 special education programs and ancillary services and

1 insufficient resources for health and social services, among
2 other areas; and

3 WHEREAS, since the 2018 court decision and order, the
4 state has not developed a comprehensive plan to show how it
5 intends to fix the educational system and the multiyear
6 funding needed to guide resource investments; and

7 WHEREAS, the state should attempt to work cooperatively
8 with the plaintiffs to jointly develop a comprehensive
9 education plan to meet the mandates of the consolidated
10 *Yazzie/Martinez v. State of New Mexico* court ruling and avoid
11 ongoing litigation by resolving the case;

12 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
13 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the state,
14 through the public education department, be requested to
15 immediately develop a comprehensive education plan, by no
16 later than September 30, 2021, to address the systemic
17 education inequities and deficiencies identified by the court
18 in the consolidated *Yazzie/Martinez v. State of New Mexico*
19 lawsuit and to come into compliance with the state's
20 constitutional duty to provide all students with a sufficient
21 education; and

22 BE IT FURTHER RESOLVED that the comprehensive education
23 plan include short- and long-term goals and action steps that
24 address the insufficiencies detailed by the court's decision
25 and findings, time frames, staffing, accountability measures

1 and the projected funding amounts required to meet students'
2 education needs; and

3 BE IT FURTHER RESOLVED that the public education
4 department be requested to develop the comprehensive
5 education plan jointly in consultation with the *Yazzie* and
6 *Martinez* plaintiffs and attempt to resolve the case; and

7 BE IT FURTHER RESOLVED that this comprehensive education
8 plan build on existing plans and recommendations developed by
9 education and tribal community stakeholders and researchers;
10 and

11 BE IT FURTHER RESOLVED that the public education
12 department be requested to provide the legislature, the
13 legislative finance committee and the legislative education
14 study committee with an annual report on the state's
15 implementation of the comprehensive education plan and
16 compliance with the constitution of New Mexico to provide
17 at-risk students with a uniform and sufficient education; and

18 BE IT FURTHER RESOLVED that copies of this memorial be
19 transmitted to the governor, the secretary of public
20 education, the secretary of higher education, the secretary of
21 early childhood education and care, the secretary of Indian
22 affairs, the legislative finance committee, the legislative
23 education study committee, the Indian education advisory
24 council, the Hispanic education advisory council, the
25 bilingual multicultural education advisory council and the

1 regents, chancellors and presidents of the state institutions
2 of higher education. _____

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