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FOR IMMEDIATE RELEASE**Landmark Education Trial Against State of New Mexico Ends*****Families & School Districts Assert that Students' Constitutional Rights are being Violated***

SANTA FE, NM – Today marks the last day of testimony in an eight-week trial against the state of New Mexico, in a case that alleges the State has violated the constitutional rights of its public school students.

The consolidated lawsuit, which was filed by the New Mexico Center on Law and Poverty (the Center) and MALDEF (Mexican American Legal Defense and Educational Fund), claims that the State's arbitrary and inadequate funding of public schools, and lack of necessary monitoring and oversight, deprives children—particularly low-income, Native American, and English language learner students—of a sufficient education, in violation of the New Mexico Constitution.

“It was very clear from the defense that the State is in denial about the educational crisis that New Mexico students face,” said Marisa Bono, MALDEF Southwest Regional Counsel. “We look forward to a ruling from the Court that will force the State to stop fiddling while Rome burns, and start providing equal educational opportunities to all students.”

Through the course of the trial, a number of respected national and state experts provided testimony about how New Mexico's public school system is in crisis. They provided data about the State's dismal education outcomes, most notably that three out of four students cannot read or write at grade level and two-thirds cannot do math at grade level, that graduation rates are among the lowest in the nation, and a majority of New Mexico graduates are not college and career ready.

“We heard from superintendents from across the state who testified that the lack of resources and quality programs available to schools is harming their students,” said Preston Sanchez, attorney at the Center. “They can't afford the types of programs they know work, can't purchase up to date materials and textbooks, can't provide sufficient afterschool programs, teacher training and even buses.”

Educators and school leaders from across the State discussed the distinct needs of New Mexico's large population of English language learners and the importance of expanded access to quality bilingual/multicultural education programs and properly trained teachers. PED's own expert admitted that the State does not provide oversight or monitoring for thousands of English language learners in the State.

Witness testimony addressed the ways in which historical and current injustices have led to disparate outcomes for Native students and English language learner students. Expert witnesses

reiterated the need for culturally and linguistically relevant programming as an evidence-based means to improve student performance.

Furthermore, testimony was offered about what steps should be taken to fundamentally improve academic outcomes and close the achievement gap. It was virtually undisputed that high quality preschool and extended learning opportunities like the K-3 Plus Program, which adds 25 more days to the school year for elementary school students, are necessary to ensure that that low income and ELL students start school ready, yet a majority of eligible children in the State do not have access to such programs. Others spoke to the importance of wraparound services in a high poverty state like New Mexico, such as access to social workers and counselors, tutors, and on campus healthcare services that are necessary to mitigate the impact of poverty on learning

Defense witnesses testified under cross examination that the state has made policy choices over the past decade that have benefited higher income New Mexicans and corporations and resulted in a loss of hundreds of millions of dollars in state revenue every year. Defense experts also acknowledged that students who attend high-poverty schools have less access to effective teachers, but the State has failed to provide adequate resources to provide the mentoring and training that teachers need to improve, and the proper compensation for effective teacher recruitment and retention strategies.

The Center's lawsuit, *Yazzie v. State of New Mexico*, was filed in March 2014 on behalf of a group of families and school districts including Gallup-McKinley, Rio Rancho, Santa Fe, Cuba, Moriarty/Edgewood, and Lake Arthur. The families represented have children who are English language learners (ELL), Native American or economically disadvantaged and have been negatively impacted by the lack of resources provided to New Mexico public schools. ([Click here](#) for information on the case and plaintiff profiles).

The Martinez lawsuit was brought on behalf of parents and public school children from Española, Santa Fe, Albuquerque, Zuni, Magdalena, Las Cruces and Gadsden. It was filed in April 2014 by MALDEF following extensive discussions with community groups, local leaders, and parents in New Mexico concerning chronic achievement gaps on standardized tests and other systemic failures. State attorneys sought to dismiss the lawsuit, but the court denied the request and ruled for the first time in New Mexico's history that education is a fundamental right. ([Click here](#) for a fact sheet on the case and a timeline of significant dates.)

The trial for the consolidated lawsuit began on June 12, 2017. It calls for the court to declare the current system of public education constitutionally insufficient, and order the state to provide the programming and resources necessary for all public school students to succeed, as well as ensure that funds are distributed equitably, including for economically disadvantaged and ELL students.

The Center's legal counsel on the case include Gail Evans, Preston Sanchez, Lauren Winkler, and Christopher Sanchez of the Center along with co-counsel Daniel Yohalem and Mark D. Fine. MALDEF's lead counsel is Marisa Bono, Southwest regional counsel, and legal counsel include staff attorneys Ernest Herrera and Jack Salmon; E. Martin Estrada, Nick Sidney and

Jessica Baril with Munger, Tolles & Olson; Alejandra Avila of Fried, Frank, Harris, Shriver & Jacobson, and David Garcia.

State District Court Judge Sarah Singleton has requested that parties submit post-trial briefing and is expected to make a ruling on the case this fall or winter.

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*The mission of the **New Mexico Center on Law and Poverty** is to advance economic and social justice through education, advocacy, and litigation. The Center works with low-income New Mexicans to improve living conditions, increase opportunities, and protect the rights of people living in poverty. Underlying its mission is a vision of New Mexico without poverty, where all peoples' basic human rights are met. For more information on the Yazzie lawsuit, including plaintiff profiles, please visit: <http://nmpovertylaw.org/our-work/education-2/>. For media inquiries, please contact Maria Archuleta at (505) 255-2840 or MariaA@nmpovertylaw.org.*

*Founded in 1968, **MALDEF** is the nation's leading Latino legal civil rights organization. Often described as the "Latino Legal Voice for Civil Rights in America," MALDEF promotes social change through advocacy, communications, community education and litigation in the areas of education, employment, immigrant rights and political access. For more information, on MALDEF, please visit: www.maldef.org. For media inquiries, please contact Tony Marcano at (213) 629-2512 ext. 128 or amarcano@maldef.org.*