

## Education Lawsuit Against State of New Mexico Seeks Justice for New Mexico's School Children

A group of New Mexico families and school districts, represented by the New Mexico Center on Law and Poverty (the Center), is suing the State of New Mexico for its failure to meet its constitutionally mandated responsibility to provide all public school students the programming and supports necessary to succeed.

The school districts include Gallup, 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.

### Our Schools Are in Crisis

New Mexico has loving and supporting families, committed teachers, and communities dedicated to their children's education. However, for years, our schools have tried to do more with less, and our students are bearing the brunt of the State's failure to serve their needs.

New Mexico ranks at the bottom nationally in educational achievement. Approximately two out of three of our children cannot do math at grade level, and three out of four students cannot read or write at grade level. For low-income, Native American, and ELL students, proficiency levels in reading and math are even worse. In fact, the majority of them score drastically below proficient. New Mexico has also consistently had one of the lowest high school graduation rates in the country.

These are not *achievement gaps*, attributable to shortcomings of our children, families, and educators: they are *opportunity gaps*. The state cannot continue to blame teachers, parents, and the students themselves for its failure to fulfill its legal responsibility to provide educational opportunity to all public school children.

### Education is a Constitutional Right

Education is the single most important investment that New Mexico can make in its health, strength, and prosperity. Accordingly, the New Mexico Constitution guarantees a "uniform system of free public schools sufficient for the education of all the children of school age." **Our lawsuit asks the court to find that the State has failed to meet this constitutional obligation for our children.**

The lawsuit also calls for the court to 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 English language learner students.

The State is responsible for funding our public schools, yet it has consistently starved them of the most basic resources to enable all students to learn and become successful adults. When adjusted for inflation, New Mexico is investing less on K-12 education today than in 2008. In 2008, the State Legislature commissioned the American Institutes of Research (AIR) to conduct a comprehensive study of State education funding. AIR found that the State's public education system was underfunded by over \$300 million. The Center recently commissioned an update and found that the system is currently underfunded by over \$600 million.

### **Why a Lawsuit?**

Year after year, legislative committees and taskforces acknowledge that New Mexico schools are underresourced, particularly for our most vulnerable students. State legislative efforts annually fail to resolve these critical issues. Education advocates throughout the State have been tireless in their efforts to use the legislative process to improve our schools, but to no avail.

The lawsuit is an essential vehicle to hold the State of New Mexico accountable.

Today's students are tomorrow's workers, neighbors, and leaders. We cannot afford to lose one more young person's potential. Failing to invest in our children is not only unacceptable and immoral; it's illegal. Immediate and decisive action is required to turn New Mexico's schools from a symptom to a solution.

### **Sample Remedies**

We have seen proven and replicable strategies that help New Mexican children at greater risk of falling behind in school, succeed. Some key programs could include:

- Increasing access to early learning opportunities and pre-K for three and four year-olds proven to increase school readiness and academic success.
- Providing extended learning opportunities like after school enrichment and summer learning programs to improve academic outcomes for students who need more time on task in the school environment.
- Expanding opportunities in dual language, Native, and multicultural education to increase literacy and keep students engaged at school.
- Offering wraparound services like student health clinics and social work services that low-income students cannot access anywhere else.
- Improving teacher training and retention to more effectively serve our uniquely diverse student population.

### **Looking Ahead**

The *Yazzie vs. State of New Mexico* trial was heard in First Judicial District Court from June 12 – August 4, 2017. A ruling on the case is expected in early 2018.