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**FOR IMMEDIATE RELEASE**

***Closing Briefs Filed in Landmark Education Lawsuit Against State of New Mexico  
Education Lawsuit Asserts Students' State Constitutional Rights Are Being Violated***

SANTA FE, NM – Attorneys from the New Mexico Center on Law and Poverty (the Center) and MALDEF (Mexican American Legal Defense and Educational Fund) have filed closing briefs for their consolidated lawsuit (*Yazzie v. State of New Mexico* and *Martinez v. State of New Mexico*) against the State of New Mexico for its failure to provide all public school students a sufficient education as mandated by the New Mexico Constitution.

The consolidated lawsuits claim 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, and students with disabilities – of a sufficient education.

Plaintiffs in the suit seek a declaration that the system is unconstitutional and that the system should provide the opportunity for all students to be ready for college and career. The trial for the consolidated lawsuit began on June 12, 2017 and concluded on August 4 after eight weeks of testimony.

The closing brief for *Martinez v. New Mexico* – filed in April 2014 on behalf of parents and public school children from Española, Santa Fe, Albuquerque, Zuni, Magdalena, Las Cruces and Gadsden – contends that the state is in violation of the Education Clause of the New Mexico Constitution because the state's education system has failed to provide adequate resources, programs, and oversight for economically disadvantaged students, English language learner (ELL) students, and students with disabilities.

Additionally, the *Martinez* closing brief asserts that the state's education system violates the Equal Protection Clause of the New Mexico Constitution by denying equal treatment to economically-disadvantaged and ELL students. For example, these students are generally taught by less experienced and less skilled teachers than other students. The closing brief also claims violation of the Due Process Clause of the New Mexico Constitution because the state's

irrational and unreasonable funding policies prevent students with disabilities, as well as ED and ELL students, from receiving a sufficient education.

“The evidence shows that the state’s failures are not just a matter of money or policy, but that the education system as a whole deprives at-risk students of the opportunity to be ready for college and career,” said Ernest I. Herrera, MALDEF staff attorney.

The closing brief for *Yazzie v. State of New Mexico* argues the evidence presented in the trial indisputably shows that most New Mexico students are not college, career, and civics ready. A majority of the state’s public school students have not been provided a sufficient education in order to be able to read, write, or do math at grade level, and the state also consistently has 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,” said Gail Evans, legal director of the Center. “There are opportunity gaps attributable to a broken system that does not effectively serve our children.”

The Center asserts that the state fails to provide school districts with enough funding and support. For example, despite evidence that high quality preschool and extended learning opportunities like the K-3 Plus Program successfully closes achievement gaps, only a minority of children have access to those programs. Further, the closing brief claims New Mexico’s public education system is constitutionally insufficient for Native Americans, having failed to satisfy the New Mexico Indian Education Act (2003), which requires the state to provide Native students a culturally-relevant education, and to collaborate with tribes in doing so.

The *Yazzie* plaintiffs specifically seek an injunction requiring the state to take three actions: first, no later than the 2019-2020 school year, to develop a comprehensive plan of programs and services to provide a uniform and sufficient system of public education to all students in New Mexico; second, to provide sufficient increased funding and a revised formula for distributing funds to the public school districts; and lastly, to establish an effective system of accountability and enforcement to ensure that every child in New Mexico is receiving a sufficient education.

The state sought to dismiss the lawsuits, but the court in *Martinez* denied the request and ruled for the first time in New Mexico’s history that education is a fundamental right. The court consolidated the two cases in 2015.

State District Court Judge Sarah Singleton is expected to make a declaration this spring.

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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>. For media inquiries, please contact Maria Archuleta at (505) 255-2840 or [Maria.A@nmpovertylaw.org](mailto:Maria.A@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](http://www.maldef.org). For media inquiries, please contact Sandra Hernandez at (213) 629-2512 ext. 129 or [shernandez@maldef.org](mailto:shernandez@maldef.org).*