

Closing Brief Summary, January 10, 2018
Yazzie v. State of New Mexico

The State of New Mexico has failed to meet its constitutionally-mandated responsibility to provide all public school students the programming and supports necessary to succeed.

- 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.
- The evidence indisputably shows that the vast majority of 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. Our state also consistently has one of the lowest high school graduation rates in the country. Of the students that do attend college, over half need remediation.

The state fails to provide school districts with enough funding and support for necessary programs and services.

- The state does not provide enough funding for programs that improve educational achievement for economically disadvantaged, Native American, and English language learner students, and students with disabilities.
- For example, it is undisputed that high quality preschool and extended learning opportunities like the K-3 Plus Program successfully close achievement gaps, but only a minority of children in New Mexico have access to those programs.
- There is also a lack of access to social and health services like social workers and counselors, tutors, and on campus healthcare services that are necessary to mitigate the impact of poverty on learning.
- New Mexico does not ensure that at risk children are taught by the most qualified, trained teachers and New Mexico does not provide its teachers sufficient professional development.
- New Mexico has a large population of English language learners but our state does not provide enough quality bilingual/multicultural education programs and properly trained teachers for all the children who need them.

New Mexico's public education system is constitutionally insufficient for Native American students.

- The public education system for Native Americans in New Mexico is broken and in violation of the New Mexico Constitution and federal and state laws.
- Over 100 years ago, education became an assimilation tool used to terminate the cultural identity of Native children – a policy that continued for generations and still impacts Native communities today.
- In an effort to redress this historical trauma, the state enacted the New Mexico Indian Education Act (2003), which requires the state to provide Native students a culturally-relevant education. The state's failure to satisfy the NMIEA, and other federal laws pertaining to Indian education, however, has prevented generations of Native students from ever achieving academic success.
- In addition, New Mexico's public education system fails to provide basic educational services to Native students, including sufficient instructional materials, transportation, technology, early childhood education, and college preparatory courses.

Plaintiffs seek an injunction requiring the state to:

- Develop and implement a comprehensive statewide plan of programs and services, approved by the court, to provide a uniform and sufficient system of public education to all students in New Mexico no later than the beginning of the 2019-2020 school year.
- Require sufficient increased funding and a revised formula for distributing funds to the public school districts.
- Establish an effective system of accountability and enforcement to ensure that every child in New Mexico is receiving a sufficient education.

You can find a copy of the filed brief here: