





Yazzie/Martinez v. State of New Mexico Decision

Families and school districts, represented by the New Mexico Center on Law and Poverty and families represented by the Mexican American Legal Defense and Educational Fund, sued the New Mexico Public Education Department (PED) and the state legislature for failing to provide a sufficient and uniform system of education to all New Mexican children as guaranteed by the education clause of the New Mexico State Constitution.

The consolidated lawsuit, *Yazzie/Martinez v. State of New Mexico* challenged the state's failure to provide students—especially low-income, Native American, English language learner (ELL), and students with disabilities—the programs and services necessary for them to learn and thrive, and challenged the state's failure to sufficiently fund these programs and services.

On July 20, 2018, Judge Sarah Singleton ruled that all New Mexico students have a right to be college and career ready and that the state is failing to meet this obligation. As evidence, the judge pointed to New Mexico's low graduation rate (70%—the lowest in the nation), low proficiency rates in reading and math (70% of New Mexico students cannot read or do math at grade level), and high rates of college remediation (almost 50% who do attend college need remedial courses).

Judge Singleton ruled that:

-  The state has failed to comply with state and federal laws regarding the education of Native American and ELL students, including the New Mexico Indian Education Act, Bilingual Multicultural Education Act, and the Hispanic Education Act, which has resulted in an inadequate education system for New Mexican students.
-  In violation of the state constitution, the state has failed to provide students with the programs and services that it acknowledges prepare them for college and career. Such programs and services include: quality PreK, K-3 Plus, extended learning, dual language, culturally and linguistically relevant education, social services, small class sizes, and sufficient funding for teacher recruitment, retention, and training.
-  Lack of funds is not an excuse for denying New Mexico's students a sufficient education. The state must come up with the necessary funding to meet New Mexico students' right to a sufficient education.
-  The PED has failed to meet its oversight functions to ensure that all students are receiving the programs and services they need.

The state has until April 15, 2019 to take immediate steps to ensure that New Mexico schools have the resources necessary, including sufficient funding, to provide all students with a uniform and sufficient education that prepares them for college and careers.