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Judge rules New Mexico violates public school students' constitutional right to sufficient educational opportunities

SANTA FE, NM – July 20, 2018 – A state court ruled today that New Mexico's education system violates the state constitution because it fails to provide students a sufficient public education.

Families and school districts in the consolidated lawsuit *Yazzie v. State of New Mexico and Martinez v. State of New Mexico* sued the state for failing to provide public school students with a sufficient education as mandated by the state's constitution. The lawsuit challenged the state's arbitrary and inadequate funding of public schools as well as its failure to provide students with the programs and services needed to be college, career and civic ready. It alleged that the lack of necessary monitoring and oversight deprived students of the resources and services they need to succeed—particularly low-income, students of color, including Native American, English-language learners, and students with disabilities.

The plaintiffs are represented by the New Mexico Center on Law and Poverty (the Center) and MALDEF (Mexican American Legal Defense and Educational Fund).

"We are extremely gratified that the court has ruled in favor of children and families and recognizes the state's failure to provide all of New Mexico's public-school students a sufficient education," said Ernest Herrera, a MALDEF staff attorney. "Now, the state can no longer deny its legal responsibility to all New Mexico's students."

In her ruling, First Judicial District Court Judge Sarah Singleton affirmed the plaintiffs' claims, stating: "Therefore, the Defendants will be given until April 15, 2019, to take immediate steps to ensure that New Mexico schools have the resources necessary to give at-risk students the opportunity to obtain a uniform and sufficient education that prepares them for college and career. Reforms to the current system of financing public education and managing schools should address the shortcomings of the current system by ensuring, as a part of that process, that every public school in New Mexico would have the resources necessary for providing the opportunity for a sufficient education for all at-risk students."

Gail Evans, lead counsel on the case for the Center, shared, "We owe it to the hundreds of thousands of children across New Mexico, in this generation and the next, to ensure the court's ruling is implemented without delay. Now is the opportunity to transform public schools—the state knows what it needs to

make available to our students: a quality education that is culturally and linguistically responsive and the necessary resources to make opportunities possible for all children who need them.”

During the eight-week trial, which began in June 2017, educational experts provided the court testimony about the needs of New Mexico students and the systemic deficiencies undermining student success. Many school superintendents testified that their districts lack resources, quality programs, and state support, which also includes collaboration between districts and tribal communities.

“I just want my son to be prepared for life, to get a good job, learn strong ethics, and get life skills,” said James Martinez, a plaintiff in the Yazzie case. “My son just tested as gifted, but his school doesn’t have the curriculum or resources to push him to his full potential. The kids who are falling behind have it much worse. All kids should have the same opportunity to learn, progress, and succeed. The only way we can do that is by fixing our public schools and giving all kids a chance.”

Seventy percent of New Mexico students cannot read or write at grade level, 80 percent cannot do math at grade level and graduation rates are among the lowest in the nation, according to the New Mexico Public Education Department. Witnesses also testified that the state fails to address the needs of English-language learners by failing to provide sufficient access to quality bilingual/multicultural education programs.

During the trial, the state’s experts conceded that students at high-poverty schools have less access to effective teachers, yet the State has failed to provide adequate resources to improve teacher training, compensation, recruitment and retention.

The *Martinez* lawsuit was brought on behalf of parents and public-school children from Española, Santa Fe, Albuquerque, Zuni, Magdalena, Las Cruces and Gadsden, including students who are English-language learners, Native American, economically disadvantaged or disabled. 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. The state sought to dismiss the case 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 under the state constitution.

The Center’s *Yazzie* lawsuit 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, Native American, Hispanic, low-income and have been negatively impacted by the lack of resources provided to New Mexico public schools.

A copy of the decision can be found here: <http://nmpovertylaw.org/order-decision-2018-07-20/>

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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 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. For media inquiries, please contact Sandra Hernandez at (213) 629-2512 ext. 129 or shernandez@maldef.org.