



Every child in NM has the right to a sufficient and equitable education.

HB 121 provides all students in public schools with access to health, school counseling and behavioral health services. School districts and charter schools would be required to develop and submit annual plans to PED describing how services will be provided to students, and their estimated costs. The bill gives the districts and schools flexibility for determining how to provide the services, including leveraging local community organizations, using the community schools model, and investing in school-based health centers. PED would be required to review the annual plans to incorporate the costs into the agency's annual budget. **This bill would move the State toward compliance with the *Yazzie/Martinez* court order.**

The Court ruled that the State is violating the constitutional rights of students to a sufficient education that prepares them for college and career. (*Yazzie/Martinez* Decision, July 2018)

The Court found that low-income, "at-risk" students must have programs and services that support students to learn.

The Court stated that "at-risk student begin school with certain disadvantages which are not the making of the school system. This fact does not, however, mean that at-risk students cannot learn if given proper support... It is not a sufficient answer to this systemic problem of poor outcomes by at-risk students to urge, as Defendants do, that the problems are caused by the socio-economic factors not attributable to the school system. While the initial cause of the poor outcomes may not be the schools, steps can be taken by the educational system to overcome the adverse impacts of a

Students learn best when their health, social and emotional needs are met:

- The Legislative Finance Committee has found that high-performing schools provide wraparound services for parents and students, like full-time nurses, counselors, and social workers, to work with at-risk students and teachers of high-risk students.¹
- The State has failed to provide sufficient resources for counselors, social workers, and other non-instructional staff for students, especially at-risk students, to succeed.²
- Evidence shows that access to social workers can mitigate the effects of adverse childhood experiences and can help overcome these barriers.³
- Students who receive assistance from social workers experience numerous positive outcomes, such as increased attendance, academic attainment, and credit attainment.⁴
- The No Time to Lose research report shows that top performing countries provide health and social supports, so children come to school ready to learn.⁵

*This legislation is part of the **Platform for Action** developed by the **plaintiffs in the sufficiency lawsuit, the Transform Education NM coalition, and hundreds of education and community leaders** including educators, parents, tribal leaders, experts and researchers. For information about this bill, contact Lauren Winkler, Attorney at NM Center on Law and Poverty, (505) 255-2840, lauren@nmpovertylaw.org.*

¹ LFC, A Case Study of Elementary Schools in New Mexico, October 30, 2014, at 17; Court's Findings and Conclusions at 66.

² Court's Findings and Conclusions of Law at 64-65.

³ Matthew Pahl, Public Education Department, Trial Testimony, 7/20/17 at 78:10-80:9.

⁴ Gilbert Ramirez, Trial Testimony, 6/21/17 at 212:23-213:18.

⁵ National Conference of State Legislators (NCSL), No Time to Lose, August 2016 at p. 11-12.

Transform Education NM

Platform for Action

To transform education for our students and meet the constitutional mandates of the Yazzie/Martinez education ruling, a Platform of Proposed Remedies was developed by the plaintiffs in the Yazzie lawsuit, the Transform Education NM coalition, and hundreds of education and community leaders including educators, parents, tribal leaders, and experts.

Find the full platform at: <http://nmpovertylaw.org/wp-content/uploads/2018/12/Transform-Education-NM-Platform-2018-12-11.pdf>



The platform is endorsed by Transform Education NM: New Mexico Center on Law and Poverty, College Horizons, Dual Language Education of NM, Native American Community Academy (NACA), NACA Inspired School Network (NISN), Learning Alliance NM, AFT-NM, National Education Association NM (NEA-NM), NM School Boards Association, New Mexico Association for Bilingual Education (NMABE), New Mexico Voices for Children, Keres Learning Center, Coalition for the Majority, Native American Budget & Policy Institute (NABPI), New Mexico Education Action Alliance, CHI St. Joseph's, NGAGE NM, NM Dream Team/United We Dream, Southwest Organizing Project (SWOP), The Santa Fe Indian School Leadership Institute, The Sun Project, and current and former superintendents of school districts and plaintiff school districts (Cuba Independent School District, Gallup-McKinley County Schools, Lake Arthur Public Schools, Moriarty Edgewood School District, Rio Rancho Public Schools, Santa Fe Public Schools).