

State seeks to dismiss Yazzie/Martinez lawsuit

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At the same time it admits students lack a sufficient education

ALBUQUERQUE - In a motion asking the First Judicial District Court to dismiss the Yazzie/Martinez v. State of New Mexico lawsuit on March 13, the state acknowledged it continues to violate students' rights to a sufficient education. Legal counsel for the Yazzie plaintiff families pledge to continue litigation to hold the state accountable to comply with the court's landmark ruling.

The following can be attributed to Gail Evans, lead counsel for the Yazzie plaintiffs in the Yazzie/Martinez v. State of New Mexico lawsuit.

"The state knows it must make comprehensive changes to fix the education system for our students, but over a year and a half since the ruling, little to nothing has changed for the students at the heart of the case - low-income, English language learners, Native American, and students with disabilities, who account for about 80% of New Mexico's student population.

"In asking the judge to dismiss the case, the state does not argue that it has fixed our schools," Evans said. "The state simply can't refute the stark fact that it has a very long way to go to provide our students with a sufficient education. Despite two legislative sessions since the court ruled, the state has not come close to adequately addressing long running problems."

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“We cannot expect that the political system will simply shift course and do right by our students. The court has to intervene when politics fail, and politics have clearly failed New Mexico’s children for decades,” she added. “As long as the state does not provide children the educational opportunities they need, the Yazzie plaintiffs will continue to fight for our students.”

There will be a hearing on the Yazzie plaintiffs’ motion to hold the state in compliance with the court’s order and develop a plan on March 27 before Judge Matthew Wilson.

The Yazzie plaintiff’s reply brief in Yazzie/Martinez v. State of New Mexico can be found at: nmpoertylaw.org/yazzie-plaintiffs-reply-compliance-motion-2020-01-31/

The final ruling in the lawsuit can be found at: nmpoertylaw.org/wp-content/uploads/2019/02/D-101-CV-2014-00793-Final-Judgment-and-Order-NCJ-1.pdf

A report by economist Steve Barro on public education funding trends in New Mexico can be found at: nmpoertylaw.org/report-nm-edu-funding-trends-barro-2020-01-30/

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