

## What's the Plan?

Written by By Cody Begaye Sun Correspondent  
Friday, 11 September 2020 04:05

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### Legislators in the Yazzie/Martinez case seek answers

As the new school year gets underway in the midst of the ongoing COVID-19 pandemic, educators are doing everything they can to secure the necessary equipment to ensure their students have the capability and access to remote learning.

While larger school districts in urban areas are likely to be better prepared, districts in rural areas face a number of unique challenges that were highlighted during a Legislative Finance Committee meeting on Aug. 28.

These comments were given by counsel for plaintiffs in *Yazzie/Martinez v. the State of New Mexico*, who then urged the state to develop and implement a comprehensive plan for overhauling New Mexico's education system to better serve at-risk students.

Since it began, the Yazzie/Martinez lawsuit has focused on challenging the State of New Mexico's failure to provide students the necessary programs and services for the student in low-income areas to learn and thrive, as well as the state's failure to sufficiently fund these programs and services.

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Sen. George Muñoz, D-Gallup, was one of the speakers at the meeting.

“The state funds [the Public Education Department] and you say you’re going to put the right programs in place but we never see where the program went,” he said.

Muñoz said the biggest issue facing rural school districts in this case is there is no accountability from the PED. He mentioned how one of the biggest issues he has faced in regards to those districts was impact aid.

The *Sun* recently reported that Gallup-McKinley County Schools filed a temporary restraining order against the PED, alleging the state had submitted new data to the federal impact aid office and did not comply with the rules and regulations to take some of the aid away from the district.

“We know you guys calculated [the data] wrong and you’re probably withdrawing the suit because you’ll now have to redo the formula if we press the suit further,” Muñoz said.

Later on Aug. 28, GMCS announced the state was withdrawing its appeal from that case. Muñoz said he also wants to hear specific reasons from PED why they had withdrawn their appeal.

Muñoz closed his remarks by speaking about a photo that had garnered some attention on Facebook, wherein five Native American children were huddled outside of a school building with a laptop to get the internet connection they needed for their lessons.

“That photo shows how parents and educators are struggling to teach their kids,” Muñoz said. “That’s where PED fails us.”

The counsel for the lawsuit plaintiffs followed. Daniel Yohalem, an attorney for the New Mexico

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Center on Law and Poverty, recounted the case ruling.

“The court ordered a major transformation to the public education system in New Mexico and for a curriculum where all students are able to graduate college and be career ready. Unfortunately, that hasn’t happened yet,” Yohalem said.

To that end, Yohalem said the counsel needs the state legislature to develop the adequate funding and programs for students.

“The PED needs to be enforcing its policies and ensuring accountability from schools,” he said.

Preston Sanchez, of ACLU of New Mexico and co-counsel for the Yazzie plaintiffs, said the PED has announced they are using the money to develop programs, but no other information is being given, including how those funds are being spent.

He added the circumstances in the Yazzie/Martinez lawsuit can be seen as a sign of systemic racism.

“Unfortunately, the system of education does not recognize the unique assets that our children bring to the classroom, which is their cultural and linguistic diversity,” he said.

While the state has these discussions about funding, Sanchez said it is important to remember the reason they have those discussions.

“I want to make sure we don’t lose focus on the fact that we’re talking about educational gaps, and what solutions will work to close those gaps for New Mexico’s children,” he said. “The COVID pandemic has only exacerbated those gaps.”

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Melissa Candelaria, co-counsel from NMCLP, said every student in the state deserves access to reliable internet and technology so they can keep up with their learning even while school buildings are closed. However, many students living in rural and tribal areas could often lack both of these, she added.

“Students should not have to track down mobile hotspots, or find a library or restaurant to use Wi-Fi because they don’t have service at home,” Candelaria said. “The state must invest in [a broadband] infrastructure to ensure all our students have access to internet from their homes.”

Candelaria also encouraged the PED to implement a learning system that is culturally and linguistically appropriate, with the proper technical and vocational training programs for students.

She cited summer, after school, and tutoring programs as being effective for students to improve their performance in school.

“But the court found many New Mexico children have fewer or no opportunities at all to access these essential programs,” she added.

Alisa Diehl, co-counsel from NMCLP, agreed the state has to do more to develop the proper programs to improve the learning outcomes for students across New Mexico.

“The state must develop a comprehensive funding plan to meet our students’ needs,” Diehl said. “This funding plan must be developed particularly for those most at risk of being, and who have been, failed by our public education system.”

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