

Yazzie-Martinez plaintiffs plead for computers, internet access for students

Written by By Beth Blakeman Associate Editor
Thursday, 24 December 2020 10:56



The discussion expands to include education, legislation, systemic problems

SANTA FE—Plaintiffs in the landmark Yazzie/Martinez education lawsuit asked the First Judicial District Court Dec. 15 to order the State of New Mexico to provide computers and high-speed internet access to the thousands of “at-risk” students who lack these necessary tools for remote learning.

“Many children in New Mexico, especially those in rural districts and districts serving predominantly Native American students, don’t have computers or high-speed internet access and have been effectively denied access to public education since the pandemic started, worsening existing education inequities,” Melissa Candelaria,, a senior attorney at the New Mexico Center on Law and Poverty, which represents the Yazzie plaintiffs, said.

In a statement filed the same day, New Mexico Public Education Secretary Ryan Stewart said:

“While it is the policy of the Public Education Department not to discuss pending litigation outside the courtroom, I would like to acknowledge the hard work being done by districts and charter schools, internet service providers, non-profit partners like the Information Technology Disaster Resource Center, collective action by the New Mexico Homework Gap Team and the Public Education Department to bridge New Mexico’s digital divide. The problem of internet access, so critical for education during this pandemic, is not new to New Mexico and will not be

Yazzie-Martinez plaintiffs plead for computers, internet access for students

Written by By Beth Blakeman Associate Editor
Thursday, 24 December 2020 10:56

resolved entirely in one year. Nevertheless, with the help of our partners, we have been able to put thousands of digital devices into the hands of New Mexico students who lacked them, and we have expanded internet access and quality of access across the state. This work will continue until every child has what is needed to succeed academically. That is our commitment.”

Stewart’s statement elicited this response from Gallup McKinley County Schools Superintendent Michael Hyatt.

“The state does not have an equitable process and/or funding to ensure students across New Mexico have access to technology. We currently have over 1500 students that still can’t get sufficient Internet at their homes and have to go elsewhere to find Internet. In this day and age that is atrocious.

“We have two lawsuits that address this issue right now,” he continued. “[The] Yazzie-Martinez lawsuit and the capital outlay or Zuni lawsuit, that addresses the issue of the lack of uniformity for kids in New Mexico.

“The pandemic has illuminated the problem that many people were unwilling to acknowledge. When it hit, it highlighted that impoverished communities like ours were at a disadvantage to the rest of the state. It’s unfortunate that it took a pandemic to open people’s eyes to the problem.”

Preston Sanchez, an indigenous justice attorney for ACLU New Mexico, is collaborating with the New Mexico Center for Law and Poverty, which represents the Yazzie-Martinez plaintiffs in this case.

Sanchez told the *Sun*, Dec. 16 that this issue is not new.

“This lack of technology infrastructure and access to internet and computer devices is an issue that has been on the state’s radar prior to and after the court issued a decision in 2018.

Yazzie-Martinez plaintiffs plead for computers, internet access for students

Written by By Beth Blakeman Associate Editor
Thursday, 24 December 2020 10:56

“The state knows that the lack of technology for students was and continues to be a problem for rural communities, including Tribal communities,” Sanchez pointed out. “Yet, nothing was done to remedy the problem. And now, during the pandemic, they are scrambling to find solutions.

“Their solutions however are band-aids to a much wider systemic problem. The state must make larger, more targeted investments into technology infrastructure in areas of New Mexico where students are without access,” he concluded.

A report from the New Mexico Legislative Finance Committee Program Evaluation Unit dated June 10 says New Mexico children will start the 2020-2021 school year three months to a year behind after public schools closed for three weeks in March.

It also stated that school closures impact low-income children the most due to limited access to technology and existing achievement gaps and pointed out the uneven quality of educational technology statewide.

SHINING A LIGHT ON EDUCATION IN JANUARY

The University of New Mexico Native American Budget and Policy Institute released a report by the Tribal Education Alliance Dec. 16 calling for a change in course to close the equity gap faced by Native children.

The TEA is a coalition of Tribal education leaders, experts and advocates. In its report, *Pathways to Education Sovereignty: Taking a Stand for Native Children*, it presents Indigenous solutions to the state’s education crisis, calling on New Mexico to increase Tribal control over the education of Native children, invest in community-based education programs and facilities, and provide a balanced, culturally and linguistically relevant education for all.

Yazzie-Martinez plaintiffs plead for computers, internet access for students

Written by By Beth Blakeman Associate Editor
Thursday, 24 December 2020 10:56

“It is important that our public education system raise Tribal communities and Tribal governments to their rightful place as leaders in Indian education,” Jasmine Yepa, Pueblo of Jemez, Native American Budget and Policy Institute Policy Analyst, said. “This ideal stands firm in equity. Tribal community members must be leading the way in how Native American students’ needs are being met — this is the most effective way of addressing generations of institutional racism and discrimination of Native American students in the public education system.”

During the 2021 legislative session, a package of bills will be introduced guided by TEA proposals.

SOURCES TO TURN TO FOR HELP

The New Mexico Homework Gap Team is working to address these needs with a collective action initiative focused on providing hotspots and devices to homebound students.

Led by the state PED, the New Mexico Indian Affairs Department, Public Schools Facility Authority, Department of Information Technology, Department of Cultural Affairs and State Library, the Santa Fe Indian School, Navajo Nation, and Community Advocacy Community Learning Network, it supports Internet connectivity for rural and Native communities impacted by the pandemic.

The crew conducts site assessments and deploys wireless access points, hotspots and cradle points to support wireless access for community members in need.

By Beth Blakeman
Associate Editor