

## A timeline of Yazzie-Martinez impact on the state

Written by Staff Reports

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### Progress, setbacks, challenges follow in the aftermath

This past July marked five years since the landmark ruling in the *Yazzie/Martinez v. the State of New Mexico* case, which in theory allows for education in lower performing areas across New Mexico to be enhanced and brought into line with the rest of the state.

There have been several major developments since the ruling, and the *Sun* has reported on them as they have come. The question that remains on the plaintiffs and educators' minds is how much progress has been made since the ruling.

### **CASE BACKGROUND**

Since the ruling in 2018, the Yazzie/Martinez case has been used as a guiding post for education leaders in McKinley County. The case is based on the legal claim that the State of New Mexico, the New Mexico Public Education Department, and the Secretary of Education

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violated the State Constitution by failing to provide a uniform system of free public schools sufficient for all students' success.

Judge Sarah Singleton ruled in favor of the plaintiffs in July 2018. In her ruling, she said the state is violating the rights of public-school students to the resources, funding, and programming that will enable them to succeed. She said the education system was especially lacking in the cases of at-risk students, which includes children from low-income households, students of color, English Language Learners, and students with disabilities. Singleton ordered the state to make an overhaul to its public education system immediately.

The *Sun* previously published an article in 2019 that included words from Gail Evans, lead counsel for the Yazzie plaintiffs, who shared more details about the case.

"The case has had a special focus on Native American children," Evans said in that article. "There has been no other case like this across the country that has focused on Native students."

### **OBSTACLES ABOUND**

The original date given to the State to enact the necessary programs and increase funding to come into compliance was April 15, 2019. But in a statement issued by plaintiffs Louise Martinez and Wilhelmina Yazzie, they argued that the State had not fulfilled the requirements issued by the court and the classrooms across the state still faced the same disparities.

"...The fundamental problem is that after paying for the required salary increases-which are still not high enough to compete with other professions within New Mexico or with teacher salaries in our neighboring states- the districts do not have enough money to provide necessary programs and services to at-risk students," the statement reads.

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Another statement calling for compliance from the State was issued by the plaintiffs in October 2019. By that point it had been over a year since the ruling was issued and the plaintiffs stated that the State had still not provided the necessary funding and resources for its at-risk students.

Then new challenges would be presented the following year. When the COVID-19 pandemic was declared in March 2020 and schools had to quickly turn to remote learning to ensure their students still receive their education, the State motioned to ask the First Judicial District Court to dismiss the case. However, the plaintiffs issued a statement afterward saying they will continue to push for accountability from the State.

“In asking the judge to dismiss the case, the state does not argue that it has fixed our schools,” Evans said in a *Sun* article published March 27, 2020. “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.”

The motion to dismiss was another obstacle presented to students and educators that year, on top of widespread reports from the Navajo Nation and surrounding rural communities of students not being able to receive the resources that they relied on the schools for, including meals and school supplies. Disparities in funding only heightened these issues.

There was one positive turn in 2021, however. The court ruled in favor of the Yazzie plaintiffs’ motion asking the state to address the lack of access to technology and internet exacerbated by the pandemic for at-risk students, particularly students living in tribal and rural areas.

The court ordered the state to immediately provide digital devices and high-speed internet service to at-risk students who lack access at home, and to provide school districts with sufficient funding to meet students’ technology needs.

## WHAT COMES NEXT

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Members of the legislative Indian Affairs Committee received an update from tribal and state education leaders on Oct. 18 about the state's actions to comply with the July 2018 ruling.

One of the key components described in the presentation was funding to build the educator pipeline in the state. The following programs were listed with the respective funding amounts:

Student Teaching Stipends (16-week student teaching experience) - \$6.5 million for 446 Student Teachers

Teacher Residency Programs (Full-year, full-time co-teaching alongside a mentor) - \$13 million for 280 Teacher Residents

Educator Fellows Program - Federally Funded 492 Education Fellows

Principals, Counselors and Social Workers Residency Pilot - \$6.5 million for 446 Student Teachers

Structured Literacy and Science of Reading Instruction required of all Educator Preparation Programs - \$2 million for Pilot for 20-40 participants

The presentation also cites the Indian Education Act funding increases through the coming fiscal year, \$20 million, which is up from \$15 million in FY23 and \$5 million in FY22. These amounts are determined by student count and operational need along with percent used.

This amount includes nine grants listed in the presentation that total about \$22 million for FY23-24. These grants fulfill numerous objectives including increasing positive student performance; increasing fluent Indigenous language speakers; developing high quality curriculum, assessments, and instructions; and create an effective Native American teacher

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preparation program.

Accomplishments from the previous fiscal year were also shared, which included further Tribal partnerships and site visits; Native American students graduating with a Bilingual Seal; increased graduation rates for Native American students; and improved attendance rates for Native American students.

There were also successful funding goals, like House Bill 505 – Tribal Libraries Capital Outlay; Community Based Extended Learning Grants; HB 280 Technical Assistance Centers; HB 198 Career Technical Education Programs, which includes schools funded by the federal Bureau of Indian Education to apply for funding.

***The full report is available on the New Mexico Legislature website under the Indian Affairs Committee at <https://www.nmlegis.gov/>.***

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