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HOUSE MEMORIAL 1

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2020

INTRODUCED BY

Derrick J. Lente and Javier Martínez and Angelica Rubio and
Micaela Lara Cadena and Brian Egolf

A MEMORIAL

EXPRESSING OPPOSITION BY THE HOUSE OF REPRESENTATIVES TO THE
STATE'S MOTION TO DISMISS *YAZZIE/MARTINEZ V. STATE OF NEW
MEXICO*; REQUESTING THE STATE TO PROVIDE AT-RISK CHILDREN WITH A
UNIFORM AND SUFFICIENT EDUCATION; REQUESTING THE PUBLIC
EDUCATION DEPARTMENT TO ADOPT A POLICY TO ADDRESS SYSTEMIC AND
INSTITUTIONAL RACISM; REQUESTING THE PUBLIC EDUCATION
DEPARTMENT TO CONSULT WITH NEW MEXICO'S INDIAN NATIONS, TRIBES
AND PUEBLOS TO DEVELOP AND IMPLEMENT A COMPREHENSIVE EDUCATION
PLAN TO PROVIDE ALL STUDENTS WITH A SUFFICIENT EDUCATION;
REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO PROVIDE THE
LEGISLATURE WITH AN ANNUAL REPORT ON EDUCATION EQUITY.

WHEREAS, all New Mexico children have a constitutional and
human right to a sufficient education; and

WHEREAS, persistent systematic and institutional racism in

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1 New Mexico's education system has resulted in deep inequities
2 for Native American, Hispanic, African American and Pacific
3 Islander children, depriving them of the educational
4 opportunities and outcomes needed to become college-, career-
5 and civic participation-ready; and

6 WHEREAS, education inequities are revealed in disparate
7 education outcomes; for example, in 2019, the graduation rate
8 of New Mexico's Native American and African American students
9 was ten percent lower than that of Caucasian students; and the
10 math and science proficiency scores of Native American,
11 Hispanic and African American students were one-half the scores
12 of Caucasian students; and

13 WHEREAS, in addition to disparate academic outcomes, the
14 failures of the state's education system have exposed children
15 to discrimination, stereotyping and marginalization, erased
16 their history and culture, deprived them of their language,
17 negated their values and those of their communities, stripped
18 them of their identities and inflicted trauma; and

19 WHEREAS, education inequities negatively affect all
20 children because no child benefits from a perpetuation of
21 stereotypes, an inaccurate teaching of history and culture, a
22 suppression of diversity of peoples and languages and a
23 one-way, one-size-fits-all education that subtracts rather
24 than adds to students' strengths; and

25 WHEREAS, education inequities have been deepened by the

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1 coronavirus disease 2019 pandemic, which has deprived New
2 Mexico's disadvantaged children of access to education; for
3 example, according to the legislative finance committee, only
4 forty-five percent of students in Title I schools were engaged
5 in education toward the end of this school year and thirty-five
6 percent of students in Title I schools lacked access to a
7 computer, which is essential for distance learning; and

8 WHEREAS, the *Yazzie/Martinez* decision and order of July
9 2018 declared New Mexico's education system to be a "systemic
10 failure" and in violation of the state's constitution and
11 stated in its December 2018 findings of fact and conclusions of
12 law that Native American, African American and Hispanic
13 children, as represented by the plaintiffs, have been "harmed
14 by the denial of a sufficient and uniform education in New
15 Mexico" and, in its February 2019 final judgement, stated that
16 the defendants, the state's executive and legislative branches,
17 "must comply with their duty to provide an adequate education
18 and may not conserve financial resources at the expense of our
19 constitutional resources"; and

20 WHEREAS, in March 2020, during the coronavirus disease
21 2019 pandemic that disrupted education in the state, the
22 executive branch filed a motion to dismiss the *Yazzie/Martinez*
23 case without any notice or consultation with the state
24 legislature, a named defendant in the suit; and

25 WHEREAS, New Mexico's Indian Education Act, Hispanic

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1 Education Act and Bilingual Multicultural Education Act give
2 clear mandates for designing a multicultural, multilingual
3 education system that ensures equitable and culturally relevant
4 learning environments and increases community control over
5 education; and

6 WHEREAS, a coalition of educational leaders, parents,
7 educators and experts developed a *Yazzie* remedy platform in
8 2018 delineating necessary actions for the state to comply with
9 the supreme court's ruling; and

10 WHEREAS, in 2019, New Mexico's Indian nations, tribes and
11 pueblos developed and endorsed a tribal remedy framework
12 delineating necessary actions for the state to comply with the
13 supreme court's ruling and the Indian Education Act, such as
14 increased tribal collaboration and control, community-based
15 education and a culturally and linguistically relevant
16 education that builds on the strengths of children and their
17 communities; and

18 WHEREAS, the state has failed to provide a comprehensive
19 plan to show how it intends to comply with the *Yazzie/Martinez*
20 ruling and to guide resource investments, has failed to provide
21 sufficient resources for programs and services specifically
22 targeting at-risk students and has failed to make systemic
23 educational changes leading to improved outcomes for those
24 students, given that an increase in funding without systemic
25 change is not enough;

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1 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
2 REPRESENTATIVES OF THE STATE OF NEW MEXICO that it oppose the
3 motion to dismiss *Yazzie/Martinez v. State of New Mexico*; and

4 BE IT FURTHER RESOLVED that the state, through its public
5 education department, be requested to take immediate steps to
6 adopt a policy and plan to address the systemic and
7 institutional racism that contributes to the systemic education
8 inequities and deficiencies identified by the court in
9 *Yazzie/Martinez*; and

10 BE IT FURTHER RESOLVED that the state, with leadership
11 from the public education department, and in consultation and
12 collaboration with New Mexico's Indian nations, tribes and
13 pueblos, be requested to immediately develop and begin to
14 implement a long-term comprehensive education plan, with time
15 frames and accountability measures and with resources
16 determined based on students' education needs, so as to come
17 into compliance with the state's constitutional duty to provide
18 all students with a sufficient education; and

19 BE IT FURTHER RESOLVED that this comprehensive plan
20 incorporate the *Yazzie* remedy platform and the tribal remedy
21 framework recommendations to meet the supreme court's ruling
22 and to comply with the Indian Education Act; and

23 BE IT FURTHER RESOLVED that the public education
24 department be requested to provide the legislature, the
25 legislative finance committee and the legislative education

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1 study committee with an annual report of measurable
2 improvements in education equity, based on a system of
3 accountability measures; and

4 BE IT FURTHER RESOLVED that copies of this memorial be
5 transmitted to the governor, the secretary of public education,
6 the legislative finance committee, the legislative education
7 study committee, the Indian education advisory council, the
8 Hispanic education advisory council and the first judicial
9 district court of New Mexico.