

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE MEMORIAL 26

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Roberto "Bobby" J. Gonzales

A MEMORIAL

REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO DEVELOP A
COMPREHENSIVE EDUCATION PLAN TO ADDRESS THE CONSOLIDATED
YAZZIE/MARTINEZ V. STATE OF NEW MEXICO COURT DECISION AND ORDER
IN CONSULTATION WITH THE PLAINTIFFS; REQUESTING THE PUBLIC
EDUCATION DEPARTMENT TO PROVIDE THE LEGISLATURE WITH AN ANNUAL
REPORT ON THE IMPLEMENTATION OF THE COMPREHENSIVE EDUCATION
PLAN AND COMPLIANCE WITH THE CONSTITUTION OF NEW MEXICO TO
PROVIDE AT-RISK CHILDREN WITH A UNIFORM AND SUFFICIENT
EDUCATION.

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

WHEREAS, in the consolidated *Yazzie/Martinez v. State of
New Mexico* court decision and order of July 2018, the court
held that the state was violating the constitutional rights of

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 at-risk students to a sufficient education, one that provides
2 them with an adequate opportunity to prepare for college and
3 careers; and

4 WHEREAS, the court ordered the state to take immediate
5 steps to increase funding, programs and services for New
6 Mexico's educational system and provide adequate support for
7 at-risk students facing the deepest inequities, which include
8 Native American students, English language learners, students
9 with disabilities and students from low-income families; and

10 WHEREAS, the court directed the executive and legislative
11 branches of government to work cooperatively to accomplish this
12 constitutional mandate; and

13 WHEREAS, in June 2020, the court rejected the state's
14 motion to dismiss the consolidated *Yazzie/Martinez v. State of*
15 *New Mexico* case and held that the state must ensure that
16 long-term comprehensive reforms are made so that all at-risk
17 students have the opportunity to be ready for college and
18 careers, and that the court would retain jurisdiction over the
19 case to enforce compliance with its 2018 decision and order and
20 2019 final judgment; and

21 WHEREAS, the court's decision and findings detail the
22 deficiencies of New Mexico's educational system, including
23 insufficient overall funding for school districts and for
24 programs and services to specifically support at-risk students,
25 the failure to comply with state law requiring multicultural

.220743.1

underscored material = new
~~[bracketed material] = delete~~

1 and multilingual education for students, the lack of
2 experienced and well-prepared teachers in classes serving
3 at-risk students, the lack of adequate curricula such as
4 extended learning programs, early childhood education and pre-K
5 programs, the need for smaller class sizes and reading
6 programs, the lack of student supports such as technology,
7 transportation and career and vocational programs, inadequate
8 programming for English language learners, insufficient special
9 education programs and ancillary services and insufficient
10 resources for health and social services, among other areas;
11 and

12 WHEREAS, since the 2018 court decision and order, the
13 state has not developed a comprehensive plan to show how it
14 intends to fix the educational system and the multiyear funding
15 needed to guide resource investments; and

16 WHEREAS, the state should attempt to work cooperatively
17 with the plaintiffs to jointly develop a comprehensive
18 education plan to meet the mandates of the consolidated
19 *Yazzie/Martinez v. State of New Mexico* court ruling and avoid
20 ongoing litigation by resolving the case;

21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
22 OF NEW MEXICO that the state, through the public education
23 department, be requested to immediately develop a comprehensive
24 education plan, by no later than September 30, 2021, to address
25 the systemic education inequities and deficiencies identified

.220743.1

underscoring material = new
~~[bracketed material] = delete~~

1 by the court in the consolidated *Yazzie/Martinez v. State of*
2 *New Mexico* lawsuit and to come into compliance with the state's
3 constitutional duty to provide all students with a sufficient
4 education; and

5 BE IT FURTHER RESOLVED that the comprehensive education
6 plan include short- and long-term goals and action steps that
7 address the insufficiencies detailed by the court's decision
8 and findings, time frames, staffing, accountability measures
9 and the projected funding amounts required to meet students'
10 education needs; and

11 BE IT FURTHER RESOLVED that the public education
12 department be requested to develop the comprehensive education
13 plan jointly in consultation with the *Yazzie* and *Martinez*
14 plaintiffs and attempt to resolve the case; and

15 BE IT FURTHER RESOLVED that this comprehensive education
16 plan build on existing plans and recommendations developed by
17 education and tribal community stakeholders and researchers;
18 and

19 BE IT FURTHER RESOLVED that the public education
20 department be requested to provide the legislature, the
21 legislative finance committee and the legislative education
22 study committee with an annual report on the state's
23 implementation of the comprehensive education plan and
24 compliance with the constitution of New Mexico to provide
25 at-risk students with a uniform and sufficient education; and

.220743.1

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the governor, the secretary of public education, the secretary of higher education, the secretary of early childhood education and care, the secretary of Indian affairs, the legislative finance committee, the legislative education study committee, the Indian education advisory council, the Hispanic education advisory council, the bilingual multicultural education advisory council and the regents, chancellors and presidents of the state institutions of higher education.