



**New Mexico  
Local News  
Fund**

# Yazzie/Martinez v. State of New Mexico

A New Mexico Local News Fund Backgrounder

By Gwyneth Doland

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## Overview

Yazzie/Martinez is the shorthand name of a landmark 2014 lawsuit in which a group of families and school districts sued the state of New Mexico, arguing it wasn't doing enough to prepare at-risk students for college or a career. After six years of legal wrangling, a judge largely agreed with the plaintiffs, calling the public education system a "dismal failure," and ordering the state to fix the problems. During the 2020 legislative session, [lawmakers added \\$217 million](#) to education spending targeted at alleviating the issues, but the financial crisis brought on by the coronavirus pandemic and the crash of oil and gas prices required a special session in June 2020, [putting some of that funding at risk](#).

New Mexico is [frequently ranked worst or second-worst](#) in analyses of how well states are educating their children. In recent years the state's high school graduation rate has hovered just above 70%, far behind the national average of 84%. State standardized tests show that as few as 20% of students meet expectations in math and fewer than 30% in English. Students considered "at risk," (economically disadvantaged, English language learners, Native American students and students with disabilities) score much lower.

## Two Cases Combined

In March 2014, the [New Mexico Center on Law and Poverty](#) filed a lawsuit arguing that the state was violating the education clause of the state constitution by failing to provide an equal system of education. In 2014 New Mexico was spending less on K-12 education than it had in 2008, the Center argued, and in 2008 a state Legislature report had found that public education was underfunded by \$300 million. An update brought that number to \$600 million.

The Center's main client was Wilhelmina Yazzie, a Navajo mother of three from Gallup, though dozens of other parents were also party to the suit. Yazzie's son Xavier was a straight-A student, but his high grades didn't match the lower scores he earned on standardized tests, [she told Searchlight New Mexico](#) in 2018. When she asked for help at school, she found a district that was struggling with the most basic functions. When one of her sons was in middle school, he didn't bring home any textbooks. She was told there weren't enough books to go around, so students were forbidden from taking them home. Another time she was asked to bring in old socks for teachers to use as whiteboard erasers.

Meanwhile, the Los-Angeles-based [Mexican American Legal Defense Fund](#) had spent two years looking into the causes of the achievement gap for students of color. In April 2014, MALDEF [filed another suit](#) on behalf of 51 parents and children, arguing that the state had been violating low-income and English language learner students' constitutional right to education. The lead plaintiff was parent Louise Martinez.

"I went to the same school my daughter attends, and nothing has changed," Martinez said in a [MALDEF press release](#). "The school is rated F, the classrooms are overcrowded, the kids need support, and violence is high."

The MALDEF case argued that the state had systematically disadvantaged English language learners and low-income students, in part by failing to support and implement the Indian Education Act, Hispanic Education Act, and Bilingual Multicultural Education Act. It pointed to data showing that fewer than half of the minority and at-risk students scored "proficient" on standardized tests.

In June 2014 the state asked the court to dismiss the MALDEF lawsuit, but the court refused, ruling that the state constitution guarantees education as a fundamental right. In 2015, the court consolidated the two suits, which became known as Yazzie/Martinez.

## Success in Court

In 2017 there was a two-month-long trial, and in 2018 the late District Court judge Sarah Singleton largely agreed with the plaintiffs, finding that the state had violated the students' fundamental rights, as laid out in the [education clause](#), [due process and equal protection clauses](#) of the state constitution. She found:

- The state failed to give at-risk students the programs and services they need.
- The state failed to allocate enough money for school districts to provide those programs and services.
- The Public Education Department didn't provide enough oversight to assure that the money they did have was spent effectively.

She found that evidence from standardized tests, graduation rates and the number of remedial classes required in college, showed at-risk students weren't getting what they needed because:

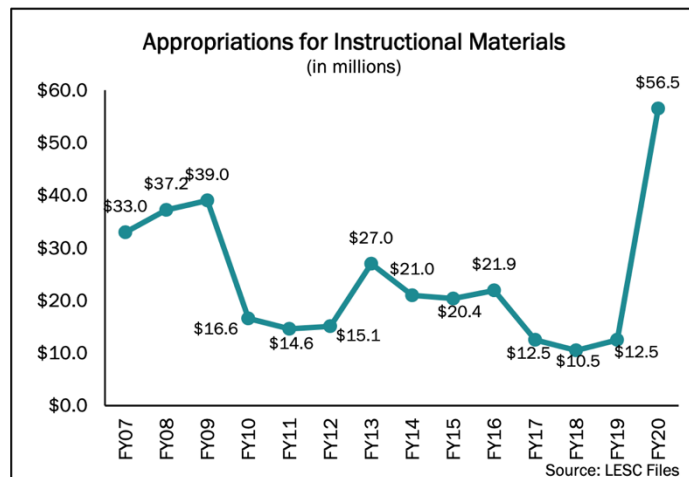
- Schools didn't have enough money to buy enough textbooks or technology.
- Programs like pre-K and summer school are successful at helping at-risk kids, but the state didn't give them enough funding for all the kids who needed them.
- School districts didn't have enough money to pay all the teachers they needed, and the quality of teaching for at-risk students wasn't good enough. High-poverty schools had lower-paid and lower-quality teachers.
- The funding formula used by the Legislature didn't send money to the right programs.

Singleton ordered the governor and state Legislature to come up with a plan that would solve the problems, and she gave them until April 15, 2019 to "take immediate steps." It wouldn't be enough to redistribute the existing funding more efficiently, she said. The judge didn't tell lawmakers where to get the money, but she pointed to 11 possible sources of new funding they could look at, including the Land Grant Permanent Fund, a more progressive income tax, a tax on all internet sales, higher taxes on gas and "sin" taxes on alcohol and cigarettes.

[During the 2019 legislative session](#),

lawmakers were under the gun to address the Yazzie/Martinez lawsuit, and they introduced a flurry of more than 200 education-related bills. They approved 52 and the governor signed 49 of them. With gas revenues up, they had the money to make significant changes. The proposals reconfigured the school funding formula, raised salaries for teachers and school employees, allocated more money for textbooks, and early childhood education. They approved proposals to improve programs for English language learners, increase teacher diversity and access to teacher training, and expand bilingual and multicultural education programs.

The plaintiffs argued that the state's changes hadn't done enough. Before the 2020 session, the Center on Law and Poverty, along with coalition of groups called Transform Education NM, put forth [their own platform](#):



*The 2019 Legislature made a massive increase in funding for textbooks and other materials. Via NM Legislative Education Study Committee*

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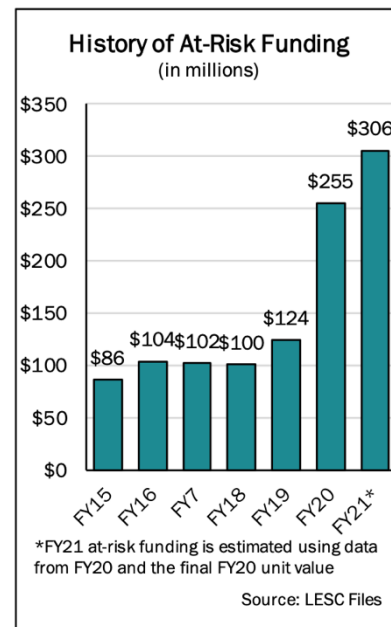
1. Develop capacity of educators — Build pipeline of bi-lingual and TESOL endorsed teachers, Native language instructors, PreK teachers and special ed teachers; Professional development in cultural/linguistic education
2. Literacy specialists and social services
3. All 4 year olds to have access to full day pre-K
4. Instructional materials and technology – including funding for wifi on tribal lands
5. Flexible extended learning programs
6. Educator salary increases – 45/55/65, plus a 10% increase for all others
7. Funding formula changes — increase at-risk index, bi-lingual index, special ed funding and small district funds; permit tribes to run extended learning programs
8. Develop capacity of PED to assist districts
9. Institutions of Higher Ed and other Centers to develop culturally and linguistically responsive curriculum, teacher development, social services, language preservation, etc.

In response, Gov. Michelle Lujan Grisham [proposed an expansion](#) of her [education “moonshot”](#) that would address the problems in the lawsuit as part of a larger overhaul of the state’s education system.

During the 2020 legislative session, lawmakers filed dozens of bills addressing the lawsuit but ended up passing just a few. In total [they increased education spending](#) by \$486 million for a total of \$3.25 billion —nearly half the state’s budget. The budget included \$5.5 million for indigenous, multicultural, multilingual and special education programs. Teachers got across-the-board raises and more incentives for teachers to join high-need positions and stay in them. Extended learning programs got an increase of \$8 million.

In March 2020 the [state asked the court to dismiss the suit](#), saying the education system had met the requirements for change. But the Yazzie/ Martinez plaintiffs [asked the court not to](#), arguing that the state hadn’t shown exactly what they’d done and that not enough time had passed to prove success. One month earlier Wilhelmina Yazzie [told the Navajo Times](#) she hadn’t seen any meaningful progress yet.

The state has made improvements, [advocates say, but needs to do more](#) to keep teacher pay competitive, fund essential programs and expand multicultural curricula. Native American advocates said more needed to be done. [Rep. Derrick Lente](#) (D-Sandia Pueblo) alone [sponsored 11 bills](#) addressing education—many endorsed by all 23 tribes and pueblos; none passed.



*The state increased at-risk funding in response to the lawsuit.*

“The State has a long way to go to comply with the Court’s ruling,” All Pueblo Council of Governors Chairman J. Michael Chavarria [said in a statement](#) released after the motion, noting that the state argued the problems had been solved just as the coronavirus disrupted life for students and parents. “This means complying with the NM Indian Education Act as well as other laws that require culturally responsive curriculum, a well-trained teacher workforce, language preservation, appropriate consultation with tribal communities and especially now during the COVID-19 pandemic, broadband infrastructure.”

## Resources for Yazzie-Martinez:

[LESC Hearing Brief: Yazzie and Martinez v. State of New Mexico: July 20, 2018 Decision and Order](#), an 8-page analysis prepared for the Legislative Education Study Committee.

[NM Legislative Education Study Committee 2020 Post-Session Review](#), including details on how they addressed the lawsuit.

[NM Legislative Education Study Committee 2019 Post-Session Review](#), including details on how they addressed the lawsuit.

[Yazzie/Martinez v. State of New Mexico Decision](#), a one-pager by the NM Center on Law and Poverty

[Decision: Yazzie-Martinez](#), The 608-page findings of fact and conclusions of law (not final judgement).

[Final judgement: Yazzie-Martinez](#) (Feb. 14, 2019), issuing an injunction ordering the state to take immediate steps to remedy the problem by no later than April 15, 2019.

[Martinez plaintiffs closing argument](#)

[Yazzie plaintiff's closing brief](#)

[Martinez plaintiffs' filing](#) (May 1, 2020) asking the court not to dismiss the suit.

[The Case for Education Equity in New Mexico](#), an 8-minute video from the NM Center on Law and Poverty.

[Yazzie Proposed Remedies](#), a 29-page-long chart comparing the judge's findings, legislative analysis and short-term and long-term plans.

[Yazzie/Martinez Policy Changes](#), a Jan. 24 2020 interview on New Mexico in Focus with Transform Education member Charles Goodmacher.

[Strengthening Higher Education and Tomorrow's Workforce](#), a 2018 New Mexico First town hall backgrounder.

[Higher Education Department Annual Reports](#), which include enrollment, graduation and tuition data for all public institutions.