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# State has spent millions fighting Yazzie/Martinez education lawsuit

*State should focus on reforming school system, not fighting lawsuit, education advocates say*

ALBUQUERQUE—While the state continues its delay with releasing a plan to comply with the landmark Yazzie/Martinez education ruling, documents obtained in an Inspection of Public Records Act request and emails reveal the State of New Mexico has spent over six and a half million dollars fighting the lawsuit.

The total amount is surely much more. The data retrieved by the IPRA was incomplete for several years of the litigation and doesn’t include staff time spent on the lawsuit. In fact, the legislature has appropriated more than eight million to fight the lawsuit well after Yazzie and Martinez plaintiffs sued the state.

“Our kids need a better education system now. The state should be working on reforming our schools, not on fighting the ruling that says it has to take immediate steps to provide all public schools students with a sufficient education,” said George Luján, SWOP Executive Director. “The state needs to realize that complying with the ruling is not optional—they were found to be violating students’ constitutional rights.”

The SouthWest Organizing Project (SWOP) [uncovered the six and a half million dollar](https://www.swop.net/nm-education-lawsuit) figure by analyzing extensive financial documents obtained through the IPRA request. The state did not provide all the legal fees in the IPRA, claiming they did not have to divulge information on ongoing lawsuits.

“It’s insane that Gov. Michelle Lujan Grisham is tweeting about a moonshot for education while trying to dismiss the lawsuit and refusing to sit down with the plaintiffs to come up with a plan and end this litigation that is dragging on while our kids still don’t have what they need,” said Luján.

The state has yet to release a plan which complies with the lawsuit, yet it is likely that it will lack proper budget requests and timelines necessary for substantial reform. For years advocates have pointed out that legislative education reforms almost always fail because they can’t get the funding and timelines they need. The state’s education department hired former APS Superintendent Veronica García to draft the plan, which she submitted in October with no response from state education officials. The Public Education Department refused to comment last week on why it failed to meet the self-imposed deadline. In this case, it seems to remain true that the state has once again failed to follow through with their promises to the public.

In 2018, a district court ruled that the state must immediately enact remedies to address gaps in the education system. These remedies would specifically address the needs of students who are English language learners, low-income, Native, and who have special needs. However, three years after the ruling, very little has changed for students.

“We need our state leadership to match the energy and excitement we see in the community. The lawsuit was a lightning rod for education advocates, who are fighting for sweeping, transformational investment in our schools,” said Amanda Gallegos, Youth Organizer at SWOP. “The state continues its poco a poco approach while dozens of research backed bills and policy proposals that would transform education in New Mexico have been blocked by the LFC.”

New Mexico’s education policy and funding decisions have for years been hijacked by the Legislative Finance Committee, which lacks expertise in education, while shutting out most legislators— including members of the House and Senate Education Committees and the Legislative Education Study Committee—making it impossible to secure funding for necessary reforms for our schools.

“Transforming education means doing something radically different. We need to break out of this yearly cycle of failed reform, where advocates work all year long with legislators, only to leave the legislative session in defeat because reforms can’t get funded. There are many great policies in the state’s new plan, but they’re worthless if they’re not going to be funded. What will it take to get buy-in from the LFC, if not a court order?”

“The court called for immediate action from the state. If the legislature were students, they would be failing due to tardiness. When we started making recommendations, we never thought we’d be back to square one three years later,” said Luján. “The COVID pandemic has only widened the education achievement gap. We can’t wait for the pandemic to die down. The state needs to stop fighting the lawsuit and make a huge new investment in education to create the schools our students deserve.”

The findings from the IPRA request can be found here:

TENM platform here: <https://transformeducationnm.org/our-platform/>

<https://transformeducationnm.org/wp-content/uploads/2021/02/TENM_magazine-02082021.pdf>

TEA tribal remedy framework: <https://nabpi.unm.edu/tribal-remedy-framework.html>

Calculated Numbers Spreadsheet: <https://www.swop.net/nm-education-lawsuit>

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*SouthWest Organizing Project empowers disenfranchised communities in New Mexico to realize racial and gender equality and social and economic justice. We uplift community voices and develop youth organizers from the barrio to build a thriving community that has economic security, food access and land sovereignty, quality education, respect for culture, and a commitment to equity.*