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PUBLIC EDUCATION DEPARTMENT
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RYAN STEWART, Ed.L.D.
SECRETARY-DESIGNATE OF EDUCATION

MICHELLE LUJAN GRISHAM
GOVERNOR

October 22, 2019

Via Email and First-Class Mail

Re: *Martinez* and *Yazzie* Consolidated Lawsuit

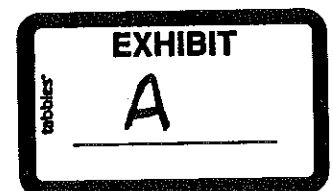
Dear Colleagues:

We are excited to connect with you at this time regarding our collective work to address the needs of New Mexico's students, families and communities. We recognize that there is a lot of energy and commitment to the transformation of our education system which begins with shared leadership and focus.

The purpose of this letter is to provide information about select changes that will be required as a result of the recent school funding lawsuits, *Martinez v. State of New Mexico* and *Yazzie v. State of New Mexico*¹. The New Mexico Constitution instructs the State to develop a uniform system of public schools sufficient for the education of New Mexico students. The Court's decision and order in the *Martinez* and *Yazzie* consolidated lawsuit held that New Mexico has not met its duty to provide an education to the state's "at-risk" students, including those who are economically disadvantaged, Native American, English learners, or students with disabilities. The Court further found the Indian Education Act (IEA), the Hispanic Education Act (HEA), and the Bilingual Multicultural Education Act (BMEA), which were enacted to help many of these students succeed, were not being fully implemented.

The New Mexico Public Education Department (NMPED) agrees with the Court that "no education system can be sufficient for the education of all children unless it is founded on the

¹No. D-101-CV-2014-00793



sound principle that every child can learn and succeed[.]”² Similarly, the New Mexico Legislature found that the key to success is having a multicultural education system³ that:

1. attracts and retains quality and diverse teachers to teach New Mexico’s multicultural student population;
2. holds teachers, students, schools, districts, and the state accountable;
3. integrates the cultural strengths of its diverse student population into the curriculum with high expectations for all students;
4. recognizes that cultural diversity in the state presents special challenges for policymakers, administrators, teachers, and students;
5. provides students with a rigorous and relevant high school curriculum that prepares them to succeed in college and the workplace; and
6. elevates the importance of public education in the state by clarifying the governance structure at different levels.

District and Charter School Implementation of *Martinez and Yazzie*

Under the leadership of Governor Michelle Lujan Grisham, the state has decided the best path forward for our students is to accept the Court’s ruling, rather than appeal, and work to address the Court’s concerns. Remedying the identified deficiencies, adhering to the requirements applicable legal directives, and creating positive educational experiences and improved outcomes for all of our students will require effort and cooperation from all parties, including the NMPED, districts, charter schools, higher education institutions, Tribes, families, and other education stakeholders.

The NMPED will be pursuing a four-part strategy that will create an effective and equitable system of supports for all students focused on root-cause analysis, equity-focused leadership and continuous improvement, and culturally and linguistically responsive curriculum and pedagogy. To help achieve the goals listed above, districts and charter schools must initially concentrate on the development of the following:

- establishment of equity councils at each district and charter school;
- completion of a *Martinez and Yazzie* readiness assessment to support schools;
- implementation of a culturally and linguistically responsive (CLR) framework for every school; and
- submission and implementation of 90-day plans through the New Mexico Data, Accountability, Sustainability, and High Achievement tool (NMDASH) with specific focus on economically disadvantaged students, Native American students, English learners, and students with disabilities.

More information on each component of the strategy is described below.

Establishment of District and Charter School Equity Councils

The opportunity to lead with equity-focused leadership and through continuous improvement is at the forefront of this work. NMPED will work with each district and charter school to establish a Superintendent’s/Executive Director’s equity council, with members who are selected from the

² See, *Martinez and Yazzie, et al. v. State of New Mexico et al.*, Decision and Order, p.17. See also, Section 22-1-1.2 NMSA 1978.

³ Section 22-1-1.2(B) NMSA 1978

district and charter school community. These councils will provide leadership to create an equity plan based on a *Martinez* and *Yazzie* readiness assessment at the district level or at each charter school, specific to the needs of economically disadvantaged students, Native American students, English learners, and students with disabilities. Further guidance regarding the establishment of the equity councils and the content and administration of the readiness assessments will be forthcoming. The members of the equity councils must be named by December 9, 2019.

Culturally and Linguistically Responsive Framework

Holding students' identity, culture, and language at the center of our work as a strength is key in the design of our schools and every aspect of our educational system. Districts and charter schools must implement a culturally and linguistically responsive framework to prepare students for college, career, and life by supporting their identity and holistic development, including social, emotional, and physical wellness, in addition to rigorous academic standards. Through the work of the equity councils, districts and charter schools will engage in the development of their framework. The framework will be used to guide the allocation of district and charter school resources, professional learning, staffing, culturally and linguistically responsive curriculum development, and assessment of progress towards implementation to support improved student outcomes, adherence to the IEA, HEA, BMEA, and the students' needs identified in the order. The final framework is due on June 30, 2020 and early submissions are strongly suggested. The school community should be engaged in the process of the development of the framework and align with the criteria provided by the NMPED. We will provide a timeline that allows for effective and authentic community engagement and development of the framework. It is expected that districts and charter schools will engage students, families, tribes, and key community stakeholders in a series of community-led conversations about the creation of the framework aimed at student outcomes that ensure wellbeing, academic achievement, and success. The NMPED will provide guidance and training for the creation and implementation of the framework.

NMDASH: Progress Monitoring and School Transformation Online Planning Tool

The PED's core value of reflection and continuous improvement is a driver for the systemic shift to ensure that diversity, equity and inclusion are further incorporated into our cycles of improvement and practices. NMDASH, the state's online school planning tool, will include a functionality for addressing the needs of at-risk students, including those who are economically disadvantaged, Native American, English learners, or students with disabilities through root-cause analysis. NMPED initially has selected certain schools currently implementing the Principals Pursuing Excellence program to implement this new NMDASH function, with full implementation in all schools planned for the 2020-2021 school year. Through submission of one annual and two 90-day plans, districts and charter schools must build leadership capacity to implement and sustain effective evidence-based practices to serve at-risk students with resource allocation aligned to programmatic practices.

Readiness Assessment and Review of Judge Singleton's Decision and Order:

In order to best prepare ourselves to serve our students we are excited to begin to assess relevant policies and identify what works for students. Districts, charter schools and equity councils would benefit from reviewing the Court's Decision and Order, as well as the attendant Findings of Fact and Conclusions of Law, when completing the readiness assessment, formulating their frameworks and 90-day plans, and assessing implementation. Those documents are available on the NMPED

website. Progress in addressing the Court's concerns are the responsibility of the district and school equity councils, and will be supported by the NMPED through the 90-day plans. The NMPED will work with schools districts and charter schools to ensure successful implementation of IEA, HEA, BMEA and district plans for serving English learners and students with disabilities and will monitor and review district and charter school progress toward those goals.

Support and Accountability

The NMPED will continue to monitor various programs and outcomes for each school, district, and charter school. The Court's order called for increased oversight by the Department. To that end, the NMPED will provide support to districts and charter schools and will implement the New Mexico Spotlight system to track annual progress.

Districts and charter schools will receive further guidance from the NMPED for each area identified as guidance as it is developed with early adopter districts and charter schools. Regional trainings and webinars will also be provided.

If a district or charter school is making insufficient progress in implementing its framework and addressing the learning needs of all students, NMPED will initiate a progressive action plan to assist. First, NMPED will help the district or charter school determine specific areas in need of improvement. Next, if the district or charter school is still unable to make needed progress, NMPED will undertake on-site monitoring with the district and school leadership to directly address areas of insufficient progress or noncompliance. If, after this focused support, the district or charter school continues to inadequately address deficiencies, NMPED may take further action [under Section 22-2-14 NMSA 1978] to ensure that funds, staff, and resources are appropriately directed to address areas of noncompliance in the most severe and extreme circumstances.

All of us must work together to fulfill the requirements of the Court's decision and order. We look forward to working with all of you to enhance the educational experience of our students, so that they are healthy, secure in their identity, and holistically prepared for college, career, and life. If you have any questions or recommendations please contact Mayra Valtierrez, Director of Language and Culture/Hispanic Education Liaison, at mayra.valtierrez@state.nm.us or (505) 827-6667.

Sincerely,



Kara Bobroff, M.A., ED.S.
Deputy Secretary of Identity, Equity, and Transformation

cc: Ryan Stewart, Ed.L.D., Secretary-Designate of Education

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

LOUISE MARTINEZ, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-00793

THE STATE OF NEW MEXICO, et al.,
Defendants.

Consolidated with

WILHELMINA YAZZIE, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-02224

THE STATE OF NEW MEXICO, et al.,
Defendants.

**AFFIDAVIT OF V. SUE CLEVELAND, Ed.D CONCERNING RIO RANCHO
PUBLIC SCHOOL DISTRICT**

1. I am Dr. V. Sue Cleveland, Superintendent of the Rio Rancho Public School District.

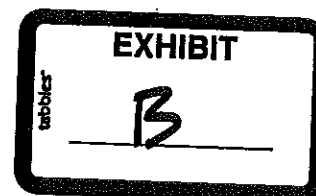
2. I reside in Sandoval County, am over 21 years old, and am competent to provide this affidavit.

3. The following is true and correct to the best of my knowledge and belief about the 2019-2020 school year ("SY 2019-20").

4. Rio Rancho Public School District ("Rio Rancho Schools") has approximately 17,600 students enrolled in Pre-Kindergarten through 12th grade.

5. Rio Rancho Schools' State Equalization Guarantee ("SEG") for SY 2019-20 is \$144,691,894.

6. Although this level of funding amounted to an increase of \$14.2 million (11%) over the prior year, mandated salary increases (including ladder for experience), and hiring new teachers to address state mandated class sizes, as well as increases in fixed costs (such as increases in dental, health and liability insurance, utilities) together consumed the increase in SEG funds.



7. Rio Rancho cut two reading coaches because it lost the "Reads to Lead" funding that paid for these positions. We also cut professional development on reading instruction for elementary teachers and professional development on technology integration to ensure students are college and career ready, due to a lack of funding.

8. Rio Rancho Schools needs additional funds to address the state and federal 50/50 inclusion model for Pre-K students. The Public Education Department ("PED") defines a Regular Early Childhood Program as a program that includes a majority (at least 50 percent) of nondisabled children. Currently on a waiting list, the district has 140 three-year-old (NM does not fund three-year-olds through the grant) and 120 four-year-old general education students that would like to participate in Pre-K. Currently, all students with disabilities are admitted to preschool in Rio Rancho.

9. Rio Rancho did not apply for K-5 Plus funding because it could not meet the original program requirements and later, when program flexibility was offered, there was insufficient time to develop a program.

10. Rio Rancho Schools applied for Extended Learning for 3000 at-risk students. We would have liked to have done much more but were unable to due to time constraints and unclear guidance on developing this program.

11. Rio Rancho Schools could not hire any additional nurses, counselors, or social workers for its general education population using SEG.

12. Rio Rancho Schools has 2,016 self-reported Native American students (939 primary, 932 secondary, 145 tertiary), but did not receive enough funding to supply them with linguistically and culturally relevant education, including curriculum, instructional materials, professional development, native language instructors, and Native American teachers and administrators, all of which are necessary to comply with the Indian Education Act.

13. Rio Rancho Schools' special education budget is underfunded for SY 2019-20, and the district is unable to provide sufficient programming and services to its students with disabilities. Students with disabilities need a highly qualified teacher in the classroom, which means they need a teacher with a special education license. Rio Rancho has vacancies for licensed special education teachers. The district has not received sufficient funding from the state to recruit and retain necessary special education teachers for SY 2019-20.

14. Ancillary Special Education-related staff are necessary for students with disabilities in order to fulfill their individualized education plans (IEPs). Ancillary staff consists of, but is not limited to, psychologists, speech therapists, occupational therapists, and diagnosticians. The district has not received sufficient funding from the state to provide necessary ancillary services for special education programming for SY 2019-20. Due to "prior year funding," the

district is not able to hire the number of ancillary staff that it needs because it is limited to the number of staff that the budget will support. In addition, educational assistants are necessary to lower the student-teacher ratio in classrooms with students with disabilities, to provide intensive supports, and to work closely with students with severe disabilities. The district has insufficient funding to hire additional educational assistants to serve students with disabilities.

15. Rio Rancho Schools uses operational funds for instructional materials because the instructional materials funding—which this year was in two different places in the budget—does not fully cover the cost of required instructional materials. After purchasing science, fine arts and other core and elective materials for SY 2019-20, the district was still short approximately \$60,000 in funding. We also do not have sufficient funds to purchase the most up-to-date instructional materials for the particular and unique needs of the district's special education students, or that are culturally and linguistically responsive for English language learners ("ELL") or our multi-lingual learners and Native American students. Funding is also needed to eliminate instructional material shortages in other content areas that have built up over the years.

16. Rio Rancho Schools has to use operational funds for transportation because the transportation allotment is not large enough to pay for transportation. For SY 2019-20, the district has to supplement the transportation budget with approximately \$800,000 out of its operational budget. This means there is less money for school programs.

17. Rio Rancho Schools does not receive enough funding to provide sufficient professional development to all teachers in the district, especially to the teachers working with special education, ELL, and Native American students.

18. Rio Rancho Schools was initially told by the Legislative Finance Committee during the 2019 Legislative Session it would receive \$17.8 in new money but the district actually received only \$14.2 million in additional SEG dollars, so we had to make major adjustments and cuts to our original proposed budget for SY 2019-20.

19. PED has not been able to provide the Rio Rancho Schools with sufficient technical assistance, guidance, training, and funding needed to fully implement the special education program, the Indian Education Act, the Hispanic Education Act, and the Bilingual Multicultural Education Act.

I, Dr. V. Sue Cleveland, Superintendent of the Rio Rancho Public School District, after being first duly sworn, depose and state that I have read the foregoing Affidavit and it is true and correct to the best of my knowledge, information and belief.

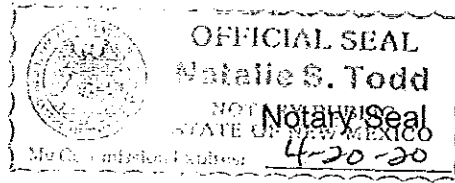
V. Sue Cleveland
V. SUE CLEVELAND, Ed.D

The foregoing was subscribed, sworn to and acknowledged before me, a Notary Public, on this 26 day of September, 2019, by Dr. V. Sue Cleveland, on behalf of Petitioners.

Natalie S. Todd
Notary Public

My License Expires:

April 20, 2020



STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

LOUISE MARTINEZ, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-00793

THE STATE OF NEW MEXICO, et al.,
Defendants.

Consolidated with

WILHELMINA YAZZIE, et al.,
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v.

No. D-101-CV-2014-02224

THE STATE OF NEW MEXICO, et al.,
Defendants.

**AFFIDAVIT OF MIKE HYATT CONCERNING GALLUP PUBLIC SCHOOL
DISTRICT**

1. I am Mike Hyatt, Superintendent of the Gallup McKinley School District.
2. I reside in McKinley County, am over 21 years old and am competent to provide this affidavit.
3. The following is true and correct to the best of my knowledge and belief about the 2019-2020 school year.
4. Gallup McKinley School District ("Gallup Schools") has approximately 11,000 students enrolled in Pre-Kindergarten through 12th grade.
5. Gallup Schools' State Equalization Guarantee ("SEG") for 2019-20 is \$84.7 million, an increase of \$18.7 million (22%) over last year. This includes \$6.6 million which must be used for K5 Plus and the Extended Learning Program and it not guaranteed. The K5 Plus and Extended Learning Program may be reduced by the State even if salaries and services were already offered and paid.
6. With the remaining additional \$12.1 million, approximately \$8.9 million has been used to pay for mandated salary increases and increases in fixed costs (such as increases in dental, health and liability insurance, utilities). The remaining additional money was used to add some social workers, and cover the costs of K5 Plus and the Extended Learning Program not covered by the state.

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as well as additional preK programs, Native language programs, and instructional materials that are not covered by the funds provided by the state. We actually had to cut 12 positions that were paid for out of federal funds because once we gave our state funded teachers raises, we also had to give our federally funded teachers raises but the federal funds did not increase so we did not have enough federal funds to keep all of our federally funded teachers.

7. Gallup Schools offers K5 Plus and the Extended Learning Program in every elementary school and the Extended Learning Program in every middle school and high school. The money appropriated by the state for these programs did not cover the actual cost of the program.

8. Gallup Schools expanded its pre-K program this year from 10 classrooms to 17 classrooms, so that we now offer it in every elementary school. However, we still do not offer preK to all of our 4 year olds and we continue to have a PreK waiting list. Currently our waiting list has about 60 students on it. We believe this list would be much longer if we advertised our PreK program widely, something we do not do since the program has never been fully funded.

9. Gallup Schools does not have enough nurses, counselors, or social workers for its general education population. We have 33 schools in Gallup, including 9 high schools. We do not have a social worker in every school, and we do not have college counselors in every high school, and each of our nurses have to cover many schools. Currently, we have 5 nurses, each covering 6 – 8 schools (with a district that is 4,957 sq. miles). To meet the accepted standard of 1 nurse per every 750 students, we need 9 more full-time nurses, 2 part-time nurses and one coordinator. This does not address the additional needs of our special needs students. We added 6 social workers this year. However, we continue to need at least 11 more college and career counselors to meet the needs of our high school students.

10. Gallup Schools is approximately 80% Native American (Dine) students, but did not receive enough state funding to supply them with linguistically and culturally relevant education, including, instructional materials, professional development, native language instructors and Native American teachers and administrators, all of which are necessary to comply with the NM Indian Education Act. We do have a culturally and linguistically relevant curriculum but we had to create it ourselves because the State never did it.

11. Gallup Schools has a large population of English Learners, with 32% of the students identified; yet out of 11,000 students, only 1,878 are in a bi-lingual program. Gallup has a lack of funding for bi-lingual programming, as well as a shortage of TESOL and bi-lingual teachers. Gallup Schools also has a lack of teachers who can speak and teach Navajo. We have no services for Navajo Heritage language speakers in grades 3 – 5, and we only have limited pull out classes for grades K – 2. We have been using our operational funding to pay addenda to bi-lingual teachers and we have been using our operational funding

to pay the tuition for teachers to attend San Juan Community College to get their TESOL certification.

12. As discussed above, the funding generated through the bi-lingual unit of the funding formula does not cover the costs of educating our students who are English language learners. This problem was made even worse when the state reduced the money generated through the bi-lingual unit by no longer counting the Teaching and Experience Index into the bi-lingual unit. This year, we got less money for our bi-lingual programs than last year. We need at least 14 additional bi-lingual teachers but we do not have the state funding for them. Currently, we pay for almost all of our bi-lingual teachers out of federal funding, because the state funding only covers the cost for 8 of the 40 positions that we currently have.

12. Gallup Schools' special education budget is underfunded for the 2019-2020 school year, and the district is unable to provide sufficient programming and services to its students with disabilities. The money that Gallup generates through the funding formula for our special education students does not cover the cost of the salaries for our special education staff.

13. Students with disabilities need a highly qualified teacher in the classroom, which means they need a teacher with a special education license. Gallup has vacancies for licensed special education teachers. The district has not received sufficient funding from the state to recruit and retain necessary special education teachers for the 2019-2020 school year.

14. Ancillary SPED staff are necessary for students with disabilities in order to fulfill their individualized education plans (IEPs). Ancillary staff consists of but is not limited to psychologists, speech therapists, occupational therapists, and diagnosticians. The district has not received sufficient funding from the state to provide necessary ancillary services for special education students for the 2019-2020 school year. Additionally, educational assistants are necessary for students with disabilities to lower the student- teacher ratio in classrooms with students with disabilities, to provide intensive supports, and to work closely with students with severe disabilities. The district has insufficient funding to hire additional educational assistants to serve students with disabilities.

15. Gallup Schools uses operational funds for instructional materials because the instructional materials funding -- which this year was in two different places in the budget -- does not cover the cost of required new instructional materials. This year was the science and art adoption. We had to use about \$460,000.00 of our operational funding to purchase the science adoption, and we could not purchase the complete adoption without operational funds due to a lack of instructional materials funding. We also do not have sufficient funds to purchase the most up-to-date instructional materials for the special needs of the

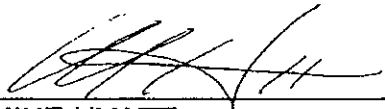
district's special education students, or to purchase culturally and linguistically appropriate materials for our ELL and Native American students.

16. Gallup Schools did not receive any money from the state specifically for technological devices in the schools. Given the large, rural nature of the district, Gallup needs additional funding to meet the technological needs of its schools and students.

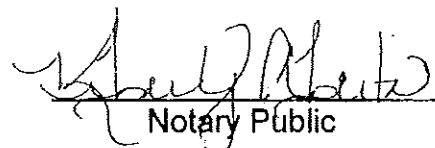
17. Gallup Schools does not receive enough state funding to provide sufficient professional development to all teachers in the district, especially to the teachers working with special education, ELL and Native American students.

18. The Public Education Department has not provided the Gallup Schools with quality or useful technical assistance, guidance, or training needed to assist us in the implementation of the special education program, the Indian Education Act, the Hispanic Education Act and the Multicultural Bilingual Education Act. Their information, if any, is outdated and we have had to train ourselves in all of these areas.

I, Mike Hyatt, Superintendent of Gallup McKinley Independent Schools, after being first duly sworn, depose and state that I have read the foregoing Affidavit and it is true and correct to the best of my knowledge, information and belief.

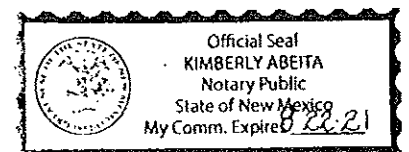

MIKE HYATT

The foregoing was subscribed, sworn to and acknowledged before me, a Notary Public, on this 25th day of October, 2019, by Mike Hyatt, on behalf of Petitioners.


Notary Public

My License Expires:
8/22/21

Notary Seal



STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

LOUISE MARTINEZ, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-00793

THE STATE OF NEW MEXICO, et al.,
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AFFIDAVIT OF DR. VERONICA C. GARCIA
CONCERNING SANTA FE PUBLIC SCHOOL DISTRICT

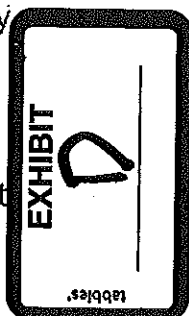
1. I am Dr. Veronica C. Garcia, Superintendent of the Santa Fe Public School District (hereinafter, "SFPS").

2. I reside in Bernalillo County, am over 21 years old and am competent to provide this affidavit.

3. The following is true and correct to the best of my knowledge and belief about the 2019-2020 school year ("SY") to date, September 24, 2019.

4. SFPS has approximately 12,800 students enrolled in Pre-Kindergarten through 12th grade for SY 19/20.

5. The State Equalization Guarantee ("SEG") for SFPS for SY 19/20 was initially \$111.2 M, including an allocation of \$3.2 M for K-5 Plus and \$1.9 M for Extended Learning Time Program ("Extended Learning"). The District funding allocation was adjusted down for K-5 Plus based on a one-day student count reporting date (July 17) for funding, which resulted in a \$1.2 M decrease of the District's SEG. (note: in contrast



the District's overall student funding is based on 3 reporting dates)

6. Although funding for SY 19/20 amounted to an increase of \$7.1 M (7%) over the prior year, not including funds earmarked only for K-5 Plus and Extended Learning, mandated salary increases cost about \$6.7 M and fixed costs (such as increases in dental, health and liability insurance, utilities) increased as well. The teacher raises and fixed cost increases consumed more than the increase in SEG funds received by the District.

7. The District generated new units and was allocated \$4.1 M in new funding for at-risk student programming and \$886K for instructional materials (non-adopted), important features in this suit. However, because most of the new funding was taken up by the mandated salary increases, the District had no new money to allocate toward at-risk programming or instructional materials.

8. While the need exists for expanding access to bilingual and multicultural programming, the District did not apply to expand the program because the District is having difficulty staffing the current bilingual programs due to a shortage of bilingual certified teachers. We also have a shortage of teachers who are TESOL (Teaching English to Speakers of Other Languages) certified to address the needs of our English Language Learners. There will need to be an increase in teacher salaries to recruit and retain these teachers from surrounding states as the pipeline in our colleges of education preparation programs is lacking due to the many years of starting salaries in the mid-\$30Ks.

9. To balance its budget, SFPS cut \$900K by reducing special education expenditures due to the graduation of high needs special education students who no longer require services.

10. In regards to Pre-K programming, SFPS applied for 340 full-day slots and received funding for those 340 full-day slots. However, because of child care needs some parents are still not able to avail themselves of the Pre-K program. Further, our ability to expand the program to parents who want the services is limited due to a lack of available certified teachers, qualified aides, and limited facilities. At the time that the option to apply for funding from PSFA for facilities was presented, the Pre-K applications were also due. We could not in good conscience apply for programming while not be certain that we would have the facilities available when services were to commence. It is important to note that the District only offers full day Pre-K based on parent requests. It is difficult for parents to avail themselves of a half day program. Therefore, when offering a full day program, the District's space needs are doubled. It is

also concerning to us that the Pre-K programs offered in our community are also at capacity.

11. SFPS applied for and received some additional funding for the K-5 Plus and Extended Learning programs, but because of the short time allowed to apply for these funds for SY 19/20, and because of the difficulty in meeting the programs' requirements, not all children who would benefit from these programs are enrolled in the current year. In addition, it cost the district about \$165K to fund the salaries for the teachers who did not fully meet the stringent program requirements.

12. SFPS applied for Extended Learning, but has not yet been able to ascertain whether the funding will cover the anticipated expenditures. At the time of developing the District's response (this Affidavit), there are some funding sources that have not been defined for transportation. In addition, the District is still seeking clarification from the New Mexico Public Education Department ("NMPED") on program requirements.

13. If the funding were higher and the salaries fully funded, SFPS has the need and would hire 23 FTE nurses, 25 FTE social workers, and 25 FTE community school coordinators, to better meet the needs of all students but especially the needs of at-risk students. We would further implement after school programming to provide services such as tutoring and constructive after school support to many students who have no supervision after school.

14. SFPS did not receive enough funding to adequately provide all of its Native American students and Hispanic students with a linguistically and culturally relevant education. The deficiencies in funding include funding for culturally and linguistically responsive curricula, instructional materials, professional development, native language instructors, bilingual teachers, TESOL endorsed teachers, all of which are necessary to comply with both the N.M. Indian Education and Hispanic Education Acts.

15. SFPS, like many districts in New Mexico, has difficulty staffing its special education program. This is due to low salaries and how ancillary and support staff (e.g. diagnosticians, speech therapists, occupational and physical therapists, mobility specialists, etc.) are categorized. Many districts pay these ancillary and support staff on a teachers' salary schedule. Therefore, these highly trained personnel often choose to go to work in the private sector. Consequently, districts have to pay for these services through contractors which are quite expensive and exceed the current funding levels. The state, in its funding formula, should consider the range of salaries these specialized professionals can earn in the private sector. Secondly, low teacher and educational assistant pay must be regionally competitive in order to be able to attract these

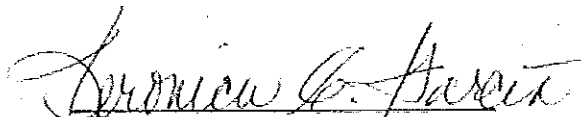
professionals to work in our districts. Due to years of poor salaries, the pipeline at our colleges and universities is inadequate. SFPS currently has 4 vacancies for licensed special education teachers, 2 instructional assistants, 1 director, and 1 secretary. It is fair to say that due to the low salaries, SFPS has not received sufficient funding from the state to recruit and retain necessary special education teachers, ancillary and support staff for the SY 19/20 school year. The funding formula for special education programming does not match the unique needs of students, classrooms, schools, and district configurations (e.g. K-8 programming vs. traditional K-5 or K-6 school.)

16. SFPS does not have enough funding for the new science books adoption. SFPS needs about \$441K more to purchase the full adoption. SFPS also does not have sufficient funds to purchase the most up-to-date instructional materials for the special needs of the District's special education, English Language Learners, and Native American students. Along with new adoptions of instructional materials, professional development is needed for teachers and principals.

17. SFPS uses operational funds to supplement the transportation allocation for students because the student transportation fund is not sufficient to pay for services. This means there are less funds available for allocation toward school programs.

18. SFPS does not receive enough funding to provide sufficient professional development to all teachers in the district in the areas of special education, English Language Learner instruction and the instruction of culturally and linguistically different students specifically Native American and Hispanic. In addition, we do not have the adequate numbers of TESOL (Teaching English to Speakers of Other Languages) endorsed teacher, which exacerbates our lack of professional development for teachers in the classroom.

Dr. Veronica C. Garcia, Superintendent of the Santa Fe Public School District, after being first duly sworn, depose and state that I have read the foregoing Affidavit and it is true and correct to the best of my knowledge, information and belief.


DR. VERONICA C. GARCIA

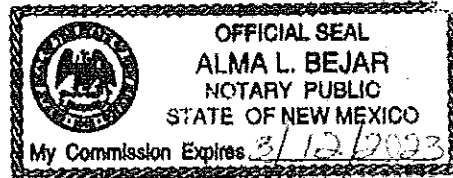
The foregoing was subscribed, sworn to and acknowledged before me, a Notary Public, on this 24 day of September, 2019, by Dr. Veronica C. Garcia, on behalf of Petitioners.

Alma L. Bejar
Notary Public

My License Expires:

3/12/2023

Notary Seal



STATE OF NEW MEXICO
COUNTY OF MORIARTY
FIRST JUDICIAL DISTRICT

LOUISE MARTINEZ, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-00793

THE STATE OF NEW MEXICO, et al.,
Defendants.

Consolidated with

WILHELMINA YAZZIE, et al.,
Plaintiffs,

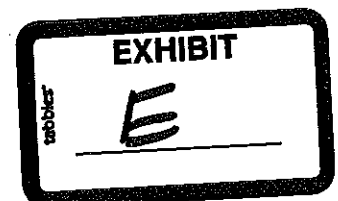
v.

No. D-101-CV-2014-02224

THE STATE OF NEW MEXICO, et al.,
Defendants.

AFFIDAVIT OF TERESA K. SALAZAR
CONCERNING MORIARTY-EDGEWOOD SCHOOL DISTRICT

1. I am Teresa K. Salazar, Superintendent of the Moriarty-Edgewood School District.
2. I reside in Sandoval County, am over 21 years old and am competent to provide this affidavit.
3. The following is true and correct to the best of my knowledge and belief about the 2019-2020 school year.
4. Moriarty-Edgewood School District ("Moriarty – Edgewood Schools") has approximately 2400 students enrolled in Pre-Kindergarten through 12th grade.
5. Moriarty-Edgewood Schools' State Equalization Guarantee ("SEG") for 2019-20 is a little over \$19.9 million, an increase of \$2.1 million (12%) over the prior year.
6. After Moriarty-Edgewood added three teachers to begin to meet mandated class size limits, and implemented mandated salary increases (including ladder for experience) and budgeted for increased fixed costs (such as increases in dental, health and liability insurance, utilities), and added one security guard, Moriarty did not have any money left to add programs and services for at-risk students, and instead actually had to make cuts.



7. To balance its budget Moriarty-Edgewood had to cut two reading interventionists and one reading coach, due to the state cutting the funding for Reads to Lead.

8. Because of insufficient funding Moriarty-Edgewood Schools Pre-K program only serves 55 children. (There are 180 children in kindergarten, showing that there are many more 4 year olds who could be enrolled in Pre-K.) The District needs more funds to serve all of the 4 year olds in the District.

9. Moriarty - Edgewood did not apply for K-5 Plus or Extended Learning Program funding because it could not meet the program requirements and because the funding that would have been provided would not have covered the actual costs of the programs, and Moriarty-Edgewood did not have any additional money to cover those additional costs.

10. Moriarty-Edgewood is adding a bi-lingual program to Moriarty Middle School this year due to the State permitting the District to apply for and receive funding for the program in the year that the program begins. (Previously, we would have had to run the program for a year before we could get funding for it.) However, the bi-lingual funding we will receive from the State will not cover the cost of the bi-lingual program in Moriarty Middle School. Additionally, we would have implemented a bi-lingual program in Moriarty Elementary and Moriarty High school; however, we were unable to find and hire highly qualified staff to meet the bi-lingual requirements.

11. Moriarty-Edgewood does not have the funding to add counselors, social workers or nurses. We need four more counselors (one high school, one middle school and two elementary school) and two additional nurses.

12. Moriarty-Edgewood Schools did not receive enough funding to provide a linguistically and culturally relevant education to its students.

13. Moriarty-Edgewood Schools' special education budget is underfunded for the 2019-2020 school year. We do not receive enough special education funding from the state to recruit and retain the special education staff and teachers that we need. Moriarty-Edgewood Schools needs special education social workers and teachers throughout grades K-12. Currently, we have four special education teacher vacancies. The district is unable to provide a constitutionally sufficient level of programming and services to our students with disabilities. We cannot provide the services that we know would assist our students with disabilities to be college or career ready.

14. Ancillary SPED staff are necessary for students with disabilities in order to fulfill their individualized education plans (IEPs). Ancillary staff consists of but is not limited to psychologists, speech therapists, occupational therapists, and diagnosticians. The district has not received sufficient funding from the state

to hire the necessary ancillary staff for special education students for the 2019-2020 school year. We cannot pay our ancillary staff a competitive salary, and therefore, rather than being able to hire such staff, we have to contract with them, which costs us even more.

15. Educational assistants are necessary for students with disabilities to lower the student- teacher ratio in classrooms with students with disabilities, to provide intensive supports, and to work closely with students with disabilities. The district has insufficient funding to hire additional educational assistants to serve students with disabilities.

16. Moriarty-Edgewood Schools does not receive enough instructional materials funding to cover the costs of instructional materials. This year, we did not have enough funding for the new science books adoption, or the art adoption or the agricultural replacement. We were only able to purchase the materials for grades 6 – 12, but were unable to do anything for our K – 5 students, and we still had to use \$180,000 of operational funding to cover this cost. We also do not have sufficient funds to purchase the most up-to-date instructional materials for the special needs of the district's special education students. Finally, we do not have sufficient funds to provide culturally and linguistically relevant instructional materials for our students.

17. Moriarty-Edgewood Schools had to use \$117,000 of operational funds for transportation because the transportation allotment is not large enough to pay for transportation. This means there is less money for school programs.

18. Moriarty-Edgewood Schools does not receive funding for technology. All of our technological equipment is provided through local bond money.

19. Moriarty-Edgewood Schools does not receive funding to provide professional development to the teachers in the district in the areas of special education, and ELL instruction. In fact, all of our professional development is provided through federal funding and we do not have enough federal funding to provide the professional development our teachers and other staff need.

20. The Public Education Department has not provided the Moriarty – Edgewood Schools with the technical assistance, guidance, training and funding needed to fully implement the special education program, the Indian Education Act, the Hispanic Education Act and the Multicultural Bilingual Education Act.

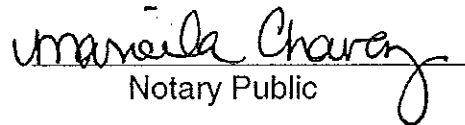
I, Teresa K. Salazar, Superintendent of the Moriarty Public School

District, after being first duly sworn, depose and state that I have read the

foregoing Affidavit and it is true and correct to the best of my knowledge,
information and belief.


TERESA K. SALAZAR

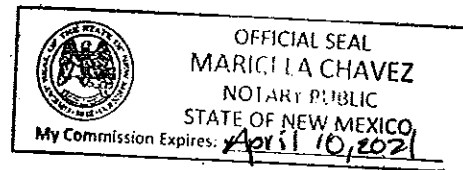
The foregoing was subscribed, sworn to and acknowledged before me, a
Notary Public, on this 1 day of October, 2019, by Teresa K. Salazar, on
behalf of Petitioners.


Notary Public

My License Expires:

April 10, 2021

Notary Seal



STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

LOUISE MARTINEZ, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-00793

THE STATE OF NEW MEXICO, et al.,
Defendants.

Consolidated with

WILHELMINA YAZZIE, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-02224

THE STATE OF NEW MEXICO, et al.,
Defendants.

**AFFIDAVIT OF ELISA BEGUERIA CONCERNING LAKE ARTHUR SCHOOL
DISTRICT**

1. I am Elisa Begueria, Superintendent of the Lake Arthur Municipal School District.

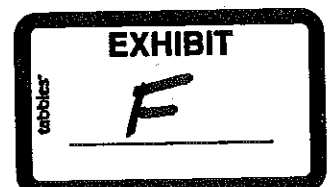
2. I reside in Roswell, NM, Chaves County, am over 21 years old and am competent to provide this affidavit.

3. The following is true and correct to the best of my knowledge and belief about the 2019-2020 school year.

4. Lake Arthur Municipal School District ("Lake Arthur Schools") has approximately 100 students enrolled in Kindergarten through 12th grade.

5. Lake Arthur Schools' State Equalization Guarantee ("SEG") for 2019-20 is \$1,847,964.81.

6. Although this amounted to an increase of \$76,185.48 (4.3%) over the prior year, mandated salary increases (including ladder for experience) cost about \$83,752.00 and fixed costs (such as increases in dental, health and liability insurance, utilities) increased, as well, together consuming more than the increase in SEG funds.



7. Because of strict K-5 Plus program requirements, Lake Arthur Schools did not apply for the program because the cost of the program would not be covered by the amount the district would receive from the state to implement it. Lake Arthur is a small school district, so per pupil funding for programs like K-5 Plus are not feasible for the district to fund and implement. The district cannot generate enough funding for its small number of children to be able to pay for the cost of the program, which includes, in part, teachers, transportation, and supplies.

8. Lake Arthur Schools did not apply for Extended Learning because the district did not have enough time after the law was enacted to engage the community and staff to determine whether the district had buy-in to provide the program. Similar to K-5 Plus, because Lake Arthur is a small school district, it would not generate enough funding from the Extended Learning Program to pay for the program cost and we couldn't meet some of PED expectations in regards to student and teachers cohorts.

9. Lake Arthur Schools was unable to hire any counselors or social workers for the 2019-20 school year. Currently, Lake Arthur has no counselors or social workers for general education students.

10. Lake Arthur Schools does not have a librarian on staff and was unable to hire one because it did not have enough funding for this position.

11. Lake Arthur needs instructional coaches to support teachers in classrooms where students in different grades are in the same classroom; however, the district does not have the funding to hire instructional coaches.

12. Lake Arthur does not have any certified TESOL or bilingual endorsed instructors to serve ELL students. The district hired an educational assistant who speaks Spanish and English to assist teachers of ELL students in the classroom; however, this EA is neither a certified teacher, nor TESOL or bilingual endorsed, which is not sufficient for ELL students.

13. Lake Arthur Schools does not receive enough funding to provide sufficient professional development to all teachers in the district in the areas of special education, ELL and Native American students.

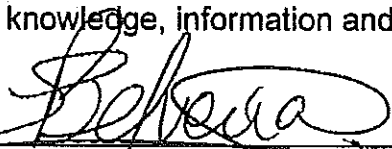
14. Lake Arthur Schools' special education budget is underfunded for the 2019-2020 school year, and the district is unable to provide sufficient programming and services to its students with disabilities.

15. Lake Arthur Schools does not have money left over from its operational budget for instructional materials. The district has not had an adoption of textbooks since the 2016-17 school year.


16. The Public Education Department has not provided the Lake Arthur Schools with the technical assistance, guidance and funding needed to fully implement the

Indian Education Act, the Hispanic Education Act and the Multicultural Bilingual Education Act.

I, Elisa Begueria, Superintendent of the Lake Arthur Municipal School District, after being first duly sworn, depose and state that I have read the foregoing Affidavit and it is true and correct to the best of my knowledge, information and belief.


ELISA BEGUERIA

The foregoing was subscribed, sworn to and acknowledged before me, a Notary Public, on this 2 day of October, 2019, by Elisa Begueria, on behalf of Petitioners.


Notary Public

My License Expires:

5/1/21

Notary Seal

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

LOUISE MARTINEZ, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-00793

THE STATE OF NEW MEXICO, et al.,
Defendants.

Consolidated with

WILHELMINA YAZZIE, et al.,
Plaintiffs,

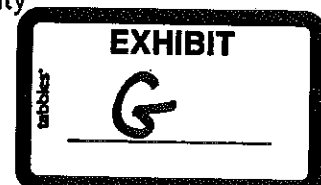
v.

No. D-101-CV-2014-02224

THE STATE OF NEW MEXICO, et al.,
Defendants.

**AFFIDAVIT OF DR. KAREN SANCHEZ-GRIEGO ED.D CONCERNING CUBA
INDEPENDENT SCHOOL DISTRICT**

1. I am Karen Sanchez-Griego, Superintendent of the Cuba Independent School District.
2. I reside in Bernalillo County, am over 21 years old and am competent to provide this affidavit.
3. The following is true and correct to the best of my knowledge and belief about the 2019-2020 school year.
4. Cuba Independent School District ("Cuba Schools") has approximately 567 students enrolled in Pre-Kindergarten through 12th grade.
5. Cuba Schools' State Equalization Guarantee ("SEG") for 2019-20 is \$6,336,571.42, which includes funding for K-5 Plus and extended learning.
6. Although this amounted to an increase of \$741,328.83 (8.54%) over the prior year, mandated salary increases (including ladder for experience) cost about \$289,000 and fixed costs (such as increases in dental, health and liability



insurance, utilities) increased, as well, together consuming more than the increase in SEG funds, leaving the district a remainder of approximately \$250,000 for at-risk students.

7. To balance its budget Cuba allocated At-Risk (and operational) monies towards the State's mandated raises. Cuba Schools, for years, has gone without the appropriate support for students and staff, often requiring staff to serve in multiple roles beyond their designed position. We also had to leverage operational monies to afford an Indian Education Director, Special Education Liaisons, and several one-on-one staff positions to serve our high-need, special education students. Additionally, Cuba Schools is still in great need of teachers for career and college prep work.
8. Cuba Schools, which has two PREK classrooms, needs greater funding for PREK teachers and educational assistants. Additionally, we need funds to conduct an assessment of children who live outside of Cuba proper, including on reservation land, that are eligible for, but lack access to, PREK, and the additional transportation costs associated with providing those children PREK. Further, PREK funds are insufficient to provide the necessary books, materials and supplies.
9. Cuba Schools applied for and received K-5 Plus funding. However, given the program requirements, Cuba School requires additional funding for student transportation, additional teachers, including funding for special education teachers, and books and materials.
10. Cuba Schools lacks sufficient funding for instructional materials. For 2019-20, we expended \$80,000 on science materials but only received a State allocation of \$54,000. We also lack sufficient funds to purchase up-to-date instructional materials for students with disabilities and ELL students, and for materials relevant to the cultural and linguistic needs of Cuba's predominantly Native American and Hispanic student population.
11. Cuba Schools applied for and received Extended Learning funds. However, Cuba Schools needs greater funding to hire and retain an administrator to help run the extended learning program, more teachers to provide summer work, and to provide Cuba teachers training in Project Based Learning. Further, many of our Native American students who reside on or near reservation land are in need of extended learning opportunities, which necessitates greater funding to implement those programs in the reservation chapters' houses during the summer, as well as funding for teacher salaries, rental space at the chapter house, and internet access.

12. Cuba Schools lacks sufficient funding to hire a sufficient number of nurses, counselors or social workers.
13. Cuba Schools, which serves predominantly Native American students (approx. 400), did not receive enough funding and resources to provide Native students sufficient educational supports, including academic supports and interventions, and culturally and linguistically relevant programs, including culturally relevant curriculum, relevant instructional materials, professional development, language instructors, and Native American teachers and administrators -- all of which are necessary to comply with the NM Indian Education Act.
14. Cuba Schools' special education budget is underfunded for the 2019-2020 school year, and the district is unable to provide sufficient programming and services to its students with disabilities. Students with disabilities need a highly qualified teacher in the classroom that is licensed in special education. Cuba has vacancies for licensed special education teachers. The district has not received sufficient funding from the state to recruit and retain necessary special education teachers for the 2019-2020 school year. Additionally, Cuba Schools are in dire need of funding for a psychologist and transportation services for its K-12 students with disabilities (SWD).
15. Cuba Schools did not receive sufficient funding to address the needs of ELL students. Cuba Schools requires greater funding for: professional development for ELL teachers; educational assistants for EL instructors at each school site; language immersion programs; and academic interventions for EL students.
16. Ancillary SPED staff are necessary for students with disabilities in order to fulfill their individualized education plans (IEPs). Ancillary staff consists of but is not limited to psychologists, speech therapists, occupational therapists, and diagnosticians. The district has not received sufficient funding from the state to provide necessary ancillary services for special education students for the 2019-2020 school year. Educational assistants are necessary for students with disabilities to lower the student- teacher ratio in classrooms with students with disabilities, to provide intensive supports, and to work closely with students with severe disabilities the district has insufficient funding to hire additional educational assistants to serve students with disabilities.
17. Cuba Schools did not receive sufficient funding to able to purchase instructional materials that align with the State's new "Gen Science" standards. Gen Science standards require hands-on materials including science kits and computers.

18. Cuba Schools subsidizes transportation costs with operational funds because the transportation allotment, which decreased recently, is not sufficient to provide its predominantly Native American students adequate transportation and access to extended learning opportunities, including after-school tutoring, summer school, and after-school activities. Many of our students live outside of our normal bus routes, so we need more bus drivers and mechanics to meet student needs.
19. Cuba Schools did not receive sufficient funding to provide bilingual programs. We currently subsidize the cost of bilingual programs, bilingual teacher salaries, and materials with operational funds. In fact, Cuba requires two times more in bilingual funding to meet the needs of students sufficiently, which includes hiring more bilingual teachers.
20. Cuba Schools does not receive enough funding to provide sufficient professional development to all teachers in the district, especially to the special education teachers, TESOL instructors, Bilingual Endorsed instructors, and culturally and linguistically responsive instruction.
21. The Public Education Department has not provided Cuba Schools with the technical assistance, guidance, and monitoring, training and funding necessary to fully implement the NM Indian Education Act, the Hispanic Education Act and the Bilingual Multicultural Education Act.
22. The Public Education Department has not provided the Cuba Schools with the technical assistance, guidance, training and sufficient funding needed to fully implement the special education program, including SPED-certified instructors, ancillary services, professional development, and oversight.

I, Dr. Karen Sanchez-Griego Ed.D, Superintendent of the Cuba Independent School District, after being first duly sworn, depose and state that I have read the foregoing Affidavit and it is true and correct to the best of my knowledge, information and belief.



DR. KAREN SANCHEZ-GRIEGO ED.D

The foregoing was subscribed, sworn to, and acknowledged before me by a Notary Public, on this 30th day of October, 2019, by Dr. Karen Sanchez-Griego Ed.D, on behalf of Petitioners.

Jana-Lee Clifford
Notary Public

My License Expires:

Sept 23, 2021

Notary Seal



STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

LOUISE MARTINEZ, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-00793

THE STATE OF NEW MEXICO, et al.,
Defendants.

Consolidated with

WILHELMINA YAZZIE, et al.,
Plaintiffs,

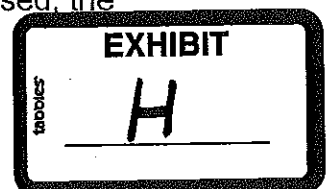
v.

No. D-101-CV-2014-02224

THE STATE OF NEW MEXICO, et al.,
Defendants.

**AFFIDAVIT OF DR. GLENN HAVEN CONCERNING MAGDALENA MUNICIPAL
SCHOOL DISTRICT**

1. I am Dr. Glenn Haven, Superintendent of the Magdalena Municipal School District.
2. I reside in Socorro County, I am over 21 years old and am competent to provide this affidavit.
3. The following is true and correct to the best of my knowledge and belief about the 2019-2020 school year.
4. Magdalena Municipal School District ("Magdalena Schools") has approximately 305 students enrolled in Pre-Kindergarten through 12th grade.
5. Magdalena Schools' State Equalization Guarantee ("SEG") for 2019-20 is about \$5,004,719.
6. Although this amounted to an increase of \$347,362 (7%) over the prior year, mandated salary increases (including ladder for experience) and fixed costs (such as increases in dental, health liability insurance, utilities and retirement) increased, the district used 83% of the SEG on these costs.



7. To balance its budget Magdalena eliminated an interventionist position at the middle school and a credit recovery teacher within the high school. NMPED cut the District Student Services (DSS) Grant which was awarded for a 3 year time period. PED told Magdalena Schools that we would need to use our Title I for these positions.

8. Magdalena Schools need more funds to address its 3Y/4Y student waiting list. The district is currently only able to serve about 80% of the eligible four-year-olds in the district, and all slots are for half-day Pre-K. There is no funding provided for 3Y students so we utilize Title I funds to cover the rest of the salary for the Pre-K Teacher and both Educational Aides (EAs). An additional EA was employed because of the unique cultural and Special Education needs of our 3Y/4Y population.

9. Because of the K-5 Plus strict program requirements, Magdalena Schools could not offer K-5 Plus to its students. The district had difficulty in recruiting its teachers for the summer program on short notice.

10. Magdalena Schools did not apply for Extended Learning because it did not have the community support to implement the program.

11. Magdalena Schools could not hire any additional nurses, counselors, or social workers with SEG funding.

12. Magdalena Schools has about 150 Native American students, but did not receive enough funding to supply them with linguistically and culturally relevant education, including curriculum, instructional materials, professional development, native language instructors and Native American teachers and administrators, all of which are necessary to comply with the NM Indian Education Act.

13. Magdalena Schools' special education budget is underfunded for the 2019-2020 school year, and the district is unable to provide sufficient programming and services to its students with disabilities. Students with disabilities need a highly qualified teacher in the classroom, which means they need a teacher with a special education license. Magdalena does not have any current teaching vacancies but has a need to hire additional licensed special education teachers but unable to do so due to lack of funding. The district has not received sufficient funding from the state to recruit and retain necessary special education teachers for the 2019-2020 school year.

14. Ancillary SPED staff are necessary for students with disabilities in order to fulfill their individualized education plans (IEPs). Ancillary staff consists of but is not limited to psychologists, speech therapists, occupational therapists, and diagnosticians. The district was not reimbursed for any ancillary travel costs from IDEA funding from the

state. In order to provide necessary ancillary services for special education students for the 2019-2020 school year the district had to utilize SEG to cover this expense.. Educational assistants are necessary for students with disabilities to lower the student-teacher ratio in classrooms with students with disabilities, to provide intensive supports, and to work closely with students with severe disabilities. The district has insufficient funding to hire additional educational assistants to serve students with disabilities.

15. Magdalena Schools does not have enough funding for the new science books adoption. The district will supplement funding for the new adoption out of the Title I and SEG. We also do not have sufficient funds to purchase the most up-to-date instructional materials for the special needs of the district's special education, ELL and Native American students.

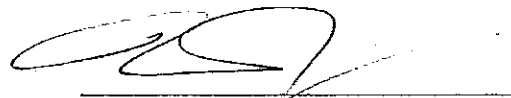
16. Magdalena Schools does not receive enough funding to provide sufficient professional development to all teachers in the district in the areas of special education, ELL and Native American students.

17. The Public Education Department has not provided the Magdalena Schools with the technical assistance, guidance, training and funding needed to fully implement the special education program, the Indian Education Act, the Hispanic Education Act and the Multicultural Bilingual Education Act.

I, Dr. Glenn Haven, Superintendent of the Magdalena Municipal School District, after being first duly sworn, depose and state that I have read the foregoing Affidavit and it is true and correct to the best of my knowledge, information and belief.

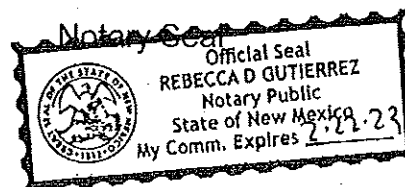

DR. GLENN HAVEN

The foregoing was subscribed, sworn to and acknowledged before me, a Notary Public, on this 18 day of September, 2019, by Dr. Glenn Haven, on behalf of Petitioners.


Notary Public

My License Expires:

2-22-23



STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

LOUISE MARTINEZ, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-00793

THE STATE OF NEW MEXICO, et al.,
Defendants.

Consolidated with

WILHELMINA YAZZIE, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-02224

THE STATE OF NEW MEXICO, et al.,
Defendants.

**AFFIDAVIT OF MICHAEL CHAVEZ CONCERNING HATCH VALLEY PUBLIC
SCHOOL DISTRICT**

1. I am Michael Chavez, Superintendent of Hatch Valley Public Schools.
2. I reside in Luna County, am over 21 years old and am competent to provide this affidavit.
3. The following is true and correct to the best of my knowledge and belief about the 2019-2020 school year.
4. Hatch Valley Public Schools ("Hatch Schools") has approximately 1200 students enrolled in Pre-Kindergarten through 12th grade.
5. Hatch Schools' State Equalization Guarantee ("SEG") for 2019-20 is \$11.6 million, an increase of \$1.9 million (19%) over last year. This includes \$600,000 which must be used for K5 Plus and the Extended Learning Program. However, our K5 Plus enrollment was approximately 45% of what we projected and therefore this amount of money will decrease.
6. Almost all of the additional funding – \$1.52 million of the \$1.9 million is being spent on salary increases. The remaining \$400,000 has been used to offer more career and technical education in the middle and high schools, and to provide more art education in all the schools, to hire instructional coaches, and purchase instructional materials.



7. Hatch Schools offers K5 Plus in every elementary school and the Extended Learning Program in the middle school. Our numbers for K5 Plus turned out to be much lower than we expected. However, we had already hired the teachers and the staff were planning to teach, so it was difficult to just lay them off at the last minute. For example, we hired two teachers for the first grade, but in the end, we only had 12 first graders, with 6 in a class. This was just too small. So we laid off one of the teachers, but this upset the teacher as well as some families whose children were put with a new teacher who would now be the child's teacher for the whole school year, not just the summer. The state imposed requirements, such as a mandated 25 days, mandating the same teacher, and doing the count for the entire program on just one day, made the K5 Plus program unworkable.

8. Hatch Schools was not able to hire additional nurses, counselors or social workers. However, because of the increase in the SEG, we were able to use operational funds to keep one of our social workers that we used to pay for out of a School Improvement Grant. The grant ended this year and we would not have had the funding to keep this social worker if the SEG had not gone up. We continue to have a shortage of social services available to our students.

9. Hatch Schools has a large population of English Learners, with approximately 40% of the students identified; yet out of 1200 students, only 277 are in a bi-lingual program. Hatch has a lack of funding for bi-lingual programming, as well as a shortage of TESOL and bi-lingual teachers. We want to implement a dual language model, which has been proven to be in the best interest of our students, yet we currently do not have the funding to do so.

10. Hatch Schools' special education budget is underfunded for the 2019-2020 school year, and the district is unable to provide sufficient programming and services to its students with disabilities. Students with disabilities need a highly qualified teacher in the classroom, which means they need a teacher with a special education license. Hatch has vacancies for licensed special education teachers. The district has not received sufficient funding from the state to recruit and retain necessary special education teachers for the 2019-2020 school year.

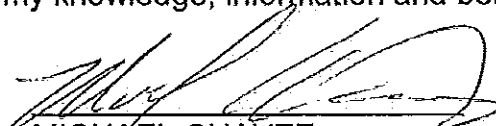
11. Ancillary SPED staff are necessary for students with disabilities in order to fulfill their individualized education plans (IEPs). Ancillary staff consists of but is not limited to psychologists, speech therapists, occupational therapists, and diagnosticians. The district has not received sufficient funding from the state to provide necessary ancillary services for special education students for the 2019-2020 school year. Educational assistants are necessary for students with disabilities to lower the student- teacher ratio in classrooms with students with disabilities, to provide intensive supports, and to work closely with students with severe disabilities. The district has insufficient funding to hire additional educational assistants to serve students with disabilities.

12. Hatch Schools does not have sufficient funding to purchase culturally and linguistically relevant materials for our EL students, or to purchase the most up-to-date instructional materials for the special needs of the district's special education students.


13. While we have added some professional development this year, Hatch Schools still does not receive enough funding to provide sufficient professional development to all teachers in the district, especially to the teachers working with special education, and EL students. We were able to coordinate professional development for two of our elementary schools through the REC and provide it throughout the year. But in all of our other schools, we are unable to provide embedded professional development. Instead, we look for free or cheap trainings for our teachers, such as the free training provided by NMSU. Through NMSU, we have provided math professional development for our high school teachers and some middle school professional development on English Language Learners. But these one day trainings are not enough. We need sustained professional development over the course of the year, and we do not have the funds do to this.

14. The Public Education Department has not provided the Hatch Schools with the technical assistance, guidance, training and funding needed to fully implement the special education program, the Hispanic Education Act and the Multicultural Bilingual Education Act. Years ago, the Bilingual Multicultural Education Bureau of the PED would actually visit districts and sit down and provide feedback; this was very helpful, and it was not punitive. It was called an improvement visit and gave us the opportunity to address problems and make corrections. Those audits ended about 10 years ago, and since then, we have not been getting the support we need from the PED.

I, Michael Chavez, Superintendent of Hatch Valley Public Schools, after being first duly sworn, depose and state that I have read the foregoing Affidavit and it is true and correct to the best of my knowledge, information and belief.


MICHAEL CHAVEZ

The foregoing was subscribed, sworn to and acknowledged before me, a Notary Public, on this 15th day of October, 2019, by Michael Chavez, on behalf of Plaintiffs.


Notary Public

My License Expires:
01/22/2023

Notary Seal

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

LOUISE MARTINEZ, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-00793

THE STATE OF NEW MEXICO, et al.,
Defendants.

Consolidated with

WILHELMINA YAZZIE, et al.,
Plaintiffs,

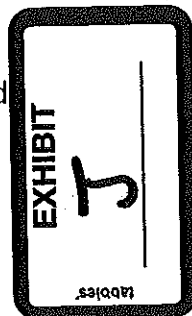
v.

No. D-101-CV-2014-02224

THE STATE OF NEW MEXICO, et al.,
Defendants.

AFFIDAVIT OF LILLIAN TORREZ CONCERNING TAOS SCHOOL DISTRICT

1. I am Dr. Lillian Torrez, Superintendent of the Taos Municipal School District.
2. I reside in Taos County, am over 21 years old and am competent to provide this affidavit.
3. The following is true and correct to the best of my knowledge and belief about the 2019-2020 school year.
4. Taos Municipal School District ("Taos Schools") has approximately 2,750 students enrolled in Pre-Kindergarten through 12th grade.
5. Taos Schools' State Equalization Guarantee ("SEG") for 2019-20 is \$19,627,810, of which \$480,000 can be used only for K-5 Plus and extended learning.
6. Although this amounted to an increase of \$1.3 million (7.1%) over the prior year, not including funds earmarked only for K-5 plus and extended learning, mandated salary increases (including ladder for experience) cost about \$1.44 million and fixed costs (such as increases in dental, health and liability insurance, utilities) increased, as well, together consuming more than the increase in SEG funds.



7. To balance its budget Taos cut 3 teachers and 2-3 aides, the elementary truancy coach, reduced professional development (including ELL) for K-12 teachers. The elementary school truancy coach was cut, leaving only 1 truancy coach for mid-school and 1 for high school.

8. Taos Schools need more funds to address a large Pre-K waiting list.

9. Because of K-5 Plus program requirements Taos Schools could not receive funding for all children who need this program and enrollment in this program will drop from 191 children who would have been served by K-3 Plus to 28 served by K-5 Plus.

10. Taos Schools applied for Extended Learning, but did not receive enough funding to cover all the program costs (transportation, food services) and could not provide this program to all the students who need it.

11. Taos Schools could not hire any additional nurses (currently elementary schools have no nurses, only aides). We are working to fund one more nurse through Medicaid.

12. Taos Schools was able to add only one counselor in the high school, but we need three more counselors.

13. Although one-third of Taos Schools' middle and high school students struggle with homelessness and suicide, we could add only one new social worker in the middle school.

14. Taos Schools has 295 Native American students, but did not receive enough funding to supply them with linguistically and culturally relevant education, including curriculum, instructional materials, professional development, native language instructors and Native American teachers and administrators, all of which are necessary to comply with the NM Indian Education Act.

15. Taos Schools had to cut SPED social workers from 6 to 3 during the prior administration and needs additional teachers and social workers for SPED now throughout grades K-12.

16. Taos Schools' special education budget is underfunded for the 2019-2020 school year, and the district is unable to provide sufficient programming and services to its students with disabilities. Students with disabilities need a highly qualified teacher in the classroom, which means they need a teacher with a special education license. Taos has vacancies for licensed special education teachers. The district has not

received sufficient funding from the state to recruit and retain necessary special education teachers for the 2019-2020 school year.

17. Ancillary SPED staff are necessary for students with disabilities in order to fulfill their individualized education plans (IEPs). Ancillary staff consists of but is not limited to psychologists, speech therapists, occupational therapists, and diagnosticians. The district has not received sufficient funding from the state to provide necessary ancillary services for special education students for the 2019-2020 school year. Educational assistants are necessary for students with disabilities to lower the student-teacher ratio in classrooms with students with disabilities, to provide intensive supports, and to work closely with students with severe disabilities. The district has insufficient funding to hire additional educational assistants to serve students with disabilities.

18. Taos Schools does not have enough funding for the new science books adoption. We need about \$60,000 more to purchase the full adoption. We also do not have sufficient funds to purchase the most up-to-date instructional materials for the special needs of the district's special education, ELL and Native American students.

19. Taos Schools uses operational funds for transportation FTE because the transportation allotment is not large enough to pay for transportation. This means there is less money for school programs.

20. Taos Schools does not receive enough funding to provide sufficient professional development to all teachers in the district in the areas of special education, ELL and Native American students.

21. In February 2019 Taos Schools fell victim to a malware hacking scheme that held froze access to all of the district's data and demanded substantial ransom to free these data. Taos Schools ultimately paid \$50,000 ransom to the hackers to get access to its data and then paid more to tech experts to scrub malware from the district's computers.

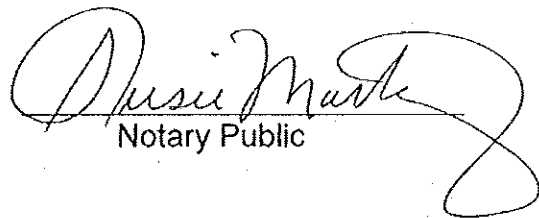
22. Taos Schools was told by LFC during the 2019 legislative session they would receive \$22 million in SEG (up from \$17.8 million), but actually we received only \$19.1 million, not counting the K-5 plus and other funds that we could not utilize this year.

23. The Public Education Department has not provided the Taos Schools with the technical assistance, guidance, training and funding needed to fully implement the special education program, the Indian Education Act, the Hispanic Education Act and the Multicultural Bilingual Education Act.

I, Lillian Torrez, Superintendent of the Taos Municipal School District, after being first duly sworn, depose and state that I have read the foregoing Affidavit and it is true and correct to the best of my knowledge, information and belief.


LILLIAN TORREZ

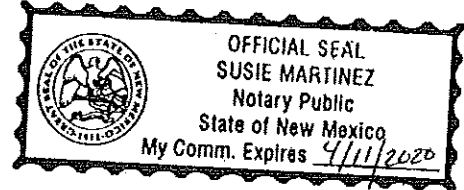
The foregoing was subscribed, sworn to and acknowledged before me, a Notary Public, on this 23rd day of August, 2019, by Lillian Torrez, on behalf of Petitioners.

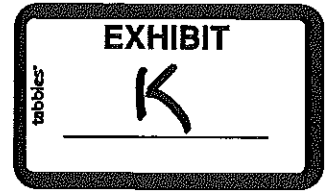

Notary Public

My License Expires:

4/11/2020

Notary Seal





STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

LOUISE MARTINEZ, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-00793

THE STATE OF NEW MEXICO, et al.,
Defendants.

Consolidated with

WILHELMINA YAZZIE, et al.,
Plaintiffs,

v.

No. D-101-CV-2014-02224

THE STATE OF NEW MEXICO, et al.,
Defendants.

AFFIDAVIT OF MARTIN ROMINE CONCERNING ZUNI SCHOOL DISTRICT

1. I am Martin Romine, CFO of the Zuni Public School District.
2. I reside in McKinley County, am over 21 years old and am competent to provide this affidavit.
3. The following is true and correct to the best of my knowledge and belief about the 2019-2020 school year
4. Zuni Public School District ("Zuni Schools") has approximately 1220 students enrolled in Pre-Kindergarten through 12th grade.
5. Zuni Schools' State Equalization Guarantee ("SEG") for 2019-20 is \$7,142,095.
6. Although this amounted to an increase of \$1.88 million (36%) over the prior year, mandated salary increases (including for all new and experienced teachers and for all federally funded employees) and increased fixed costs (such as increases in dental, health and liability insurance, utilities) consumed all but approximately \$290,000 of increased SEG funds.
7. Because of K-5 Plus program requirements and due to the short-period of time to apply for K-5 Plus and Extended Learning, Zuni did not apply for either program.
8. Due to insufficient funding this year, Zuni Schools could not hire any additional nurses, counselors, or social workers. Currently, Zuni Schools is in dire need of

general education teachers, Special Education teachers, ELL instructors, bilingual endorsed teachers, and Native American Language and Culture instructors (520).

9. Zuni Schools serves approximately 1,200 American Indian students (99% total), the highest concentration of all districts in the State of New Mexico. However, the district does not receive enough funding or resources to provide students sufficient educational opportunities, including academic supports and interventions, as well as a culturally and linguistically responsive education, including culturally relevant curriculum and instructional materials, professional development, language instructors, and Native American teachers and administrators -- all of which are necessary to comply with the NM Indian Education Act.
10. Students with disabilities need a highly qualified teacher in the classroom, which means they need a teacher with a special education license. Zuni has vacancies for licensed special education teachers. The district has not received sufficient funding from the state to recruit and retain necessary special education teachers for the 2019-2020 school year.
11. Ancillary SPED staff are necessary for students with disabilities in order to fulfill their individualized education plans (IEPs). Ancillary staff consists of but is not limited to psychologists, speech therapists, occupational therapists, and diagnosticians. The district has not received sufficient funding from the state to provide necessary ancillary services for special education students for the 2019-2020 school year. Educational assistants are necessary for students with disabilities to lower the student- teacher ratio in classrooms with students with disabilities, to provide intensive supports, and to work closely with students with severe disabilities. The district has insufficient funding to hire additional educational assistants to serve students with disabilities.
12. Zuni Schools does not receive enough funding to provide sufficient professional development to all teachers in the district, especially to the administrators and the special education teachers, TESOL instructors, Bilingual Endorsed instructors, and culturally and linguistically responsive instructors.
13. The Public Education Department has not provided Zuni Schools with the technical assistance, guidance, training, monitoring and funding needed to fully implement the NM Indian Education Act, the Hispanic Education Act and the Bilingual Multicultural Education Act. This includes the lack of funding to build Bilingual Education classrooms
14. The Public Education Department has not provided Zuni Schools technical assistance, guidance, training and sufficient funding needed to fully implement the special education program, including funding for SPED-certified instructors, ancillary services, professional development, and oversight.

I, Martin Romine, CFO of the Zuni Public School District, after being first duly sworn, depose and state that I have read the foregoing Affidavit and it is true and correct to the best of my knowledge, information and belief.

Martin B. Romine
Martin Romine

The foregoing was subscribed, sworn to and acknowledged before me, a Notary Public, on this 17th day of October, 2019, by Martine Romine, on behalf of Petitioners.

Elfina Chopito
Notary Public

My License Expires:

August 25, 2021

Notary Seal



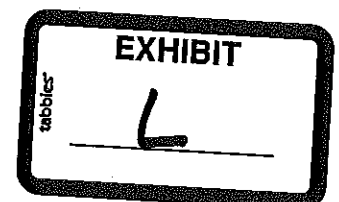
OFFICIAL SEAL
ELFINA CHOPITO
NOTARY PUBLIC STATE OF NEW MEXICO

My Commission Expires: 08-25-2021

DECLARATION OF YAZZIE PLAINTIFF WILHELMINA YAZZIE

I, WILHELMINA YAZZIE, being duly sworn, state as follows:

1. My child and I are Plaintiffs in *Yazzie v. State of New Mexico*.
2. I am a parent and guardian of a minor plaintiff child, XN, who is 16 years of age and attends Miyamura High School in the Gallup McKinley County School District, and I pay taxes in New Mexico.
3. My child, XN, and I are Diné (*Navajo*) and reside in Gallup, New Mexico.
4. XN continues to suffer the harm that results from the lack of a constitutionally sufficient education, one that would prepare him for college and the workforce and one that meets his unique cultural and linguistic needs, as required under the New Mexico Indian Education Act.
5. XN requires an education that meets both his unique cultural and linguistic needs as well as his academic needs, which necessitates the need for sufficient funding to provide the following XN programs, services and resources:
 - a. Culturally relevant curriculum;
 - b. Culturally relevant instructional materials that align with a relevant curriculum;
 - c. Native American teachers, administrators and counselors;
 - d. Certified bilingual endorsed teachers, including teachers who are also certified to teach Navajo;
 - e. Adequate instructional materials, including textbooks;



- f. Access to sufficient college preparation supports, including college-prep courses, advanced-placement courses, college readiness counselors, and Pre-SAT and Pre-Act testing opportunities;
 - g. Access to adequate technology, including up-to-date computers and high-speed Wi-Fi;
6. XN does not have access to the education programs, services, supports, and resources necessary to meet both his unique cultural needs and academic needs, in order to adequately prepare him for college and the workforce, and the culturally and linguistically relevant and responsive programs required under the New Mexico Indian Education Act.

I declare under penalty of perjury under the laws of the State of New Mexico that the above statements are true and correct to the best of my knowledge, that if called upon to do so I will competently testify thereto, and that this declaration was executed electronically on October 29, 2019.

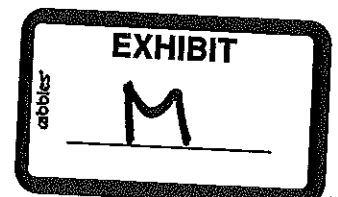
/s/ Wilhelmina Yazzie

WILHELMINA YAZZIE

DECLARATION OF YAZZIE PLAINTIFF MARSHA LENO

I, MARSHA LENO, hereby declare:

1. My children and I are Plaintiffs in *Yazzie v. State of New Mexico*.
2. I am a parent and guardian of minor plaintiff children who attend schools in the Grants-Cibola County and Bernalillo Public School Districts, and my family and I pay taxes in New Mexico.
3. My children AL, BG, AZG, and AWG are enrolled members of the Pueblo of Zia, and they currently reside in Acoma, New Mexico.
4. Keresan and English are the two primary languages spoken regularly in our household.
5. My children are eligible for the Free and Reduced Lunch Program.
6. My children require English language learner programs and services.
7. AL, BG, AZG, and AWG continue to suffer the harm that results from the lack of a constitutionally sufficient education, one that provides them an opportunity to prepare for college and the workforce, and one that meets their unique cultural and linguistic needs, as required under the New Mexico Indian Education Act.
8. AL, BG, AZG, and AWG require an education that meets both their unique cultural and linguistic needs as well as their academic needs, which necessitates sufficient funding for an education system that provides them the following programs, services and resources:
 - a. Culturally relevant curriculum and instructional materials;
 - b. Native American teachers, administrators, and counselors;



- c. English and dual language classes and bilingual multicultural education programs, including Keresan language programs;
 - d. Adequate English language learner programs, including linguistically appropriate curriculum and materials for ELL students;
 - e. Smaller class sizes;
 - f. General supplies and materials, including textbooks and paper;
 - g. Access to sufficient college preparation supports, including college-prep courses, advanced-placement courses, college readiness counselors, and Pre-SAT and Pre-Act testing opportunities;
 - h. Access to adequate technology, including up-to-date computers and high-speed Wi-Fi;
 - i. Adequate transportation, including transportation for afterschool activities.
9. AL, BG, AZG, and AWG do not receive an education that provides them the necessary programs, services, supports, and resources necessary to meet both their academic and unique cultural and linguistic needs, which is required by the Court's ruling in order to provide them a constitutionally sufficient education.

I declare under penalty of perjury under the laws of the State of New Mexico that the above statements are true and correct to the best of my knowledge, that if called upon to do so I will competently testify thereto, and that this declaration was executed electronically on October 29, 2019.

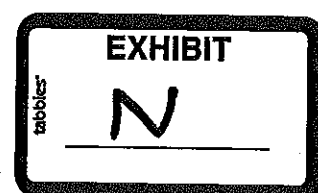
/S/ Marsha Leno

MARSHA LENO

DECLARATION OF YAZZIE PLAINTIFF GLORIA SANABRIA

I, GLORIA SANABRIA, hereby declare:

1. My children and I are Plaintiffs in *Yazzie v. State of New Mexico*.
2. I am a parent and guardian of three minor children, JD, DD, and VD, who attend school in Gadsden Independent Schools, and my family and I pay taxes in New Mexico.
3. My children, JD, DD, and VD and husband, Julio, are Hispanic/Latino and we currently reside in Albuquerque, New Mexico.
4. My children communicate in both Spanish and English at home.
5. JD and DD were both designated by their schools as English language learners and, thus, require a sufficient ELL program and services that comply with federal and state laws.
6. My children qualify for the Free and Reduced Lunch Program.
7. My children continue to suffer from harm due to the lack of a constitutionally sufficient education, one that provides them an opportunity to prepare for college and the workforce.
8. My children have specific needs and require an education that ensures them the following programs, services and supports:
 - a. Dual language, and bilingual multicultural education programs;
 - b. Adequate English language development (ELD) programs, which must include linguistically appropriate curriculum and materials;
 - c. Culturally relevant curriculum and instructional materials;
 - d. Literacy support services;



- e. Access to academic afterschool and summer school programs;
- f. Access to tutoring;
- g. Access to counseling;
- h. General supplies and materials, including textbooks and papers;
- i. Quality teachers and schools unaffected by high educator turnover;
- j. Access to adequate technology, including up-to-date computers and high-speed Wi-Fi;
- k. Adequate special education programs and services.

9. JD, VD, and DD do not receive an education that provides them the programs, services, supports, and resources necessary to meet both their academic and unique cultural and linguistic needs, as required by the Court's ruling.

I declare under penalty of perjury under the laws of the State of New Mexico that the above statements are true and correct to the best of my knowledge, that if called upon to do so I will competently testify thereto, and that this declaration was executed electronically on October 29, 2019.

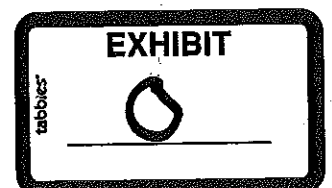
/S/ Gloria Sanabria

GLORIA SANABRIA

DECLARATION OF YAZZIE PLAINTIFF JAMES MARTINEZ

I, JAMES MARTINEZ, hereby declare:

1. My child and I are Plaintiffs in *Yazzie v. State of New Mexico*.
2. I am a parent and guardian of minor plaintiff child, MM, who attends school in Albuquerque Public Schools, and my family and I pay taxes in New Mexico.
3. My child, MM, my three other children and wife, Tia Martinez, are Hispanic/Latino and we currently reside in Albuquerque, New Mexico.
4. MM continues to suffer the harm that results from the lack of a constitutionally sufficient education, one that provides him a sufficient opportunity to prepare for college and the workforce.
5. MM requires an education that ensures him the following comprehensive educational programs, services and supports:
 - a. Bilingual educational;
 - b. Culturally relevant curriculum and instructional materials;
 - c. Advanced mathematic and literacy instruction and materials;
 - d. Smaller class sizes;
 - e. General supplies and materials, including textbooks and papers;
 - f. Consistent instructional delivery unaffected by high teacher turnover and long-term substitutes;
 - g. Access to adequate technology, including up-to-date computers and high-speed Wi-Fi;
 - h. Access to fine arts, music, and extra-curricular activities, including sports.



6. MM does not receive an education that provides him the necessary programs, services, supports, as required by the Court's ruling in order to provide him a sufficient education.

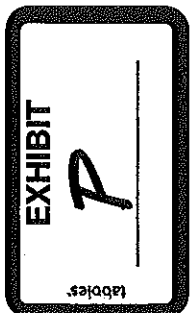
I declare under penalty of perjury under the laws of the State of New Mexico that the above statements are true and correct to the best of my knowledge, that if called upon to do so I will competently testify thereto, and that this declaration was executed electronically on October 29, 2019.

/S/ James Martinez

JAMES MARTINEZ

2019-2020 Preliminary Funded K-5 Plus Program

DISTRICT/CHARTER	K-5+ MEM	K-5+ Units	K-5+ Prelim PC
DISTRICT/CHARTER		0.300	\$4,565.41
ALAMOGORDO	0.00	0.000	\$0.00
ALBUQUERQUE	1896.00	568.800	\$2,596,805.21
ACE LEADERSHIP	0.00	0.000	\$0.00
ALBUQUERQUE CHARTER ACADEMY	0.00	0.000	\$0.00
ALB TALENT DEV SECONDARY	0.00	0.000	\$0.00
ALICE KING COMMUNITY SCHOOL	0.00	0.000	\$0.00
CHRISTINE DUNCAN COMMUNITY	101.00	30.300	\$138,331.92
CIEN AGUAS INTERNATIONAL	0.00	0.000	\$0.00
CORAL COMMUNITY	115.00	34.500	\$157,506.65
CORRALES INTERNATIONAL	0.00	0.000	\$0.00
COTTONWOOD CLASSICAL ST. CHARTER	0.00	0.000	\$0.00
DIGITAL ARTS & TECH ACADEMY	0.00	0.000	\$0.00
EAST MOUNTAIN	0.00	0.000	\$0.00
EL CAMINO REAL	74.00	22.200	\$101,352.10
GILBERT L. SENA STATE CHARTER (APS)	0.00	0.000	\$0.00
GORDON BERNELL	0.00	0.000	\$0.00
HEALTH LEADERSHIP CHARTER (APS)	0.00	0.000	\$0.00
INT'L SCHOOL MESA DEL SOL ST. CHARTER	0.00	0.000	\$0.00
LA ACADEMIA DE ESPERANZA	0.00	0.000	\$0.00
LOS PUENTES	0.00	0.000	\$0.00
MONTESORI OF THE RIO GRANDE	0.00	0.000	\$0.00
MOUNTAIN MAHOGANY	63.00	18.900	\$86,286.25
NATIVE AMERICAN COMM ACAD.	45.00	13.500	\$61,633.04
NEW AMERICA CHARTER SCHOOL ST. CH. (APS)	0.00	0.000	\$0.00
NEW MEXICO INTERNATIONAL	0.00	0.000	\$0.00
MARK ARMIJO (NUESTROS VALORES)	0.00	0.000	\$0.00
PAPA	0.00	0.000	\$0.00
ROBERT F. KENNEDY	0.00	0.000	\$0.00
SIEMBRA LEADERSHIP HIGH SCHOOL	0.00	0.000	\$0.00
SOUTH VALLEY	0.00	0.000	\$0.00
TECHNOLOGY LEADERSHIP	0.00	0.000	\$0.00
TWENTY FIRST CENT.	0.00	0.000	\$0.00
WILLIAM W & JOSEPHINE DORN CHARTER	25.00	7.500	\$34,240.58
ALBUQUERQUE W/CHARTERS	2319.000	695.700	\$3,176,155.76
ANIMAS	0.00	0.000	\$0.00
ARTESIA	475.00	142.500	\$650,570.93
AZTEC	20.00	6.000	\$27,392.46
MOSAIC ACADEMY CHARTER	0.00	0.000	\$0.00
AZTEC W/CHARTERS	20.000	6.000	\$27,392.46
BELEN	171.00	51.300	\$234,205.53
BERNALILLO	492.00	147.600	\$673,854.52
BLOOMFIELD	238.00	71.400	\$325,970.27
CAPITAN	0.00	0.000	\$0.00
CARLSBAD	642.00	192.600	\$879,297.97
JEFFERSON MONT. ACAD.	0.00	0.000	\$0.00
PECOS CONNECTIONS	0.00	0.000	\$0.00
CARLSBAD W/CHARTERS	642.000	192.600	\$879,297.97
CARRIZOZO	40.00	12.000	\$54,784.92
CENTRAL CONS.	0.00	0.000	\$0.00
DREAM DINE	0.00	0.000	\$0.00
CENTRAL W/CHARTERS	0.000	0.000	\$0.00
CHAMA VALLEY	82.00	24.600	\$112,309.09
CIMARRON	0.00	0.000	\$0.00
MORENO VALLEY HIGH	0.00	0.000	\$0.00
CIMARRON W/CHARTERS	0.000	0.000	\$0.00
CLAYTON	0.00	0.000	\$0.00
CLOUDCROFT	0.00	0.000	\$0.00
CLOVIS	0.00	0.000	\$0.00
COBRE CONS.	251.00	75.300	\$343,775.37
CORONA	0.00	0.000	\$0.00
CUBA	75.00	22.500	\$102,721.73



Labels

2019-2020 Preliminary Funded K-5 Plus Program

DEMING	2274.00	682.200	\$3,114,522.70
DEMING CESAR CHAVEZ	0.00	0.000	\$0.00
DEMING W/CHARTERS	2274.000	682.200	\$3,114,522.70
DES MOINES	0.00	0.000	\$0.00
DEXTER	170.00	51.000	\$232,835.91
DORA	0.00	0.000	\$0.00
DULCE	95.00	28.500	\$130,114.19
ELIDA	0.00	0.000	\$0.00
ESPAÑOLA	0.00	0.000	\$0.00
ESTANCIA	0.00	0.000	\$0.00
EUNICE	115.00	34.500	\$157,506.65
FARMINGTON	200.00	60.000	\$273,924.60
FLOYD	0.00	0.000	\$0.00
FT. SUMNER	73.00	21.900	\$99,982.48
GADSDEN	1960.00	588.000	\$2,684,461.08
GALLUP	1044.00	313.200	\$1,429,886.41
GRADY	0.00	0.000	\$0.00
GRANTS	341.00	102.300	\$467,041.44
HAGERMAN	86.00	25.800	\$117,787.58
HATCH	511.00	153.300	\$699,877.35
HOBBS	346.00	103.800	\$473,889.56
HONDO	0.00	0.000	\$0.00
HOUSE	0.00	0.000	\$0.00
JAL	0.00	0.000	\$0.00
JEMEZ MOUNTAIN	50.00	15.000	\$68,481.15
LINDRITH AREA HERITAGE	0.00	0.000	\$0.00
JEMEZ MOUNTAIN W/CHARTERS	50.000	15.000	\$68,481.15
JEMEZ VALLEY	58.00	17.400	\$79,438.13
SAN DIEGO RIVERSIDE CHARTER	54.00	16.200	\$73,959.64
JEMEZ VALLEY W/CHARTER	112.000	33.600	\$153,397.77
LAKE ARTHUR	0.00	0.000	\$0.00
LAS CRUCES	3287.00	986.100	\$4,501,950.80
LAS VEGAS CITY	170.00	51.000	\$232,835.91
LOGAN	0.00	0.000	\$0.00
LORDSBURG	78.00	23.400	\$106,830.59
LOS ALAMOS	0.00	0.000	\$0.00
LOS LUNAS	418.00	125.400	\$572,502.41
LOVING	85.00	25.500	\$116,417.96
LOVINGTON	177.00	53.100	\$242,423.27
MAGDALENA	0.00	0.000	\$0.00
MAXWELL	0.00	0.000	\$0.00
MELROSE	0.00	0.000	\$0.00
MESA VISTA	0.00	0.000	\$0.00
MORA	0.00	0.000	\$0.00
MORIARTY	0.00	0.000	\$0.00
MOSQUERO	0.00	0.000	\$0.00
MOUNTAINAIR	0.00	0.000	\$0.00
PECOS	87.00	26.100	\$119,157.20
PEÑASCO	0.00	0.000	\$0.00
POJOAQUE	185.00	55.500	\$253,380.26
PORTALES	0.00	0.000	\$0.00
QUEMADO	0.00	0.000	\$0.00
QUESTA	72.00	21.600	\$98,612.86
RATON	0.00	0.000	\$0.00
RESERVE	0.00	0.000	\$0.00
RIO RANCHO	0.00	0.000	\$0.00
ROSWELL	2122.00	636.600	\$2,906,340.01
SIDNEY GUTIERREZ	0.00	0.000	\$0.00
ROSWELL W/CHARTER	2122.000	636.600	\$2,906,340.01
ROY	0.00	0.000	\$0.00
RUIDOSO	0.00	0.000	\$0.00
SAN JON	0.00	0.000	\$0.00
SANTA FE	1345.00	403.500	\$1,842,142.94

2019-2020 Preliminary Funded K-5 Plus Program

ACAD FOR TECH & CLASSICS	0.00	0.000	\$0.00
SANTA FE W/CHARTERS	1345.000	403.600	\$189,214.04
SANTA ROSA	0.00	0.000	\$0.00
SILVER CITY CONS.	0.00	0.000	\$0.00
SOCORRO	146.00	43.800	\$199,964.96
COTTONWOOD VALLEY CHARTER	0.00	0.000	\$0.00
SOCORRO W/CHARTERS	146.000	43.800	\$199,964.96
SPRINGER	0.00	0.000	\$0.00
TAOS	64.00	19.200	\$87,655.87
ANANSI CHARTER	0.00	0.000	\$0.00
TAOS CHARTER	0.00	0.000	\$0.00
VISTA GRANDE	0.00	0.000	\$0.00
TAOS W/CHARTER	64.000	19.200	\$87,655.87
TATUM	0.00	0.000	\$0.00
TEXICO	0.00	0.000	\$0.00
TRUTH OR CONSEQ.	0.00	0.000	\$0.00
TUCUMCARI	0.00	0.000	\$0.00
TULAROSA	0.00	0.000	\$0.00
VAUGHN	0.00	0.000	\$0.00
WAGON MOUND	24.00	7.200	\$32,870.95
WEST LAS VEGAS	220.00	66.000	\$301,317.06
RIO GALLINAS CHARTER SCHOOL	0.00	0.000	\$0.00
WEST LAS VEGAS W/CHARTER	220.000	66.000	\$301,317.06
ZUNI	0.00	0.000	\$0.00
STATE CHARTERS	0.00	0.000	\$0.00
ALBUQUERQUE INSTI. MATH & SCI. (AIMS) ST. (APS)	0.00	0.000	\$0.00
ALBUQUERQUE COLLEGIATE (APS)	0.00	0.000	\$0.00
ALBUQUERQUE SCHOOL OF EXCELLENCE ST. CHAR (APS)	0.00	0.000	\$0.00
ALBUQUERQUE SIGN LANGUAGE ST. CHARTER (APS)	0.00	0.000	\$0.00
ALDO LEOPOLD ST. CHARTER (SILVER CITY)	0.00	0.000	\$0.00
ALMA D' ARTE STATE CHARTER (LAS CRUCES)	0.00	0.000	\$0.00
ALTURA PREPARATORY SCHOOL (APS)	0.00	0.000	\$0.00
AMY BIEHL ST. CHARTER (APS)	0.00	0.000	\$0.00
ASK ACADEMY ST. CHARTER (RIO RANCHO)	0.00	0.000	\$0.00
CESAR CHAVEZ COMM. ST. CHARTER (APS)	0.00	0.000	\$0.00
DZIT DIT LOOL DEAP (GALLUP)	0.00	0.000	\$0.00
ESTANCIA VALLEY (MORIARTY)	0.00	0.000	\$0.00
EXPLORE ACADEMY (APS)	0.00	0.000	\$0.00
HORIZON ACADEMY WEST ST. CHARTER (APS)	0.00	0.000	\$0.00
HOZHO ACADEMY (GALLUP)	0.00	0.000	\$0.00
J. PAUL TAYLOR ACADEMY (LAS CRUCES)	0.00	0.000	\$0.00
LA ACADEMIA DOLORES HUERTA (LAS CRUCES)	0.00	0.000	\$0.00
LA PROMESA ST. CHARTER (APS)	281.00	84.300	\$384,864.06
LAS MONTANAS (LAS CRUCES)	0.00	0.000	\$0.00
LA TIERRA MONTESSORI (ESPANOLA)	0.00	0.000	\$0.00
MASTERS PROGRAM ST. CHARTER (SANTA FE)	0.00	0.000	\$0.00
MCCURDY CHARTER SCHOOL (ESPANOLA)	0.00	0.000	\$0.00
MEDIA ARTS COLLAB. ST. CHARTER (APS)	0.00	0.000	\$0.00
MIDDLE COLLEGE HIGH (GALLUP)	0.00	0.000	\$0.00
MISSION ACHIEVEMENT & SUCCESS-MAS (APS)	0.00	0.000	\$0.00
MONTE DEL SOL (SANTA FE)	0.00	0.000	\$0.00
MONTESSORI ELEMMENTARY ST. CHARTER (APS)	0.00	0.000	\$0.00
NEW AMERICA SCHOOL (LAS CRUCES)	0.00	0.000	\$0.00
NEW MEXCIO CONNECTIONS VIRTUAL (SANTA FE)	0.00	0.000	\$0.00
NEW MEXICO SCHOOL FOR THE ARTS. ST. CH (SANTA FE)	0.00	0.000	\$0.00
NORTH VALLEY ACADEMY ST. CHARTER (APS)	120.00	36.000	\$164,354.76
RAICES DEL SABER XINACHTLI (LAS CRUCES)	0.00	0.000	\$0.00
RED RIVER VALLEY (QUESTA)	0.00	0.000	\$0.00
ROOTS & WINGS (QUESTA)	0.00	0.000	\$0.00
SANDOVAL ACADEMY OF BIL ED SABE (RIO RANCHO)	0.00	0.000	\$0.00
SCHOOL OF DREAMS ST. CHARTER (LOS LUNAS)	0.00	0.000	\$0.00
SIX DIRECTIONS (GALLUP)	0.00	0.000	\$0.00
SOLARE COLLEGIATE (APS)	0.00	0.000	\$0.00

2019-2020 Preliminary Funded K-5 Plus Program

SOUTH VALLEY PREP ST. CHARTER (APS)	0.00	0.000	\$0.00
SOUTHWEST AER., MATH & SCIENCE-SAMS (APS)	0.00	0.000	\$0.00
SOUTHWEST PREPATORY LEARNING CENTER (APS)	0.00	0.000	\$0.00
SOUTHWEST SECONDARY LEARNING CENTER (APS)	0.00	0.000	\$0.00
TAOS ACADEMY ST. CHARTER (TAOS)	0.00	0.000	\$0.00
TAOS INTEGRATED SCHOOL OF ARTS ST. (TAOS)	0.00	0.000	\$0.00
TAOS INTERNATIONAL (TAOS)	76.00	22.800	\$104,091.35
THE GREAT ACADEMY (APS)	0.00	0.000	\$0.00
TIERRA ADENTRO ST. CHARTER (APS)	0.00	0.000	\$0.00
TIERRA ENCANTADA CHARTER (SANTA FE)	0.00	0.000	\$0.00
TURQUOISE TRAIL (SANTA FE)	0.00	0.000	\$0.00
WALATOWA CHARTER HIGH (JEMEZ VALLEY)	0.00	0.000	\$0.00
STATEWIDE	21,139.00	6,341.70	\$28,952,460.63

Verified +
Approved list

7/31/19
v12

Summer 2018

K-3 Plus 4&5 Pilot
15976 2251

Enrolled

K	1	2	3	4	5
4059	4438	4140	3859	1256	1099

FY19 Prelim Funded

23,952.50	24,315.00	24,349.00	25,885.00	26,355.00	26,259.50
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98,501.50

0.162190 Statewide

0.162190 0.162190 0.162190 0.162190 0.162190 0.162190

3884.866 3943.660 3949.174 4198.299 4274.528 4259.039 24509.568

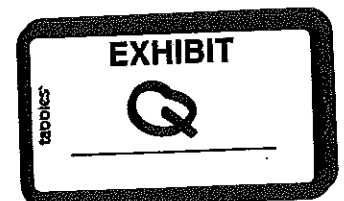
3018.528 3160.039

2018 Enrolled Units Statewide Cost

18851 0.3 5655.300 \$23,521,693.42

6178.568

25029.568 0.3 7508.870 \$31,231,119.08



LOUISE MARTINEZ, et al.,

Plaintiffs,

v.

No. D-101-CV-2014-00793

THE STATE OF NEW MEXICO, et al.,

Defendants.

Consolidated with

WILHELMINA YAZZIE, et al.,

Plaintiffs,

v.

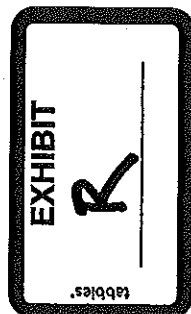
No. D-101-CV-2014-02224

THE STATE OF NEW MEXICO, et al.,

Defendants.

**AFFIDAVIT OF PRESIDENT OF MESCALERO APACHE TRIBE CONCERNING THE
EDUCATION OF MESCALERO STUDENTS ENROLLED IN NEW MEXICO PUBLIC
SCHOOLS**

1. I am Gabe Aguilar, President of the Mescalero Apache Tribe ("Mescalero").
2. I reside on the Mescalero Apache Indian Reservation, and am over 21 years old and am competent to provide this affidavit.
3. Mescalero passed a resolution during the past year outlining what is required to remedy the systemic failure of the State to meet its constitutional obligation to provide a sufficient education to Mescalero children enrolled in New Mexico public schools. The information I am providing in this affidavit is in alignment with this resolution and I submit this affidavit on behalf of Mescalero.
4. The following is true and correct to the best of my knowledge and belief about the education of Mescalero Apache children for the 2019-2020 school year.
5. In New Mexico, there are two Apache tribes – Mescalero and Jicarilla – that each speak a dialect of the Apache (Athabaskan) language.
6. Approximately 34,000 American Indian students, including Mescalero children, are enrolled in New Mexico public schools. Two off-Reservation school districts serve our children: Tularosa Municipal Schools (approx. 30% Native American)



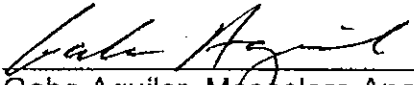
and Ruidoso Municipal Schools (approx. Native American 16%).

7. Mescalero fully supports the Yazzie Martinez court decision that: "a sufficient education for Native American students in New Mexico is one that prepares them for both college and career opportunities and to serve within the various roles of their tribal communities and tribal governments."
8. In light of the Court's ruling, it is important to provide long-term investment and sufficient educational opportunities for our Native American students, because they will be the future leaders of our tribal communities.
9. Mescalero supports the Court's holding that a sufficient education requires the State of New Mexico to fully fund and implement the NM Indian Education Act (2003).
10. Mescalero supports the Court's finding that "[l]anguage and cultural learning cannot be isolated from the regular school setting; they must be viewed as one of many elements in the larger context of an environment that is conducive to learning."
11. Mescalero finds that, as of the 2019/2020 SY, New Mexico public schools lack enough resources, accountability, and funding to provide our children a sufficient education, one that complies with the NMIEA, including provisions for the programs, services, learning environments, materials, and curriculum that are culturally and linguistically relevant and responsive; as well as provisions for increasing professional development, language instructors, Native American teachers and administrators, and family engagement -- all of which are necessary provisions to comply with the NMIEA.
12. Mescalero finds that New Mexico public schools do not have sufficient resources to meet the comprehensive needs of our children, as determined by the Yazzie Martinez ruling, including: academic supports and interventions for Native American English learners (NAEL) and Native American Students with Disabilities; adequate transportation to ensure our students have access to extended learning and afterschool opportunities; access to high-speed internet and up-to-date technology; access to early childhood education programs; and access to post-secondary education preparation programs, including Pre-ACT and Pre-SAT preparation.
13. Mescalero finds that the New Mexico Public Education Department lacks the capacity, expertise, and resources to fully respond to the comprehensive needs of and challenges that affect Native American students systemically.
14. New Mexico and PED must invest in targeted, sustainable and systemic solutions to address the educational challenges affecting our American Indian student population, including fully funding the Institutions of Higher Education across the State that have the capacity and expertise to develop culturally

relevant curricula and materials and community supports; ensuring all Mescalero children have access to Wi-Fi in their tribal communities; and investing funds to increase the capacity of Tribal Education Departments to be collaborative partners within the system of public education.

15. Based on the results of the 2019-2020 legislative session, it is clear that New Mexico legislation and funding did not target the systemic issues identified in the Court's ruling that pertain to Native American students and Indian Education as a system.

I, Robert Gabe Aguilar, President of the Mescalero Apache Tribe, after being first duly sworn, depose and state that I have read the foregoing Affidavit and it is true and correct to the best of my knowledge, information and belief.


Gabe Aguilar, Mescalero Apache President

The foregoing was subscribed, sworn to, and acknowledged before me by a Notary Public, on this 30 day of October, 2019, by Gabe Aguilar, on behalf of Petitioners.


Notary Public

My License Expires:

09.04.2022

Notary Seal



OFFICIAL SEAL
EUSTINE CHINO
NOTARY PUBLIC - State of New Mexico
My Commission Expires 09.04.22

MESCALERO APACHE TRIBE
MESCALERO, NEW MEXICO

RESOLUTION 19-127

WHEREAS, the Mescalero Apache Tribe, an Indian Tribe organized under the Indian Reorganization Act of June 18, 1934 (25 U.S.C. § 5123) and under its Revised Constitution has full power to act for the Tribe; and

WHEREAS, the Mescalero Apache Tribal Council, has the power to represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with, or contrary to, the Revised Constitution, pursuant to Article XI, Section 1(i) of the Revised Constitution; and

WHEREAS, many Mescalero Apache students attend public schools outside of the Mescalero Apache Indian Reservation, for example within the Villages of Ruidoso, Tularosa and Cloudcroft; and

WHEREAS, the Plaintiffs in *Yazzie et al. v. State of New Mexico* are parents of children attending public school within the State of New Mexico, claim that the Defendants, New Mexico Public Education Department and its Secretary Designate, have failed to provide a uniform system of free public schools sufficient for the education of all the children of school age as mandated by the New Mexico State Constitution; and

WHEREAS, the Plaintiffs are seeking the court to order the Defendants to develop and implement a public school budget that will provide constitutionally sufficient education to all school age children and ensure that the money is distributed equitably, including expenditures on economically disadvantaged and English language learner students, so as to provide all school age children with a sufficient and uniform education; and

WHEREAS, the New Mexico public school students rank at the very bottom in the country in educational achievement and New Mexico's children have the lowest likelihood of success of all children in the country; and

WHEREAS, numerous other New Mexico tribes and coalitions have passed resolutions supporting the Plaintiffs; and

WHEREAS, the New Mexico Center on Law and Poverty stated, "[t]he New Mexico Constitution guarantees a uniform system of free public schools sufficient for the education of all the children of school age;" and

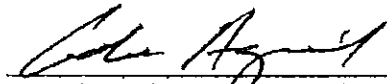
WHEREAS, the Mescalero Apache Tribal Council finds it in the best interest to support the claims brought forth by the Plaintiffs' in the court case *Yazzie et al. v. State of New Mexico*.

NOW THEREFORE, BE IT RESOLVED that the Mescalero Apache Tribal Council hereby supports the Plaintiffs' claim brought forth in the court case *Yazzie et al. v. State of New Mexico*.


RESOLUTION 19-127

CERTIFICATION

The foregoing enactment of the Mescalero Apache Tribal Council is duly adopted and approved on the 29th day of October 2019, at a legally called session of the Mescalero Apache Tribal Council, by a vote of 8 in favor, 0 opposed, 0 abstaining and 0 absent at which a quorum was present and at which a majority of the members voted in favor thereof. This enactment is approved by the President of the Mescalero Apache Tribe under authority of Article XII, Section 1, of the Revised Constitution.



Robert G. Aguilar, President



Sandra Platero, Secretary