

# **The Promotion of Racial Equity for Early Childhood Education and Care in New Mexico Within the Context of the Yazzie/Martinez Court Decision**

**Authors:**

Alicia Borrego  
Javier Martinez  
Trisha Moquino  
Gabriel R. Sanchez

## Introduction

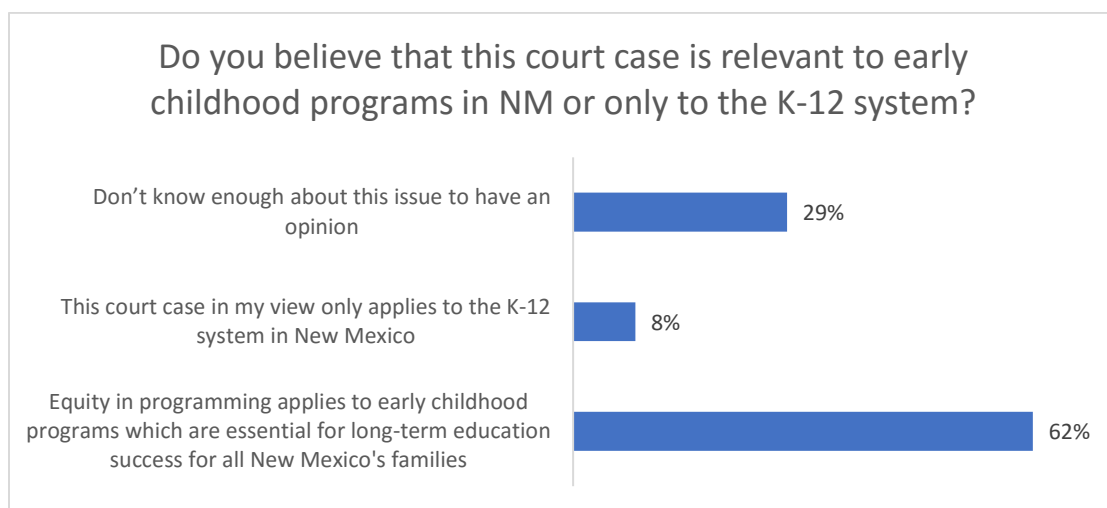
In the consolidated lawsuit, *Yazzie/Martinez v. State of New Mexico*, the plaintiffs alleged that the New Mexico Legislature and the Public Education Department (PED) failed to provide students—especially low-income, Native American, English language learner (ELL), and students with disabilities—with the programs and services necessary for them to learn. On July 20, 2018, Judge Sarah Singleton ruled that all New Mexico students have a right to be college and career ready and that the New Mexico Legislature and the PED is failing to meet this obligation. Drawing from a survey of the early childhood workforce (n=970) conducted from September 20, 2020 to October 20, 2020, this brief intends to provide some insights on how the early childhood workforce in New Mexico feels about this landmark case and how it may apply to their work.

### Do Early Childhood Educators think that the *Yazzie/Martinez* Decision Applies to Early Childhood Programs in New Mexico?

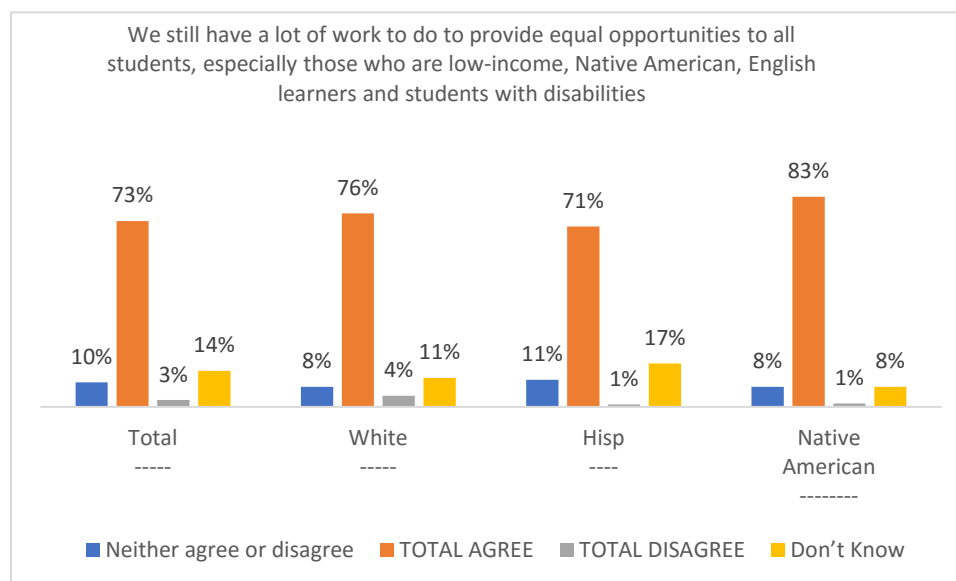
The survey asked members of the workforce whether they think that the ruling in *Yazzie/Martinez* should apply to the youngest children served by the state, or only to the K-12 system. Although the court's ruling does not apply to Early Childhood Education and Care Department (ECECD), it is useful to know how the workforce feels about their ability to promote equity in their work with our youngest children. Respondents were provided the following prompt before being asked to indicate their view on this issue.

As you may be aware, a judge in 2018 ruled in the *Yazzie and Martinez v. State of NM* case that the state has failed to provide students — especially low-income, Native American, English language learner (ELL), and students with disabilities — with the programs and services necessary for them to learn and thrive. The judge challenged the state to sufficiently fund these programs and services. Do you believe that this court case is relevant to early childhood programs in NM or only to the K-12 system?

The majority (62%) of respondents answered: “Yes, the court case is relevant to early childhood programs in New Mexico” This is much greater than the 8% of respondents who believe that this court case only applies to the K-12 system in New Mexico. The remaining 29% did not believe that they were informed enough about this issue to formulate a strong opinion.



In addition, 73% of the sample indicated that they believe “we still have a lot of work to do in order to provide equal opportunities to all students, especially those who are low-income, Native American, English language learners and students with disabilities.” As reflected in the figure below, Native American respondents are the racial and ethnic group most likely to believe that there is more work to do to ensure equal opportunities for all students, which is key given the emphasis in the court decision on students from Native American backgrounds.



The survey also asked respondents to evaluate how prepared they feel to support children with different needs and challenges, including those that are the focus of the *Yazzie/Martinez* lawsuit. When asked how prepared early educators feel they are to provide children with different learning needs, large percentages felt that they are only somewhat prepared or unprepared. Most important to the focus of this brief, just over a third (35%) of the early childhood workforce reported that they were either not prepared or only somewhat prepared to support children from diverse cultural backgrounds, with a higher percentage of the workforce indicating that they are not fully prepared to support children who are dual language learners.

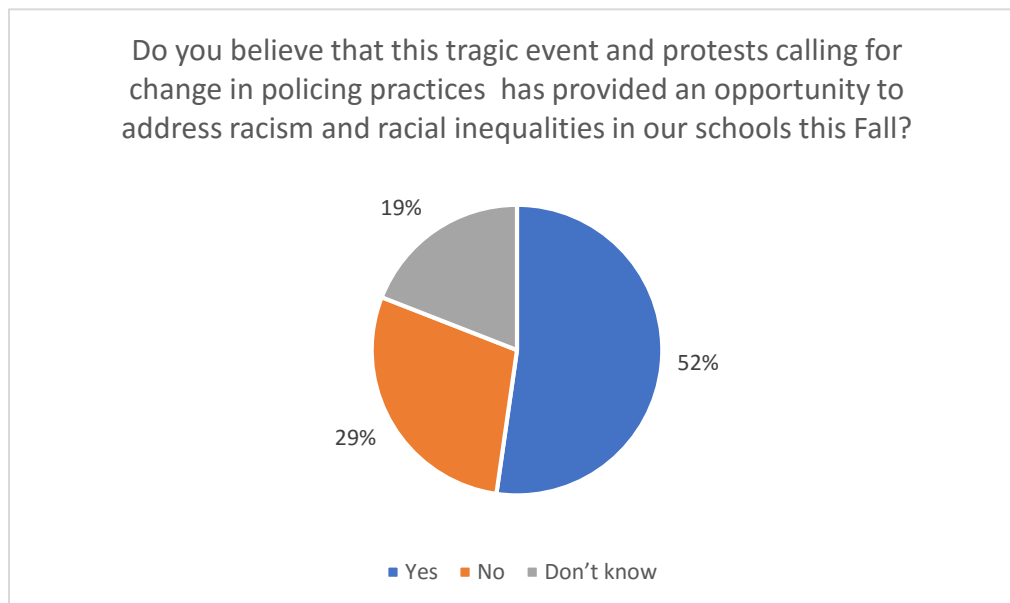
*How prepared or unprepared do you feel for your job in early childhood? Please rate how prepared you feel to support different learning needs for children. [% Not Prepared/Somewhat Prepared Displayed Below]*

- Children experiencing homelessness (63%)
- Children who have experienced traumatic/toxic stress (61%)
- Children with disabilities (56%)
- Dual language learners (55%)
- Children with challenging behaviors (52%)
- Children with developmental delays (49%)
- Children living in poverty (41%)
- Children from diverse cultural backgrounds (35%)
- Infants and toddlers (28%)
- Typically developing children (17%)

Given the social significance of the police reform movement across the country initiated by the killing of Mr. George Floyd at the time the survey was conducted, including several



protests here in New Mexico, the UNM Center for Social Policy wanted to take advantage of the opportunity to get some insights on how the early childhood workforce has reacted to this issue. Respondents were asked whether they felt that the tragic killing of Mr. Floyd and the protests calling for changes in police practices has provided an opportunity to address racism and racial inequalities in our schools this fall. A slim majority of the workforce (52%) indicated that, yes, this context has provided an opportunity to address racism and racial inequalities in our schools this fall. This includes 56% among early childhood teachers who would likely be the segment of the workforce tasked with engaging students in this discussion.



### **The Promotion of Racial Equity by the Early Childhood Education and Care Department (ECECD)**

While the PED and the New Mexico Legislature attempt to address the issues raised by the *Yazzie/Martinez* decision, the state's newly-formed Early Childhood Education and Care Department (ECECD) has attempted to take advantage of the opportunity to address racial equity since its creation in July 2020. As part of its strategic planning process, ECECD incorporated input from the communities it will serve, including information on the community's feelings toward equity in education and racial justice.<sup>1</sup> This has resulted in some positive steps, such as the creation of an Assistant Secretary for Native American Early Childhood Education and Care at ECECD. More recently, ECECD added a tribal policy expert to address ECECD's response to the State Tribal Collaboration Act.

These positive steps by the ECECD provide a lot of optimism for the future work of this department who will play a critical role in promoting racial equality with our state's youngest students. However, the survey makes clear that the workforce recognizes that there will need to be hard work ahead to ensure that all of the state's students are provided with equal opportunities to succeed, regardless of their race, socio-economic background, or English language abilities. The survey points to the need to expand training opportunities for our early childhood workforce so that they feel more confident in their abilities to work with

<sup>1</sup> The Research Team at UNM helped inform ECECD's strategic planning process through reports such as the following: <https://nabpi.unm.edu/assets/nabpi-early-childhood-needs-assessment-report---final-full-format.pdf>

students from diverse backgrounds. We are confident that the leadership of the ECECD will meet this challenge by continuing to work in direct partnership with community experts to advance racial equity and find paths to be responsive to the Yazzie/Martinez court decision.

### **Our Author Team**

**Alicia Borrego**, Executive Director New Mexico Association for the Education of Young Children

**Javier Martinez**, Executive Director of the Partnership of Community Action

**Trisha Moquino**, Co-Founder Keres Children's Learning Center

**Gabriel R. Sanchez**, Director of the UNM Center for Social Policy and Professor of Political Science at the University of New Mexico