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**Examining College Readiness among Latinx and Native American Students:
Education as a Civil Right in the case of *Martínez v. State of New Mexico***

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Abstract

This article examines college readiness indicators among Latina/o/x student and Native American students in New Mexico public schools. This analysis, used in the successful *Martínez v. New Mexico* (2018) case, highlights the disparate levels of access to curricular resources across 15 school districts in New Mexico. Utilizing secondary data from several sources, a story of uneven access and inequity in New Mexico's in public schools is conveyed.

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Introduction

Education is critical for economic and social mobility in the United States and is seen as an equalizing tool for successful integration into the social fabric of this country for groups that have limited generational mobility or migrate to the United States with limited resources. It is even more pressing for students from first-generation, low-income, English Learner status, and diverse backgrounds to have access to educational resources, in an effort to offset the generational poverty that persists among the working poor across the United States and specifically within Mexican American/Latino/x,¹ American Indian, and African American communities (Contreras, 2011; Gandara & Contreras, 2009). In the case of *Martínez v. State of New Mexico* (2018), I served as an expert witness in the area of college readiness. This article highlights the key arguments used in the case to establish the overarching claim that New Mexico's public education system was failing to provide sufficient educational resources to prepare its Latino/a/x and Native American students for postsecondary opportunities.

According to Complete College America (2012), a national campaign to raise college transition and completion, students in New Mexico are below the national average in college readiness and transition rates. For example, 59.4% of American Indian students and 68.4% of Latino students in New Mexico in 2012 that transitioned to a two-year college needed remediation, compared to 48.5% of White students. Latinos also have the highest rates of remediation among students transitioning to a four-year institution in the state. Over 16% of Latino students that enrolled in a four-year university in 2012 required remediation compared to 7.6% of Caucasians (Complete College America, 2012). It is no wonder then, why New Mexico experiences low college completion rates among college goers. The largest degree production that occurs among the Latino students in higher education is among students earning either a certificate ($n=2,879$) or an associate's degree ($n=4,285$). These degrees accounted for over 60% of all degrees earned by Latinos in New Mexico in 2015.

Background

The status of public education in New Mexico is among the lowest across fifty states, with the overall state of well-being for New Mexico's children ranked number 49 out of the 50 states on key indicators such as economic well-being, education, health, and family and

¹ The terms Latinx and Latina/o/x are used interchangeably throughout the article. Latinx is an inclusive umbrella term that applies to the broader Latino community in the United States.

community (Kids Count, 2015). Children in New Mexico live in households that have economic challenges, low parent education levels, systemic barriers to resources, and generational poverty. As a result, less than one third of all adults in New Mexico (29%) have earned an associate degree or higher (Complete College America, 2011). Families in New Mexico, however, are employed, but they represent the working poor, with over 42.8% of the working families in New Mexico living below the 200% federal poverty line in 2012 (Casau, 2014). An additional 16% of working families were 100% below the federal poverty line in 2012, the highest across all fifty states in the country (Casau, 2014). The level of economic depression that exists in a household ultimately impacts the resources families can dedicate to school enhancing activities such as purchasing books, going to libraries and museums, enrolling children in extracurricular activities such as music lessons, or enrolling in high quality pre-K services (Gandara & Contreras, 2009).

Because socioeconomic status is highly correlated with academic performance and outcomes, school systems in states like New Mexico play an even greater role in the lives of low-income children, as they work to close opportunity gaps that exist among low-income students and students from traditionally underrepresented backgrounds (Gandara & Contreras, 2009). Raising student achievement levels early in the K-12 schooling experience is therefore critical to mitigating long-term discrepancies in achievement between students from underrepresented backgrounds and their peers.

Methods

A total of 15 school districts in the state of New Mexico were examined utilizing statewide and national secondary data. To better understand the state of college readiness, select variables were examined from these specific school districts. The variables selected for this analysis are based on K-12 and higher education literature that has helped to frame and define college readiness in the field of education and among practitioners at both levels (ACT, 2014). Data sources therefore span a number of government, public and non-profit sectors, including: The Office of Civil Rights, The Institute for Education Sciences-the National Center for Education Statistics, the New Mexico State Department of Education, Annie Casey Foundation Kids Count Data system, New Mexico Higher Education Department, select institutional reports from universities in New Mexico, and select reports utilizing secondary data related to the state of New Mexico and the identified school districts from national

sources such as The College Board, The ACT and Complete College America. In the absence of reliable state data, public data sources played a key role in this analysis and in the expert witness report.

Limitation of the Data

Perhaps the most difficult aspect of serving as an expert witness in this case was the limitations to the statewide data made available for analysis. The status of the data was extremely poor, with a lack of a clear codebook. The team of experts deemed the data largely unreliable and were forced to seek out national data sets from publicly available sources. This speaks to the critical importance of the Office of Civil Rights Data Collection (OCR data) and the need for federal accountability to states to maintain transparent and accurate public data systems on the students they serve and public that funds the statewide education systems.

College Readiness

Historically, there was no uniform definition of college readiness, many states as well as scholars have attempted to define parameters for college readiness, and the factors that promote the successful transition to college or professional/technical education. According to David Conley (2007):

College readiness can be defined operationally as the level of preparation a student needs to enroll and succeed—without remediation in a credit-bearing general education course at a postsecondary institution that offers a baccalaureate degree or transfer to a baccalaureate program.

Typically, students that are most prepared for college level coursework are the high achievers in high schools that take a series of rigorous courses, honors classes, Advanced Placement (AP) classes, participate in an intervention program such as GEAR UP, TRIO or Upward Bound, and have been engaged in the school and community in extracurricular activities, such as leadership in clubs, sports, playing an instrument, etc. (Gandara & Contreras, 2009; Marsh & Kleitmann, 2002). For youth who attend impoverished schools, where access to resources, a rigorous curriculum, or mentors and counselors may be limited, academic preparation plays an even greater role to ensure college readiness and transition (Valenzuela, 1999). College completion is widely considered the pathway to better jobs, healthier communities, home ownership, civic engagement and the middle class. Because New Mexico does not have a stated policy on college readiness, the state's priorities for expanding educational opportunity and preparedness

through its public education system were unclear and undefined at the time the expert report was submitted for the case. However, given the new ESSA College Readiness guidelines, the state has a clearer approach to college readiness, articulated through the College and Career Readiness Bureau (New Mexico State Department of Education, 2019).

For the purpose of this analysis, excerpts from the expert witness report are used to highlight select variables that were examined to understand the level of access that existed for students attending schools in the 15 school districts. In addition, contextual variables, such as pre-K enrollment, access to GATE (Gifted and Talented Education), enrollment in free/reduced lunch, discipline rates by type were also be examined to understand the district context, learning environments that existed, and potential limitations that begin early in the education system for Latino, American Indian, ELL and low-income students. The following variables were examined across 15 school districts.

<u>School Context Variables</u>
<ol style="list-style-type: none"> 1. State Grades assigned to districts 2. Percent Free/Reduced Lunch 3. Select Discipline Rates 4. GATE Enrollment 5. Teachers in Select School District
<u>College Readiness Indicators</u>
<ol style="list-style-type: none"> 6. Algebra I Enrollment 7. Algebra II Enrollment 8. Calculus Enrollment 9. Physics Enrollment 10. PARCC Assessment Results 11. Graduation Rates 12. AP Exam Enrollment 13. Dual Enrollment & Graduation Rates 14. SAT/ACT Enrollment (Record of Test-Taking)

Figure 1. College readiness variables

Several indicators for school context help to provide an overview of the overall climate for learning that exists in schools. The school context for learning represents the infrastructure that exists in schools and districts that either supports or inhibits student

engagement, learning, and achievement. Select variables were used to assess the socioeconomic status, language learning needs, disciplinary climate, resources and access to gifted programs for high achievers, and the overall graduation rates across the fifteen school districts were examined.

School Context Variables Examined
1. Overall District Grades
2. Percent Free and Reduced Lunch
3. The Plight of ELLs
4. Teachers & Principals by Race/Ethnicity
5. Discipline Rates—out of school suspensions
6. GATE Enrollment

Figure 2. School context variables.

The school context for learning is critical to understand, because it sets the pathway for student readiness, academic performance and socialization within K-12 school context, and ultimately college transition, preparation and readiness. Overall, the data examined shows very high percentages of the number of students eligible for both free and reduced lunch, which has implications for the dedicated resources for youth, such as school supplies, access to online resources and tools, access to external learning opportunities and extracurricular activities such as organized sports, music or art classes.

Albuquerque, the largest school district examined for this report, has 62.6% of its students that are enrolled in the free/reduced lunch program, while other school districts, Zuni Public Schools, Magdalena Municipal Schools, have over 80% of their students enrolled in the free/reduced lunch program. Gadsden Independent Schools, that has a student population of 13,791 youth, has 92.5% of its students enrolled in this program. Conversely, Rio Rancho Public Schools was the only school district with less than half of its students enrolled in the free/reduced lunch program (42.7%). These rates of free and reduced lunch show the financial need that is prevalent in the school districts examined.

Table I.

Free/Reduced Lunch in Select School Districts, 2013-2014 (Percent)

District Name	Total Enrolled	Free Eligible	Reduced Eligible	Free	Reduced	Free & Reduced
ALBUQUERQUE PUBLIC SCHOOLS	87,296	47,885	6,744	54.9	7.7	62.6
ESPANOLA PUBLIC SCHOOLS	4,093	2,408	481	58.8	11.8	70.6
GADSDEN INDEPENDENT SCHOOLS	13,791	12,010	748	87.1	5.4	92.5
LAS CRUCES PUBLIC SCHOOLS	24,670	13,348	1,503	54.1	6.1	60.2
MAGDALENA MUNICIPAL SCHOOLS	376	292	16	77.7	4.3	81.9
SANTA FE PUBLIC SCHOOLS	13,729	8,436	1,021	61.4	7.4	68.9
ZUNI PUBLIC SCHOOLS	1,292	976	141	75.5	10.9	86.5
CUBA INDEPENDENT SCHOOLS	574	376	68	65.5	11.8	77.4
GALLUP MCLINEY COUNTY SCHOOLS	11,811	8,752	1,109	74.1	9.4	83.5
GRANTS-CIBOLA COUNTY SCHOOLS	3,622	2,365	349	65.3	9.6	74.9
HATCH VALLEY PUBLIC SCHOOLS	1,414	1,292	57	91.4	4.0	95.4
JEMEZ VALLEY PUBLIC SCHOOLS	342	259	35	75.7	10.2	86.0
LAKE ARTHUR MUNICIPAL SCHOOLS	143	93	33	65.0	23.1	88.1
MORIARTY-EDGEWOOD SCHOOLS	2,738	1,441	206	52.6	7.5	60.2
SANTA FE PUBLIC SCHOOLS	13,729	8,436	1,021	61.4	7.4	68.9
RIO RANCHO PUBLIC SCHOOLS	17,305	5,980	1,411	34.6	8.2	42.7

Source. New Mexico State Department of Education.

Participation in GATE Programs

Gaps in GATE (Gifted and Talented Education) identification, enrollment and participation are well documented between African American, Mexican American, and American Indian students compared to their White and Asian American peers in the education system (Bernal, 2002; Darling-Hammond, 2010; Ford & Harris, 1999; Ford, Harris, Tyson, & Trotman, 2002; Grantham, 2003; Lee, Matthews, & Olszewski-Kubilius, 2008; Worrell, 2007). Students from historically underrepresented communities (Mexican/Latino, American Indian, African American) are less likely to be selected by their teachers or school staff to participate in GATE programs due to teacher biases toward race/ethnicity and gender, low school performance, or perception of ability. In addition, researchers have found that teacher’s attitudes and understanding of culturally diverse learners plays an important role in the selection of these students for special programs (Ford & Harmon, 2001). As a result, teachers play a gatekeeping function, with the ability to provide or deny access to programming for gifted

learners in school contexts (Bernal, 2002).

The data for New Mexico was lower than the national average, which consists of all states with less Mexican American/Latino and American Indian students enrolled in its K-12 schools. In 2011-12 Latinos represented 5% while American Indian students constituted 6% of students in the nation enrolled in GATE programs. In a state with a high concentration of Mexican American and American Indian K-12 students the fact that the representation in GATE is below the national average suggests that teachers may be less likely to refer and identify their American Indian and Mexican American/Hispanic students for Gifted programming within their schools. To provide an example of the disparity in GATE enrollment, all 15 focus districts were examined using the Office of Civil Rights data set for 2009-2010 and 2011-2013 and found to have smaller proportions of Latino students enrolled in GATE compared to their district composition. Tables 2 and 3 provide an overview of GATE enrollment in select districts Table 2.

GATE Participation Rates by Race/Ethnicity, Martínez Focus Districts, 2009-2010 & 2011-2012 (Percent)

District	Total n		African American		American Indian		Asian American		Mexican/Latino		White	
	2009	2011	2009	2011	2009	2011	2009	2011	2009	2011	2009	2011
	5405	5571	2.6	2.1	2.8	2.6	5.1	4.8	35.1	44	54.5	41.2
Albuquerque												
District	90375	88518	4.1	2.3	5.2	3.9	2.4	2.2	58.7	66.4	29.6	22.1
Espanola	25	82	0	2.4	0	4.9	0	4.9	80	78	20	9.8
District	4210	4111	.4	.9	7.2	6.8	.6	.8	89.4	87.3	2.4	4.1
Gasden	270	254	0	0	0	0	0	1.6	92.6	89.8	7.4	8.7
District	13955	14152	.1	.3	.1	.1	.1	.2	96.3	96.3	3.3	3.1
Las Cruces	1545	1919	1.9	2.3	1.0	1.7	3.9	4.4	46.9	49.2	46.3	42.2
District	24970	24667	2.6	2.6	.9	1.0	1.3	1.1	71.9	74.2	23.2	20.7
Magdalena	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
District	NA	385	NA	2.6	NA	46.8	NA	0	NA	28.8	NA	21.8
Santa Fe	310	425	1.6	1.4	3.2	3.8	3.2	4.2	33.9	23.8	58.1	66.4
District	12550	12471	1.0	1.1	2.5	2.8	1.5	1.5	76.8	70.3	18.2	23.7
Zuni	NA	4	NA	0	NA	100	NA	0	NA	0	NA	0
District	NA	1283	NA	.2	NA	98.8	NA	.7	NA	0	NA	0

Note. This table represents select Race/Ethnic categories; not all classifications. Source. Office of Civil Rights Data Collection, 2009, 2011. NA—Not available in Office of Civil Rights Data System for this year. For Magdalena School District, only select variables were submitted for the district. GATE enrollment was not included.

The Albuquerque data shows the disconnect between the composition in the district and enrollment in GATE. This pattern is evident across all of the districts examined. These

findings are consistent with national research on the underrepresentation of Latino students in GATE programs in part due to teacher nomination, parent understanding and advocacy for GATE testing or failure to test Mexican Americans and Latinos for GATE altogether (Bernal, 2002).

For American Indian students in Albuquerque School district, the data also shows disproportionality with the district composition. These data suggest that teachers are not likely to recommend the Mexican American/Latino students for gifted programs in comparison to other groups. In 2009-10 and 2011-12 school years, White students were enrolled in GATE approximately three times their proportion in the district. The GATE data conveys the uneven reporting that exists across the districts examined. For the districts that did possess data on GATE enrollment, such as Grants-Cibola, a clear divide exists between the American Indian and

GATE Participation Rates by Race/Ethnicity, Yazzie Plaintiff Focus Districts, 2009-2010 & 2011-2012 (Percent)

District	Total n		African American		American Indian		Asian American		Mexican/Latino		White	
	2009	2011	2009	2011	2009	2011	2009	2011	2009	2011	2009	2011
Cuba	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
District	NA	543	NA	0	NA	62.4	NA	1.1	NA	32	NA	4.4
Gallup-McKinley	400	NA	1.3	NA	52.5	NA	5	NA	17.5	NA	23.8	NA
District	12510	NA	.3	NA	80.6	NA	.9	NA	12	NA	6.2	NA
Grants-Cibola	NA	79	NA	2.5	NA	27.8	NA	2.5	NA	26.6	NA	40.5
District	NA	3667	NA	1.1	NA	41	NA	.5	NA	40.1	NA	17.2
Hatch Valley	NA	10	NA	0	NA	0	NA	0	NA	80	NA	20
District	NA	1431	NA	0	NA	.1	NA	0	NA	93.5	NA	6.4
Jemez Valley	NA	10	NA	0	NA	0	NA	0	NA	40	NA	60
District	NA	551	NA	0	NA	71.1	NA	.7	NA	18.7	NA	8.2
Lake Arthur	NA	2	NA	0	NA	0	NA	0	NA	0	NA	100
District	NA	140	NA	1.4	NA	0	NA	0	NA	75	NA	23.6
Moriarty	220	164	4.5	4.9	0	1.2	2.3	2.4	22.7	31.7	70.5	59.8
District	3335	3202	1.6	1.9	2.1	2.3	.9	1.0	38.1	41.6	57.3	53.2
Rio Rancho	695	753	2.9	3.3	2.2	2.9	4.3	4	23.7	27.5	66.9	59.4
District	16750	16795	4.8	3.5	4.2	3.7	2.9	2.1	42	46.6	46.1	42

Source. Office for Civil Rights Data Collection, District Profiles, 2009-2010 and 2011-2012 school years. NA—means that data was not reported or available for this data point for that year.

divide exists between the American Indian and Latino students that are identified and enrolled in GATE despite the fact that these two groups represent the largest concentration of students

in the district.

Preparation: Access to College Readiness Curriculum

Access to a rigorous curriculum in middle school and high school are critical components of college readiness (Contreras, Flores, Lee, McGuire, 2011). This section highlights access to specific STEM related courses as collected by the Office of Civil Rights for the Department of Education. The courses reviewed for access during the 2009-10 and 2011-12 school years include Algebra I, Calculus, and Physics. STEM courses were selected because gaps in performance are greatest in Math achievement between underrepresented students and their Asian American and White peers. In addition, students who took Algebra I, Algebra II, Geometry, Trigonometry, or Calculus in high school scored significantly higher than those who did not take these STEM courses in high school (ACT, 2016). Access to Algebra I and Calculus is discussed here.

Table 4.

Algebra I Enrollment by 7th or 8th grade by Race/Ethnicity in MALDEF Focus Districts, 2009-2010 & 2011-2012

District	Total n		African American		American Indian		Asian American		Mexican/Latino		White	
	2009	2011	2009	2011	2009	2011	2009	2011	2009	2011	2009	2011
Albuquerque	1415	1757	2.8	1.8	3.2	2.3	6.4	5	44.2	53.2	43.5	33
District	90375	88518	4.1	2.3	5.2	3.9	2.4	2.2	58.7	66.4	29.6	22.1
Espanola	NA	53	NA	0	NA	0	NA	0	NA	92.5	NA	3.8
District	4210	4111	.4	.9	7.2	6.8	.6	.8	89.4	87.3	2.4	4.1
Gadsden Independent	195	199	0	0	0	0	0	0	94.9	88.4	5.1	11.6
District	13955	14152	.1	.3	.1	.1	.1	.2	96.3	96.3	3.3	3.1
Las Cruces	310	390	3.2	4.9	0	1.5	4.8	2.1	46.8	53.3	45.2	38.2
District	24970	24667	2.6	2.6	.9	1.0	1.3	1.1	71.9	74.2	23.2	20.7
Magdalena Municipal	NA	13	NA	0	NA	30.8	NA	0	NA	30.8	NA	38.5
District	NA	385	NA	2.6	NA	46.8	NA	0	NA	28.8	NA	21.8
Santa Fe	205	385	0	2.1	2.4	3.1	0	2.1	73.2	63.4	24.4	28.8
District	12550	12471	1.0	1.1	2.5	2.8	1.5	1.5	76.8	70.3	18.2	23.7
Zuni	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
District	NA	1283	NA	.2	NA	98.8	NA	.7	NA	0	NA	0

Source: Office for Civil Rights Data Collection, District Profiles, 2009-2010 and 2011-2012 school years. NA—means that data was not reported or available for this data point for that year.

Few students appear to be enrolled in Algebra I by 7th or 8th grade based on the data from the Office of Civil Rights. What is also important to note in the data is the number of

“Not Available” data points, meaning the data provided to the Office of Civil Rights was not complete for both years across the districts examined. Algebra I access in middle school is considered an important predictor of high school and college readiness (Balfanz, 2009; Wiley, Wyatt, & Camara, 2010). The fact that the few students are taking this course level work and that these data have not been routinely reported to the Office of Civil Rights Data collection, shows the limitations of college preparation in middle school.

The data for Calculus enrollment also shows very a smaller proportion of Latino students enrolled in Calculus (Table 5). Advanced math courses in high school are strongly considered for entrance into STEM majors in four-year colleges and universities and are routinely part of the rigorous curriculum students take to be competitive for highly selective colleges in the United States (Contreras, 2005, 2011; Gandara & Contreras, 2011). Previous research has found Latino students with limited access to advanced level math curriculum, which is a reflection of school resources and access to highly qualified teachers to offer advanced math courses in high schools.

Table 5.

Enrollment in Calculus, Select Martínez Plaintiff School Districts, 2009-10 & 2011-12

District	Total n		African American		American Indian		Asian American		Mexican/Latino		White	
	2009	2011	2009	2011	2009	2011	2009	2011	2009	2011	2009	2011
Albuquerque	70	661	7.1	2.6	0	2.4	0	7.4	35.7	35.7	57.1	47.7
District	90375	88518	4.1	2.3	5.2	3.9	2.4	2.2	58.7	66.4	29.6	22.1
Espanola	10	8	0	0	0	0	0	0	100	50	0	50
District	4210	4111	.4	.9	7.2	6.8	.6	.8	89.4	87.3	2.4	4.1
Gadsden Independent	55	32	0	0	0	0	0	6.3	100	87.5	0	6.3
District	13955	14152	.1	.3	.1	.1	.1	.2	96.3	96.3	3.3	3.1
Las Cruces	NA	23	NA	0	NA	0	NA	26.1	NA	26.1	NA	47.8
District	24970	24667	2.6	2.6	.9	1.0	1.3	1.1	71.9	74.2	23.2	20.7
Magdalena Municipal	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
District	NA	385	NA	2.6	NA	46.8	NA	0	NA	28.8	NA	21.8
Santa Fe	35	22	0	0	0	0	0	18.2	42.9	27.3	57.1	54.5
District	12550	12471	1.0	1.1	2.5	2.8	1.5	1.5	76.8	70.3	18.2	23.7
Zuni	NA	5	NA	0	NA	100	NA	0	NA	0	NA	0
District	NA	1283	NA	.2	NA	98.8	NA	.7	NA	0	NA	0

Source: Office for Civil Rights Data Collection, District Profiles, 2009-2010 and 2011-2012 school years. NA—means that data was not reported or available for this data point for that year.

The data for select districts initially examined for the New Mexico Center on Law & Poverty,² limited with many of these school districts having incomplete or no data to report. Much of the data was not reported for these districts, adding to the difficulty of assessing whether New Mexico is providing access to rigorous high school curricula in its public schools. In this case, the missing data also tells an important story, one of inaccurate reporting mechanisms to the federal government.

Table 6.

Enrollment in Calculus in Select Yazzie Plaintiff Schools, 2009-10 & 2011-12, (Percent)

District	Total n		African American		American Indian		Asian American		Mexican/Latino		White	
	2009	2011	2009	2011	2009	2011	2009	2011	2009	2011	2009	2011
Cuba	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
District	NA	543	NA	0	NA	62.4	NA	1.1	NA	32	NA	4.4
Gallup-McKinley	20	NA	0	NA	50	NA	0	NA	25	NA	25	NA
District	12510	NA	.3	NA	80.6	NA	.9	NA	12	NA	6.2	NA
Grants Cibola	NA	17	NA	0	NA	23.5	NA	11.8	NA	52.9	NA	11.8
District	NA	3667	NA	1.1	NA	41	NA	.5	NA	40.1	NA	17.2
Hatch Valley	NA	4	NA	0	NA	0	NA	0	NA	100	NA	0
District	NA	1431	NA	0	NA	.1	NA	0	NA	93.5	NA	6.4
Jemez Valley	NA	7	NA	0	NA	0	NA	0	NA	0	NA	0
District	NA	551	NA	0	NA	71.1	NA	.7	NA	18.7	NA	8.2
Lake Arthur	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
District	NA	140	NA	1.4	NA	0	NA	0	NA	75	NA	23.6
Moriarty	10	20	0	0	0	0	0	0	0	35	100	65
District	3335	3202	1.6	1.9	2.1	2.3	.9	1.0	38.1	41.6	57.3	53.2
Rio Rancho	80	NA	0	NA	0	NA	12.5	NA	18.8	NA	68.8	NA
District	16750	16795	4.8	3.5	4.2	3.7	2.9	2.1	42	46.6	46.1	42

Source: Office for Civil Rights Data Collection, District Profiles, 2009-2010 and 2011-2012 school years. NA—means that data was not reported or available for this data point for that year.

Performance on College Ready Indicators: PARCC

Student assessment outcomes across the K-12 continuum serve as indicators of academic preparation and ultimately college readiness. This section highlights student performance across select school districts and grades using the new PARCC (Partnership for Assessment of Readiness for College and Careers) data system, first implemented in 2014-2016. Meeting the assessed through PARCC is a requirement for high school graduation in

² Initially two cases were filed in New Mexico, *Yazzie v. State of New Mexico* and *Martínez v. State of New Mexico*. Judge Singleton moved to consolidate the Plaintiffs into one.

New Mexico.

In states with exit exams, significant increases in student achievement have not occurred. The high stakes nature of exams has not raised student college readiness levels either, as seen by high remediation rates among Latino, American Indian, African American, low-income and first-generation students. In New Mexico in 2013, 64.2% of students entering a two-year college required remediation and 46% of those entering a non-flagship 4-year university required remediation (Complete College America, 2015). States have historically invested considerable resources into assessment systems and have adopted policies that are punitive in nature, rather than serve as a catalyst for increased intervention and investment in students (Contreras, 2010).

Data used for this analysis is directly from the New Mexico State Department of Education for the 2016 assessment period. One of the features that stands out as problematic in how the data is organized is the fact that “Proficient and Above” are aggregated categories for this data file. These two areas should be disaggregated in order to get a better sense of the proportion of students that are “proficient” and the proportion that are scoring “above” in a content area.

The statewide data for PARCC in 2016 shows Latino students, American Indian students, economically disadvantaged students, and English language learners scoring less than proficient in reading, math and science.

Table 7.

Student PARCC Data Outcomes, All Assessments, Select Grades, 2016

Grade	Group	Reading		Math		Science	
		Count	Proficient & Above %	Count	Proficient & Above %	Count	Proficient & Above %
3	All Students	25,779	25.4	25,803	30.2		
3	Female	12,542	28.5	12,555	30.1		
3	Male	13,237	22.5	13,248	30.3		
3	Caucasian	6,083	37.9	6,084	44.8		
3	African American	540	21.7	541	26.2		
3	Hispanic	16,129	22.3	16,141	26.3		
3	Asian	338	45.9	343	63.6		
3	American Indian	2,689	13.9	2,694	17.1		
3	Economically	20,088	20.3	20,112	24.3		
3	Students w Disabilities	3,655	8.2	3,666	11.3		
3	English Language Learners	5,940	16.1	5,976	15.6		

Examining College Readiness among Latinx and Native American Students

3	Migrant	27	7.4	27	7.4		
7	All Students	24,091	23.2	24,133	17.7	24,338	44.9
7	Female	11,958	29.7	11,963	18.3	12,093	44.9
7	Male	12,133	16.8	12,170	17.1	12,245	44.8
7	Caucasian	5,721	38.0	5,747	30.2	5,793	66.3
7	African American	518	24.3	520	13.3	514	43.8
7	Hispanic	14,980	18.5	14,989	14.0	15,139	39.7
7	Asian	368	49.7	377	44.8	374	69.3
7	American Indian	2,504	13.4	2,500	8.2	2,516	23.4
7	Economically	17,469	16.5	17,472	12.0	17,646	36.5
7	Students w Disabilities	3,639	6.0	3,637	6.6	3,713	15.2
7	English Language Learners	2,912	5.0	2,929	3.5	2,938	10.0
7	Migrant	23	8.7	23	4.3	21	14.3
9	All Students	24,166	27.4	24,990	18.2		
9	Female	11,785	34.7	12,214	19.0		
9	Male	12,381	20.5	12,776	17.4		
9	Caucasian	6,020	44.3	6,144	32.3		
9	African American	526	22.2	529	11.3		
9	Hispanic	14,619	21.7	15,277	13.5		
9	Asian	374	54.8	379	47.2		
9	American Indian	2,627	17.7	2,661	9.7		
9	Economically	16,017	19.3	16,675	11.7		
9	Students w Disabilities	3,052	3.4	2,945	2.9		
9	English Language Learners	2,997	2.8	3,088	2.6		
9	Migrant	20	<2.0	30	<2.0		
11	All Students	21,381	44.6	17,520	10.1	22,124	39.4
11	Female	10,627	52.7	8,695	9.5	10,970	34.8
11	Male	10,754	36.5	8,825	10.6	11,154	43.8
11	Caucasian	5,395	61.4	4,120	19.3	5,598	63.0
11	African American	459	38.8	407	7.1	503	30.4
11	Hispanic	12,845	39.8	10,725	7.1	13,275	32.5
11	Asian	385	66.5	262	29.4	399	58.6
11	American Indian	2,297	29.5	2,006	4.9	2,348	20.4
11	Economically	13,189	35.4	11,276	6.8	13,586	29.5
11	Students w Disabilities	2,339	12.1	2,122	7.7	2,505	14.7
11	English Language Learners	1,711	7.1	1,474	4.2	1,695	6.4
11	Migrant	13	15.4	13	<2.0	15	6.7

Source: New Mexico State Department of Education. PARCC Data File 2016. Retrieved from <http://ped.state.nm.us/AssessmentAccountability/AcademicGrowth/NMSBA.html>

The 7th, 9th and 11th statewide data shows similar gaps, with even lower proficiency rates among Latino, American Indian, economically disadvantaged and English language learners. In a state where Latinos constitute 60% of its student population, these performance data offer a glimpse of what the state might expect in terms of college readiness as New Mexico Latino

children progress through the school system and conveys the need for targeted investment and academic supports throughout.

College Transition

It was critical to discuss measures that influence college transition, in helping to frame college readiness for the courts. The pathway to higher education for students from underrepresented backgrounds is largely uneven nationally, and in states like New Mexico with high concentrations of Latino and historically underrepresented students, college transition typically starts at the community college level rather than four-year universities (Contreras, 2011; McKillip & Li, 2013). Select variables such as SAT or ACT Enrollment, Graduation Rates, Dual Credit Enrollment, AP Enrollment and passing rates were used to frame the process of college transition in the expert witness brief. This section highlights SAT and ACT and AP enrollment to offer context for the arguments made surrounding student preparation and access to services that likely facilitate college transition.

SAT and ACT Enrollment

Taking the SAT exam in high school is a marker of the intent to transition to college. Students who are taking the SAT in high school are likely planning to apply to a four-year university because community colleges do not require an SAT or ACT score for college admission (Contreras, 2005). Most districts had less than 1% of ELL/LEP students enrolled in one of these college entrance exams in both 2009-10 and 2011-12. This is particularly concerning for districts that have sizable ELL student populations. The data suggests that by the time an ELL student reaches high school graduation, they are not prepared for college and less likely to engage in college going practices like taking the SAT or ACT entrance exams (Callahan, 2005; Dabach & Callahan, 2011). This population, the LTELS (Long Term English Language Learner) population is among the most underserved students in the K-12 system (Dabach & Callahan, 2011).

AP Enrollment

AP Enrollment was used in this analysis because it is largely considered to represent rigor in the high school context and also provides students with a pathway for earning college credit while in high school. However, equitable access to AP remains uneven, particularly for low-income first generation Latinx and Native American youth (Contreras, 2005; Gau, 2016). The data on AP exam participation shows a gap that exists between taking an AP exam and

actually scoring with a 3 or better, which translates into college credit at many four-year institutions.

While AP enrollment and test taking is not a panacea for college readiness, student success in AP has larger implications for college transition and preparedness, and perhaps is an even stronger predictor of college completion compared to dual credit enrollment (Wyatt, Patterson, & Giacomo, 2015). The data for New Mexico shows growing levels of participation over the past decade but earning a score of 3 or higher among AP test takers is the challenge. These data further show the importance of not only providing access to AP exams but also the tools necessary to be successful on the AP assessment measures.

Table 8.

Trends in AP Enrollment and Success in New Mexico by Race/Ethnicity, Select Years (Percent)

Student Group	Total N	2003		2008		2012		2013	
		Grads taken AP	Grads Scoring 3 or >	Grads taken AP	Grads Scoring 3 or >	Grads taken AP	Grads Scoring 3 or >	Grads taken AP	Grads Scoring 3 or >
Low Income	4974	34.2 (n=947)	29.1 (n=370)	44.1 (n=1,661)	37.4 (n=651)	46 (n=2213)	37.8 (n=797)	45.9 (n=2336)	39.3 (n=853)
Black	102	1.4 (n=38)	.9 (n=12)	1.9 (n=72)	1.9 (n=33)	2.0 (n=96)	1.4 (n=30)	2.0 (n=102)	1.3 (n=29)
Latino	2378	33 (n=912)	27 (n=344)	38.8 (n=1462)	32.6 (n=567)	45.5 (n=2190)	39.7 (n=837)	46.7 (n=2378)	43 (n=934)
American Indian	298	5.6 (n=156)	1.5 (n=19)	5.9 (n=222)	2.7 (n=47)	5.6 (n=269)	2.4 (n=51)	5.9 (n=298)	1.8 (n=40)
White	1819	48.2 (n=1335)	41.3 (n=729)	43 (n=1622)	36 (n=898)	36.6 (n=1763)	31 (n=939)	35.7 (n=1819)	30.9 (n=950)

Source: AP Report to the Nation, State Supplement, 2014.

Conclusion

Despite the fact that Latinos represent a critical mass of students in the K-12 system in New Mexico, and the fact that New Mexico has a critical mass of Native American students and tribal communities, the state falls short of being responsive to two of the largest ethnic groups, and preparing them for postsecondary options. The state of New Mexico is also inhibited in its ability to serve its students without accurate, timely, and accessible data to better identify students in need of intervention and monitor student progress longitudinally. The New Mexico Public Education Department data system is limited in scope, capacity, consistency, and user capability. As a result, several more reliable data sources were used for this report and analysis. As a public education department that serves a diverse base of students in the state,

all stakeholders should be able to access relevant educational data and produce basic statistical profiles on ELL students, racial/ethnic subgroups, and districts. Many states have invested in user friendly online data platforms, that helps to inform all key stakeholders on the status of student progress and helps to ensure transparency.

For every measure used in the analysis of achievement indicators and access to curricular resources of select school districts throughout the state of New Mexico, the state of New Mexico has not effectively addressed the needs of its Latinx and Native American students in the K-12 sector. The expert report and analysis concluded the need for targeted mechanisms for investing in greater academic supports for its Latinx and Native American students to ensure higher levels of college readiness, transition and completion. The report argued for a clear policy and detailed framework on college readiness and specified pathway for districts to follow that would enable districts to create a stronger infrastructure for raising student achievement among all students. The state has the opportunity to alter the pathway of underachievement among its diverse base of students by creating an infrastructure for college readiness and success for all of its students. Finally, as the Plaintiffs in the case argued, and this article conveys, the state of New Mexico under the Martínez case victory is compelled to alter the direction of insufficient investment in its Latinx and Native American students and honor its greatest resource—the state’s youth. This case highlights the power of students, parents, community organizations, scholars and the legal arena to invoke tangible and systemic changes that will impact generations.

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