



## Administrative Office of the Courts

FOR IMMEDIATE RELEASE

March 18, 2024

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### **Supreme Court to hear case in Albuquerque for educational program**

SANTA FE – Students will have an opportunity to watch an oral argument on a case involving a public school when the state Supreme Court convenes in Albuquerque next month for a program to help young people learn about the law and courts.

The argument on April 29 at Central New Mexico Community College (CNM) represents the fourth year for the Court’s Rule of Law Program. The Court will convene at 10 a.m. in Smith Brasher Hall. Students may attend in person or watch virtually through a live stream of the proceeding. A Spanish translation of the live stream will be available.

“Our goal is to help students understand the role of the court system in resolving disputes and how our society functions within a framework of laws,” said Justice David K. Thomson, who organized the program for civic education.

During the oral argument, attorneys will present their legal positions and respond to questions from the justices. After the argument, members of the Court will deliberate in private while attorneys for each side of the case will remain to answer questions from students. The Court will return to announce a decision if the Justices reach agreement during their deliberations.

The case before the Court involves a lawsuit brought against Albuquerque Public Schools after a high school teacher called a Navajo student a “bloody Indian” during a class in 2018 on Halloween. The student, McKenzie Johnson, was dressed in a costume and had fake blood on her cheek. The incident occurred after the teacher allegedly cut off part of the braided hair of another Native American student.

Johnson sued the school district in 2020, alleging violations of the New Mexico Human Rights Act, which prohibits discrimination by any person in places of “public accommodation.” A district court dismissed the lawsuit, concluding that the school district and the teacher were not public accommodations within the meaning of the law. The Human Rights Act defined public accommodation as “any establishment that provides or offers its services, facilities,

accommodations or goods to the public, but does not include a bona fide private club or other place or establishment that is by its nature and use distinctively private.”

The state Court of Appeals overturned the ruling last year, which revived the lawsuit. The school district appealed, asking the Supreme Court to resolve the legal dispute over whether public schools are subject to the Human Rights Act. The Legislature changed the anti-discrimination law last year to apply it to governmental entities, but the case before the Supreme Court involves the statutory provisions in effect at the time Johnson brought her legal claims.

“The presentation of the case will illustrate the approaches taken by courts to discern the meaning of a state statute and apply the law to particular factual situations,” said Justice Thomson. “The judicial process can demonstrate for students that there are reasonable positions on both sides of an issue and the most effective method of resolving disputes is through civil discourse, careful deliberation and adherence to the rule of law.”

The Supreme Court Law Library has prepared materials for teachers and students that outline the issues in the case. Any school or class interested in attending the oral argument should contact Tamara Mitchell, [suptdm@nmcourts.gov](mailto:suptdm@nmcourts.gov), to learn more.

The case is *Johnson v. Board of Education for Albuquerque Public Schools, et. al.*, S-1-SC-39961.

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