

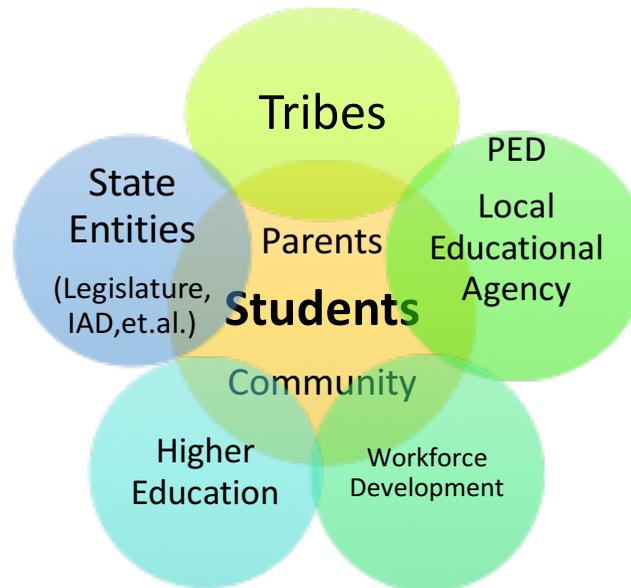
**NEW MEXICO TRIBAL YAZZIE/MARTINEZ REMEDY FRAMEWORK**

**WORKING GOVERNMENT-TO- GOVERNMENT**

**2019-2020**

**EDUCATIONAL AND FUNDING PRIORITIES IN RESPONSE TO THE YAZZIE/MARTINEZ V. STATE OF NEW MEXICO EDUCATION CASE JOINTLY DEVELOPED BY THE SOVEREIGN NATIONS OF NEW MEXICO: NAVAJO NATION, MESCALERO APACHE TRIBE, JICARILLA APACHE NATION, ALL PUEBLO COUNCIL OF GOVERNORS INCLUDING PUEBLOS OF ACOMA, COCHITI, ISLETA, JEMEZ, LAGUNA, NAMBE, OHKAY OWINGEH, PICURIS, POJOAQUE, SAN FELIPE, SAN ILDEFONSO, SANDIA, SANTA ANA, SANTA CLARA, SANTO DOMINGO, TAOS, TESUQUE, ZIA, AND ZUNI.**

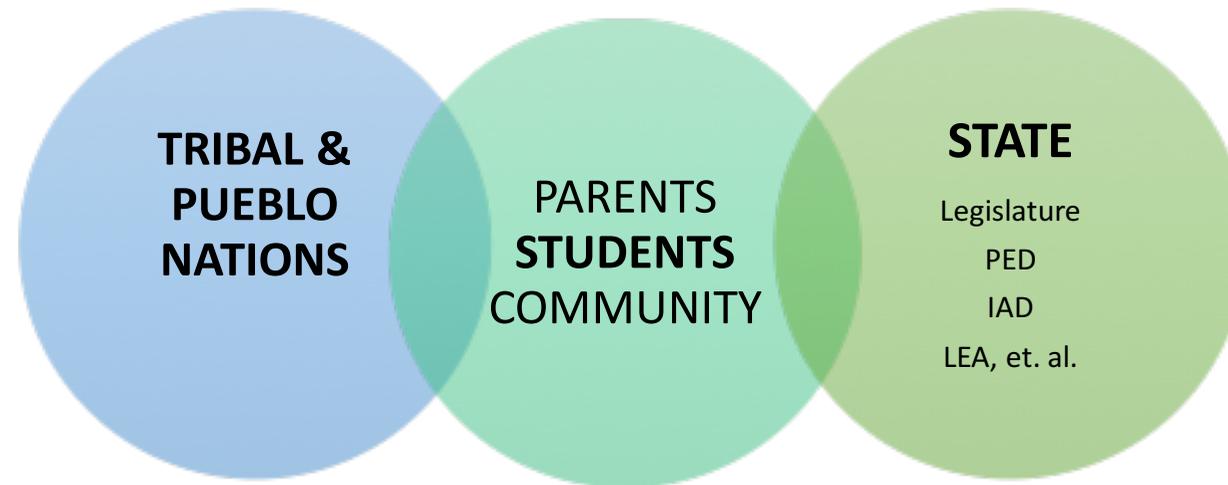
**These educational and funding priorities resulted from a year-long process of Community Institutes designed to engage tribal leadership, students, parents, and community members. They were developed collaboratively with State/Tribal educational stakeholders. To address the unmet needs of Native American students will require a collaborative process that involves those entities listed on the graphic below.**



1 Educational & Funding Priorities Response to *Yazzie/Martinez* - December 2019  
This is a working document and maybe subject to Tribal modification. Last updated 12/18/19.

These priorities supported by State and Federal law, are in compliance with the Indian Education Act, in accordance with the findings of the *Yazzie/Martinez* case, and are consistent with the PED Operating Commitments and Guiding Philosophy (See *Identity, Equity, and Transformation*, PED Memorandum, September 16, 2019 and NMPED: Developing the Navajo Education Blueprint: A response to the *Yazzie/Martinez*, October 17, 2019).

The following demonstrates the government-to-government relationship affecting Native American students, parents, and communities:





SIGNIFICANT EDUCATIONAL CHALLENGES					
NM Indian Education Act	Yazzie Findings (Citing Findings of Facts and Conclusions of Law)	Tribal Recommendations	Remedies/ Appropriations	Accountability & Compliance	Educational Sovereignty: Tribal Laws/ Resolutions
	classroom culturally relevant curriculum that contains the historical contributions made by indigenous people... <i>Yazzie</i> at ¶ 475.	Development Center (\$2.5M <b>Nonrecurring</b> )		<p><u>NM STATE LAW</u>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session</i>. Adopted and Approved on 08/22/19.</p>
Maintenance of Native Language. IEA, 22-23A-2(B). [Native American Language Teacher Development and Certification]	<p>Language is necessary for the continuation of the culture and traditions of indigenous tribes; there is no substitute. <i>Yazzie</i> at ¶ 486.</p> <p>New Mexico's system of education does not provide Native American students the necessary programs and services that meet their unique cultural and linguistic needs. ¶ 523.</p> <p>It is important for Native American English learners (NAEL) to have Native American teachers because they have the ability to relate to and interact with NAEL students effectively, do serve as English proficient models to students, and are likely to remain</p>	<ul style="list-style-type: none"> <li>• Native Languages unit value</li> <li>• Funding for American Indian language, research, and teacher training.</li> <li>• Funding for professional development for language teachers</li> <li>• Funding for professional development of Language Coordinators and Tribal Directors</li> <li>• Navajo Culture and Curriculum Materials Development and Education Center (\$800,000.00 Navajo Tech. Univ. <b>Recurring</b>)</li> <li>• Navajo Language and Culture Curriculum Materials Development Materials Development Center (\$2.5M <b>Nonrecurring</b>)</li> <li>• Funding for Curriculum, Material Development Center for Zuni to establish and</li> </ul>	<p><b>(New Legislation, amendments to existing statutes)</b>  <b>HB 516</b>  <b>HB 516</b></p> <p><b>HB 516</b></p> <p><b>HB 516</b></p> <p><b>HB 670</b></p>	<p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>            Assessment, Accountability &amp; Governance</p>	<p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico</i>. Adopted and Approved on 11/6/2019.</p>

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	employed at the school. <i>Yazzie</i> at ¶323.	<p>Educational Center (\$350,000.00 reoccurring funding).</p> <ul style="list-style-type: none"> <li>• Funding for Zuni (A:shiwí) College for Teacher Prep Program (\$150,000.00 reoccurring funding).</li> <li>• Funding for Zuni Language Teacher Prep Program (\$150,000.00 reoccurring funding).</li> <li>• Operational funding for Zuni (A:shiwí) College to develop a Zuni language program (\$100,000.00 reoccurring funding).</li> </ul>		<p><b>NM STATE LAW</b>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session</i>. Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p>
Development of Systems that Positively Affect Academic Success of Indian Students. IEA, 22-23A-2(C)	<p>New Mexico’s system of education does not provide Native American students the necessary programs and services that meet their unique cultural and linguistic needs. <i>Yazzie</i> at ¶ 523.</p> <p>Defendants admit that PED has not developed any educational systems that are specifically targeted at improving the</p>	<ul style="list-style-type: none"> <li>• Establish an American Indian Education Institute to improve American Indian education student recruitment and retention. (UNM)</li> <li>• At-Risk Provisions for Navajo Community Based Programs (<i>requires amendment to Community Schools Act to include explicit language for Tribes and Pueblos to develop wrap around service models</i>).</li> </ul>	<p><b>HB 516</b> <b>HB 250</b></p> <p><b>Amendments to existing Statute</b></p> <p><b>HB 516</b></p>	<p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p>	<p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico</i>. Adopted and Approved on 11/6/2019.</p>

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	<p>success of Native American students. <i>Yazzie</i> at ¶ 560.</p> <p>Defendants do not staff the IED in a way that would enable it to study, develop, and provide guidance on effective systems of education for Native American students. <i>Yazzie</i> at ¶ 598.</p>	<ul style="list-style-type: none"> <li>• Funding to American Indian Student Services for: student recruitment and retention; summer bridge programs; academic, cultural, and financial advisement. UNM</li> <li>• Funding for American Indian Student Support Services, to provide student support, academic and financial advisement, and student retention and internships.</li> <li>• Funding for the College of Education’s American Indian programs.</li> <li>• Establish a Native American Public Education Commission authorized to establish Native American Charter schools in collaboration with PED and local public school districts</li> </ul>	<p><b>HB 516</b></p> <p><b>HB 516</b></p> <p><b>Amend current statutes</b></p>	<p><u>NM STATE LAW</u>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>            Assessment, Accountability &amp; Governance</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session.</i> Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico.</i> Adopted and Approved on 11/6/2019.</p>

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School Governance. IEA, 22-23-2(D).	<p>Defendants' lead expert on Indian Education admitted that the system of education as applied to Native Americans in New Mexico is broken and not sufficient. <i>Yazzie</i> at ¶529</p> <p>New Mexico does not provide any evaluation or oversight into the efforts made by PED to improve academic performance of Native American children. <i>Yazzie</i> at ¶ 525.</p> <p>Witnesses from districts located on or near tribal lands, where Native American students' culture and language is most prevalent, testified that an institutionalized, culturally-relevant program for Native American students, as required by the NM Indian Education Act, is nonexistent or piecemeal at best. <i>Yazzie</i> at ¶ 630.</p>	<ul style="list-style-type: none"> <li>Funding for the American Indian education leadership education specialist and administrative licensure programs to increase the number of American Indian school administrators. (UNM)</li> <li>Recurring funding to Pueblos, Mescalero, and Jicarilla tribal departments of education for (\$150,000 each reoccurring) <ul style="list-style-type: none"> <li>~ Development of Education Blueprint</li> <li>~ Development of Governance Template</li> <li>~ Monitoring and Evaluation</li> <li>~ Professional Development</li> <li>~ Early Childhood Education and Care Program Development</li> </ul> </li> </ul> <p>Recurring funding to Navajo Education Department (\$500,000)</p> <ul style="list-style-type: none"> <li>• Development of Education Blueprint</li> <li>• Development of Governance Template</li> <li>• Monitoring and Evaluation</li> <li>• Professional Development</li> </ul>	<p><b>HB 516, HB 250</b></p> <p><b>New legislation</b></p> <p><b>New legislation</b></p>	<p><u>NM STATE LAW</u>  <b>NM Constitution</b>  Const. Art. 12, § 1, NM  -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b>  NMSA 1978, § 22-23A-2  -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>  NMSA 1978, § 22-23-1  -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>  NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>  NMSA 1978, § 11-18-3-  Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>  Assessment, Accountability &amp; Governance</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session.</i> Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico.</i> Adopted and Approved on 11/6/2019.</p>

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NM Indian Education Act	Yazzie Findings (Citing Findings of Facts and Conclusions of Law)	Tribal Recommendations	Remedies/ Appropriations	Accountability & Compliance	Educational Sovereignty: Tribal Laws/ Resolutions
		<ul style="list-style-type: none"> <li>• Early Childhood Education and Care Program Development</li> </ul>		<p><b>NM STATE LAW</b>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>            Assessment, Accountability &amp; Governance</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session.</i> Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico.</i> Adopted and Approved on 11/6/2019.</p>

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Cooperation among Navajo tribes across AZ, UT, NM. IEA, 22-23-2(E).	Defendants have not provided a means for formal government-to-government relationship between the Tribes and the State. <i>Yazzie</i> at ¶ 3083.	<ul style="list-style-type: none"> <li>Funding for the Southwest Indian Law Clinic at the School of Law (SILC) to expand and include Indian education policies and laws and provide legal and technical support to Pueblos and Tribes in the development of policy protocols, tribal and university agreements, and memoranda of understanding. (\$393,000.00) <b>UNM</b></li> <li>PED must consult and collaborate with Pueblos, Tribes, and Nations in the development of a needs assessment and accountability tool in to meet the amendments to the Indian Education Act</li> <li>Recurring funding for Navajo Technical University, establish a new Regional Education Cooperative Center within current REC state framework - Navajo REC, NTU (\$150,000.00)</li> </ul>	<p><b>HB 516</b></p> <p><b>HB 250</b></p> <p><b>HB 516</b> <b>HB 670</b></p>	<p><u>NM STATE LAW</u> <b>NM Constitution</b> Const. Art. 12, § 1, NM -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b> NMSA 1978, § 22-23A-2 -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b> NMSA 1978, § 22-23-1 -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b> NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b> NMSA 1978, § 11-18-3- Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b> Assessment, Accountability &amp; Governance</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session.</i> Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico.</i> Adopted and Approved on 11/6/2019.</p>

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<p>Formal Government to Government Relations IEA, 22-23A-2(F).</p>	<p>Defendants have not fulfilled their duty to provide a means for formal government-to-government relationship between the Tribes and the State. <i>Yazzie</i> at ¶ 588.</p>	<ul style="list-style-type: none"> <li>• Every LEAs with a high number of Native American students should negotiate and implement a Memorandum of Agreement with each tribe to cover issues such as communication, truancy, Family Education Rights and Privacy Act (FERPA 20 U.S.C. § 1232g), funding, programming, and services specific to Native American students.</li> <li>• All LEAs must fully comply with the Indian Policies and Procedures (PL-561) and with HB 250 for an annual assessment, in the development of priorities to guide resource investment in collaboration with Tribes in full compliance with provisions outlined in HB 250.</li> </ul>	<p><b>HB 250 LEAs must comply with provisions in HB 250 to coordinate and collaborate in conducting an annual assessment and delineate shared responsibilities and accountability enhanced by using MOAs, MOUs and agreements.</b></p> <p><b>HB 250</b></p>	<p><u>NM STATE LAW</u>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>            Assessment, Accountability &amp; Governance</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session</i>. Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico</i>. Adopted and Approved on 11/6/2019.</p>

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Relations with Urban Indian Community IEA, 22-23A-2(G)	--	<ul style="list-style-type: none"> <li>• All LEAs must have an Indian Education Department to work with the Indian Education advisory council to fully implement the provisions of the IEA in alignment with the <i>Yazzie/Martinez</i> findings to address the needs of urban Indian students</li> <li>• Recommendation that all urban public schools have an Indian Education Department to advocate for urban Native American students to be able participate in initiatives and educational decisions affecting them.</li> <li>• Through the Native American student needs assessment, accountability and governance framework, each school district shall produce the data on services provided to Native students statewide in compliance with all <i>Yazzie/Martinez</i> recommendations fully applied to Urban Indian Students and utilize the government-to-government framework to strengthen the response of</li> </ul>	<p><b>HB 250</b> <b>HB 516</b></p>	<p><u>NM STATE LAW</u> <b>NM Constitution</b> Const. Art. 12, § 1, NM -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b> NMSA 1978, § 22-23A-2 -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b> NMSA 1978, § 22-23-1 -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b> NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b> NMSA 1978, § 11-18-3- Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b> Assessment, Accountability &amp; Governance</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session.</i> Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico.</i> Adopted and Approved on 11/6/2019.</p>

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NM Indian Education Act	Yazzie Findings (Citing Findings of Facts and Conclusions of Law)	Tribal Recommendations	Remedies/ Appropriations	Accountability & Compliance	Educational Sovereignty: Tribal Laws/ Resolutions
		LEAs to meet the needs of Urban Students, parents, and community.		<p><u>NM STATE LAW</u>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>            Assessment, Accountability &amp; Governance</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session.</i> Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico.</i> Adopted and Approved on 11/6/2019.</p>
Collaboration: Parents, Schools, Tribes, Higher Education working together to find ways to improve educational opportunities for American Indian students. IEA 22-23A-2(H).	Native American students enrolled in public schools are not receiving adequate academic engagement, rigor, and the preparation necessary for them to experience the same levels of success as non-Native American students; and the public school curriculum and staffing do not reflect Native American student culture and identity. As a result, Native American students who graduate from a public high school in New Mexico and enter a post-secondary institution are in great need of remediation courses and linguistic support; and, similarly, Native American students who enter the workforce often lack writing, public speaking and computation skills. <i>Yazzie</i> at ¶ 667.  Defendants admit that PED has not developed any educational systems that are specifically targeted at improving the	<ul style="list-style-type: none"> <li>• <b>PED</b>, LEAs must work collaboratively with Tribes to fulfill the provisions under the IEA and fully comply with the <i>Yazzie/Martinez</i> findings.</li> <li>• LEAs and Tribes must work cooperatively, collaboratively, and strategically aligning student interest with school programs aligned with higher education programs and workforce development strategies.</li> <li>• Tribes have developed recommendations for recurring operational budgets at the tribal school district levels and higher education to comprehensively respond to the glaring absence of programs to respond to these challenges.</li> <li>• In order to have “equitable and culturally relevant learning environments” Section (A) for Native American students,</li> </ul>	<p><b>HB 516</b></p> <p><b>HB 250</b>  <b>HB 516</b>  <b>New Legislation (College Readiness, Internship programs, Educational leadership programs, Operation Graduation, and Trauma Informed Schools)</b></p> <p><b>HB 250</b></p>		

12 Educational & Funding Priorities Response to *Yazzie/Martinez* - December 2019  
 This is a working document and maybe subject to Tribal modification. Last updated 12/18/19.

SIGNIFICANT EDUCATIONAL CHALLENGES					
NM Indian Education Act	Yazzie Findings (Citing Findings of Facts and Conclusions of Law)	Tribal Recommendations	Remedies/ Appropriations	Accountability & Compliance	Educational Sovereignty: Tribal Laws/ Resolutions
	success of Native American students. <i>Yazzie</i> at ¶ 560.	<p>substantive collaboration by all stakeholders from Section “(H)” must be adhered to.</p> <ul style="list-style-type: none"> <li>• Southwest Indian Polytechnic Institute (SIPI)- - funding for dual credit and transfer support services and scholarships. (\$100,000.00)</li> <li>• SIPI-- funding for existing early childhood teacher preparation program. (\$250,000.00)</li> <li>• SIPI-- funding for existing behavioral health/social work program. (\$200,000.00)</li> <li>• SIPI-- funding for existing summer bridge program. (\$200,000.00)</li> <li>• Increased funding to build public health capacities and self-determination to</li> </ul>		<p><u>NM STATE LAW</u> <b>NM Constitution</b> Const. Art. 12, § 1, NM -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b> NMSA 1978, § 22-23A-2 -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b> NMSA 1978, § 22-23-1 -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b> NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b> NMSA 1978, § 11-18-3- Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b> Assessment, Accountability &amp; Governance</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session.</i> Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico.</i> Adopted and Approved on 11/6/2019</p>

SIGNIFICANT EDUCATIONAL CHALLENGES					
NM Indian Education Act	Yazzie Findings (Citing Findings of Facts and Conclusions of Law)	Tribal Recommendations	Remedies/ Appropriations	Accountability & Compliance	Educational Sovereignty: Tribal Laws/ Resolutions
		<p>address health disparities, to promote prevention, and to project lifespan health needs as demographic shifts occurs at the Center for Native American Health (\$696,534.00)</p> <ul style="list-style-type: none"> <li>• New Mexico Highlands Educational Leadership program. (\$625,000.00)</li> </ul>		<p><u>NM STATE LAW</u>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session.</i> Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p>
<p>Tribes Notified of Curricula Development for Approval/Support. IEA, 22-23A-2(I).</p>	<p>Defendants have not fulfilled their duty to ensure that tribes are notified of all curricula development for approval and support. <i>Yazzie</i> at ¶ 603.</p> <p>Textbooks, [] continue to marginalize Native Americans and the economic, political and historical contributions made by indigenous people to New Mexico are absent or minimal resulting in students developing a limited perception about the role that Native Americans play in State and Federal government. <i>Yazzie</i> at ¶ 463</p>	<ul style="list-style-type: none"> <li>• State must fully fund tribal Departments of Education as proposed by Tribal leaders to develop the capacity to have a meaningful response to requests for culturally linguistic relevant curriculum (CLR). (\$150,000.00 per Pueblo, Navajo Nation, and Apache Tribes)</li> <li>• Establish curriculum and materials development centers (UNM- \$550,000.00; NTU/A:shiwí- \$2.5 million; Mescalero - \$1,500,000.00;</li> <li>• Fully fund curriculum of materials development center programs. (UNM - \$500,000.00; Mescalero</li> </ul>	<p><b>New Legislation proposed to fund Departments of Education.</b></p> <p><b>HB 670</b></p> <p><b>HB 516</b></p>	<p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>            Assessment, Accountability &amp; Governance</p>	<p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico.</i> Adopted and Approved on 11/6/2019.</p>

SIGNIFICANT EDUCATIONAL CHALLENGES					
NM Indian Education Act	Yazzie Findings (Citing Findings of Facts and Conclusions of Law)	Tribal Recommendations	Remedies/ Appropriations	Accountability & Compliance	Educational Sovereignty: Tribal Laws/ Resolutions
		\$350,000.00; NTU/A:shiwi - \$800,000.00). • Fully comply with IEA, <i>Yazzie/Martinez</i> findings, and STCA.		<b>NM STATE LAW</b> <b>NM Constitution</b> Const. Art. 12, § 1, NM -Education Clause, describing education rights of students in NM public schools.	<b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session.</i> Adopted and Approved on 08/22/19.  <b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.  <b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan  <b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico.</i> Adopted and Approved on 11/6/2019.
Agreement regarding alignment of BIA and state assessment programs. 22-23A-2(J)	--	• Develop formal agreements to develop a comprehensive alignment of all school systems and their assessment of academic performance to align responses for increasing the success of all Native American students.	<b>HB 250</b>	<b>NM Indian Education Act (2003)</b> NMSA 1978, § 22-23A-2 -Education rights for Native American students in public schools.  <b>Bilingual/Multicultural Act (2004)</b> NMSA 1978, § 22-23-1 -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.  <b>Intergovernmental Agreements (1990)</b> NMSA 1978, § 22-23-1  <b>State Tribal Collaboration Act (2009)</b> NMSA 1978, § 11-18-3- Requirements of state government to consult and collaborate with Indian tribes on state policy matters.  <b>HB 250 amended the Indian Education Act (2018)</b> Assessment, Accountability & Governance	
Parental Involvement (IEA, 22-23A-2(K)).	Schools must provide Native American students, including Native American English learners, the same quality of education that is provided to non-Native American students by incorporating into the classroom a culturally relevant curriculum that contains the historical contributions made by indigenous people; opportunities for cross- cultural experiences, where Native American and non- Native American students can interact meaningfully; <b>and opportunities for Native American parents to engage in their child's education.</b> <i>Yazzie</i>	• PED, LEAs, and Tribes must actively engage in developing innovative strategies to address the long history of policies and laws that have disengaged parent's involvement in the education of their children. (NM Highlands University, Ben Lujan Leadership Institute \$100,000.00)	<b>HB 516 Proposal to establish a Parent Institute to support PED, LEAs and Tribes</b>		

SIGNIFICANT EDUCATIONAL CHALLENGES					
NM Indian Education Act	Yazzie Findings (Citing Findings of Facts and Conclusions of Law)	Tribal Recommendations	Remedies/ Appropriations	Accountability & Compliance	Educational Sovereignty: Tribal Laws/ Resolutions
	at ¶ 475.			<p><u>NM STATE LAW</u>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session</i>. Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico</i>. Adopted and Approved on 11/6/2019.</p>
College Readiness 22-23A-4.1	<p>“Defendants have failed to provide at-risk students with programs and services necessary to make them college or career ready.” <i>Yazzie</i> at ¶ 3187.</p> <p>Native American students enrolled in public schools are not receiving adequate academic engagement, rigor, and the preparation necessary for them to experience the same levels of success as non-Native American students; and the public school curriculum and staffing do not reflect Native American student culture and identity. As a result, Native American students who graduate from a public high school in New Mexico and enter a post-secondary institution are in great need of remediation courses and linguistic support; and, similarly, Native American students who enter the</p>	<ul style="list-style-type: none"> <li>• Ensure that tribal departments of education are eligible to receive resources for the development of community based education programs to provide after-school and summer school student services.</li> <li>• Provide recurring funding for replicating College Horizons innovative College Readiness program designed for Native American students. (\$1,000,000.00)</li> <li>• Establish internships for career exploration for high school students and college students (\$400,000.00 modeled after the SFIS Leadership Institute Internship framework)</li> <li>• Establish an Education Professionals Leadership Program (EPLP) in partnership with UNM, the SFIS Leadership Institute, and</li> </ul>	<p><b>Amend current At-Risk Legislation</b></p> <p><b>New Legislation and Appropriations (College Horizons Framework, Leadership Institute Internship Framework, Education Professionals Leadership Program)</b></p>	<p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>            Assessment, Accountability &amp; Governance</p>	

SIGNIFICANT EDUCATIONAL CHALLENGES					
NM Indian Education Act	Yazzie Findings (Citing Findings of Facts and Conclusions of Law)	Tribal Recommendations	Remedies/ Appropriations	Accountability & Compliance	Educational Sovereignty: Tribal Laws/ Resolutions
	workforce often lack writing, public speaking and computation skills. <i>Yazzie</i> at ¶ 667.	<p>Harvard University Honoring Nations Program. (\$491,125.00 recurring funding)</p> <ul style="list-style-type: none"> <li>Align student, parent, community, tribal, school, higher education, workforce development, and apprenticeship programs.</li> <li>Increase in funding for Borderlands/Ethnic Studies. (NMSU \$179,000.00)</li> </ul>		<p><b>NM STATE LAW</b>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>            Assessment, Accountability &amp; Governance</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session</i>. Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico</i>. Adopted and Approved on 11/6/2019.</p>
Equitable, culturally relevant learning environment for Indian Students. IEA 22-23A-2(A).	<p><b>At-Risk:</b>            At-risk students – low income, Native Americans, English language learners, and children with disabilities – face the greatest educational disparities due to the State’s failure to provide a sufficient education.</p> <p>All students – even those who are at risk – can learn if provided with adequately funded programs that have been shown to enhance academic achievement. This potential was demonstrated by testimony from State officials. <i>Yazzie</i> at ¶ 2.</p>	<ul style="list-style-type: none"> <li>Establish tribal community-based programs for after-school and summer school extended student services</li> <li>Amend current statute to ensure that Tribes are eligible to receive recurring dollars to fully implement community-based education programs.</li> <li>PED, LEAs, Higher Education, Program providers, and Tribes must develop a comprehensive approach, including trauma informed practices, to respond to the social, behavioral/mental health challenges that Native American Students face and</li> </ul>	<p><b>Amendments to At-Risk Statutes</b></p> <p><b>New Legislation (recurring dollars to Tribes)</b></p> <p><b>HB 250</b>  <b>HB 516</b></p>		

SIGNIFICANT EDUCATIONAL CHALLENGES					
NM Indian Education Act	Yazzie Findings (Citing Findings of Facts and Conclusions of Law)	Tribal Recommendations	Remedies/ Appropriations	Accountability & Compliance	Educational Sovereignty: Tribal Laws/ Resolutions
		<p>fund school and community-based programs (using Community Schools wrap-around service framework)</p> <ul style="list-style-type: none"> <li>• PED, LEAs and Tribes must develop culturally relevant practices such as Restorative Justice and Peacemaking to dealing with discipline issues, truancy, and the high dropout rate that continues to disrupt the education of Native American Students and results in the students being pushed out of school and into the prison pipeline.</li> </ul>		<p><u>NM STATE LAW</u>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session.</i> Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p>
<p>Equitable, culturally relevant learning environment for Indian Students. IEA 22-23A-2(A).</p>	<p><b>Technology Access:</b>            Given certain geographical challenges, including rural isolation factors, NAEL students in New Mexico may not have ample opportunities to interact with different kinds of English because their school locations often lack access to technology and instructional materials. <i>Yazzie</i> at ¶ 325.</p> <p>Being proficient in technology is an essential skill for students... Those children who</p>	<ul style="list-style-type: none"> <li>• Startup funding and reoccurring appropriations must be provided to invest in the infrastructure to address the glaring need for technology access in tribal communities and schools as a high priority to address the magnitude of the digital divide. (\$18.7 million)</li> <li>• The State must invest in the development of education resources centers/libraries as a conduit for technology access</li> </ul>	<p><b>HB 670</b>  <b>HB 516</b></p>	<p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>            Assessment, Accountability &amp; Governance</p>	<p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico.</i> Adopted and Approved on 11/6/2019.</p>

**SIGNIFICANT EDUCATIONAL CHALLENGES**

NM Indian Education Act	Yazzie Findings (Citing Findings of Facts and Conclusions of Law)	Tribal Recommendations	Remedies/ Appropriations	Accountability & Compliance	Educational Sovereignty: Tribal Laws/ Resolutions
	do not have access to technology are handicapped. <i>Yazzie</i> at ¶ 2161.	for students and community members. (\$63 million)		<p><u>NM STATE LAW</u>  <b>NM Constitution</b>                      Const. Art. 12, § 1, NM                      -Education Clause, describing education rights of students in NM public schools.</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session</i>. Adopted and Approved on 08/22/19.</p>
<p>Equitable, culturally relevant learning environment for Indian Students. IEA 22-23A-2(A).</p>	<p><b>Special Ed:</b> The Individuals with Disabilities Education Improvement Act (IDEIA), part B and the Elementary and Secondary Education Act (Every Child Succeeds Act) (ESEA) apply to school age children with disabilities. Under IDEIA each child with a disability is entitled to a free and appropriate public education. <i>Yazzie</i> at ¶ 2321.</p> <p>Dr. Margaret McLaughlin, a leading expert in special education policy, testified that the special education funding system in New Mexico is overly complex and lacks the flexibility and predictability that allows districts to implement new programs or adjust individual IEPs as student needs change. <i>Yazzie</i> at ¶ 2327.</p> <p>Having tutoring opportunities is important for special education students but there is no funding</p>	<ul style="list-style-type: none"> <li>• Legislation must be introduced to establish a taskforce to examine the scope of challenges associated with Native American students with disabilities and develop a comprehensive response addressing policy, program, budgets, and statutory changes where necessary or new legislation as called for. Recent examples of the unfair treatment endured by students with disabilities and their parents compel immediate action to address these issues.</li> <li>• PED, LEAs, and Tribes on behalf of the students with disabilities must work collaboratively to develop strategies to strengthen the relationship between teachers and schools with parents and tribal education advocates utilizing protocols, MOUs, MOAs, and/or School/Tribal Agreements in support of</li> </ul>	<p><b>New Proposed Legislation</b></p> <p><b>HB 250</b></p>	<p><b>NM Indian Education Act (2003)</b>                      NMSA 1978, § 22-23A-2                      -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>                      NMSA 1978, § 22-23-1                      -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>                      NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>                      NMSA 1978, § 11-18-3-                      Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>                      Assessment, Accountability &amp; Governance</p>	<p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico</i>. Adopted and Approved on 11/6/2019.</p>

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NM Indian Education Act	Yazzie Findings (Citing Findings of Facts and Conclusions of Law)	Tribal Recommendations	Remedies/ Appropriations	Accountability & Compliance	Educational Sovereignty: Tribal Laws/ Resolutions
	in New Mexico to provide tutoring to special education students. Special education funding in New Mexico is not sufficient to meet the needs of special education students. <i>Yazzie</i> at ¶¶ 2348-2349.	students with disabilities to address their unique needs.		<p><u>NM STATE LAW</u>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>            Assessment, Accountability &amp; Governance</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session</i>. Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico</i>. Adopted and Approved on 11/6/2019.</p>
Developing a Systematic Framework in collaboration...with social service providers. NM IEA 22-23-A-10	<p><b>Social Workers:</b> Defendants have failed to provide sufficient resources for counselors, social workers, and other non-instructional staff that all students, especially at-risk students need to succeed. <i>Yazzie</i> at ¶ 266.</p> <p>Access to counseling and social workers in schools helps low-income children be successful... [H]aving social workers and counselors in schools is necessary to address any out-of-school issues that Native American children may face.</p>	<ul style="list-style-type: none"> <li>• The State must fully fund the identified programs in HB 516 to enhance the opportunities for recruitment, retention, and certification of Native American social workers, counselors, health professionals, and non-instructional staff to address the underrepresentation of these professionals as reflected in the findings.</li> <li>• In the spirit of educational sovereignty and affirming tribal core values, the State and Tribal social services and behavioral health workers</li> </ul>	<b>HB 516</b>		

SIGNIFICANT EDUCATIONAL CHALLENGES					
NM Indian Education Act	Yazzie Findings (Citing Findings of Facts and Conclusions of Law)	Tribal Recommendations	Remedies/ Appropriations	Accountability & Compliance	Educational Sovereignty: Tribal Laws/ Resolutions
	<i>Yazzie</i> at ¶ 271.	must work collaboratively to create, enhance, and implement, culturally, and linguistically relevant services to ensure effective student educational success and racial equity.		<p><u>NM STATE LAW</u>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session</i>. Adopted and Approved on 08/22/19.</p>
Services to be provided to meet the needs of Indian students NM IEA §22-23A-11(D) (3)-(4)	<p><b>Counselors:</b></p> <p>New Mexico’s Native American students share a legacy of historical trauma and a set of well-recognized, but chronically unmet, educational needs. It is important to be knowledgeable of this legacy so as to appreciate the need to meet the requirements of the IEA. <i>Yazzie</i> at ¶ 496.</p> <p>Student counseling, mentoring, and monitoring programs have been shown to reduce high school dropout rates and increase graduation rates to produce fiscal benefits that greatly exceed program costs. <i>Yazzie</i> at ¶ 270.</p> <p>...[A]ccess to counseling and social work in schools helps</p>	<ul style="list-style-type: none"> <li>The State must fully fund programs to produce certified culturally competent counselors as recommended in HB 516 to address the lack of professionally responsive services.</li> </ul>	<b>HB 516</b>	<p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>            Assessment, Accountability &amp; Governance.</p>	<p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico</i>. Adopted and Approved on 11/6/2019.</p>

21 Educational & Funding Priorities Response to *Yazzie/Martinez* - December 2019  
 This is a working document and maybe subject to Tribal modification. Last updated 12/18/19.

SIGNIFICANT EDUCATIONAL CHALLENGES					
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	low-income children be successful. The State's expert on Indian Education... testified that having social workers and counselors in schools is necessary to address any out-of-school issues that Native American children may face. <i>Yazzie</i> at ¶271.			<p><u>NM STATE LAW</u>  <b>NM Constitution</b>            Const. Art. 12, § 1, NM            -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b>            NMSA 1978, § 22-23A-2            -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>            NMSA 1978, § 22-23-1            -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>            NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>            NMSA 1978, § 11-18-3-            Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b>            Assessment, Accountability &amp; Governance.</p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session</i>. Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico</i>. Adopted and Approved on 11/6/2019.</p>
Services to be provided to meet the needs of Indian students NM IEA §22-23A-11(D) (3)-(4)	<p><b>Health:</b>            High-performing schools have strong non-academic supports, including counseling, social workers, nurses, and health clinics within schools. <i>Yazzie</i> at ¶ 272.</p> <p>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 ...health, and family and community. <i>Yazzie</i> at ¶ 656.</p>	<ul style="list-style-type: none"> <li>• Provide access to nurses, counselors, and social workers in all schools, ensuring culturally and linguistically responsive services. (Native American Social Workers Institute, NM Highlands-\$250,000.00; Center for Native American Health, UNM - \$552,000.00)</li> <li>• Provide funding to the Community Behavioral Health Division of the College of Medicine for Native American suicide prevention; clinical and community- based prevention, intervention and research and technical assistance to public schools and tribal communities to address the increase in suicides in Native American youth. (Native American</li> </ul>	<b>HB 516</b>		
			<b>New Legislation Establishing a Taskforce to Identify Best Practices for Health, Behavioral/Mental Health currently funded through grants that can be replicated and institutionalized like Circles of Care and Systems of Care, Youth Suicide Prevention, Advancing Wellness &amp; Resiliency in</b>		

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		Suicide Clearing House, UNM - \$450,000.00)	<b>Education, and the Butterfly Healing Center.</b>	<u>NM STATE LAW</u> <b>NM Constitution</b> Const. Art. 12, § 1, NM -Education Clause, describing education rights of students in NM public schools.	<b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session.</i> Adopted and Approved on 08/22/19.
Services to be provided to meet the needs of Indian students NM IEA §22-23A-11(D) (3)-(4)	<b>Extended Learning:</b> Extended learning time, like summer school, is valuable to all students, but especially to low-income students. <i>Yazzie</i> at ¶162.  Superintendent Space testified that Grants-Cibola offers after school activities, including tutoring, to all students, but the programs are only accessible to students with personal transportation. Often the district’s Native American children who live on the reservation lack access to these programs because they have to find personal transportation. <i>Yazzie</i> at ¶ 198.	<ul style="list-style-type: none"> <li>• Funding for infrastructure for tribal libraries to establish tribal-based after school and summer school programs to ensure Native Students have access to extended learning time and support, including K-12, credit recovery, and internship programs.</li> <li>• Provide adequate and sufficient funding to LEAs for permanent programs such as afterschool and extended summer learning, with sufficient and consistent staff who are provided development and training to deliver cultural and academic services for students thus building the trust and confidence for Native American parents to enroll their children.</li> </ul>	<b>HB 670</b>  <b>Amendments to existing statutes.</b> Amendment to current statute to authorize and mandate funding to LEAs to be contacted with tribal education departments for tribal-based after school and summer school programs to ensure Native Students have access to extended learning time and support, including K-12, credit	<b>NM Indian Education Act (2003)</b> NMSA 1978, § 22-23A-2 -Education rights for Native American students in public schools.  <b>Bilingual/Multicultural Act (2004)</b> NMSA 1978, § 22-23-1 -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.  <b>Intergovernmental Agreements (1990)</b> NMSA 1978, § 22-23-1  <b>State Tribal Collaboration Act (2009)</b> NMSA 1978, § 11-18-3- Requirements of state government to consult and collaborate with Indian tribes on state policy matters.  <b>HB 250 amended the Indian Education Act (2018)</b> Assessment, Accountability & Governance.	<b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.  <b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan  <b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico.</i> Adopted and Approved on 11/6/2019.

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			recovery, and internship programs.		
	<p><b>Early Childhood</b></p> <ul style="list-style-type: none"> <li>• Early childhood education for children 3 and 4-year old (Pre-K) is an important component to providing a sufficient education and equitable educational opportunities. <i>Yazzie</i> at ¶ 6.</li> <li>• Students who attend Pre-K have higher achievement test scores, repeat grades far less often, needless special education, graduate from high school at substantially higher rates, and are more likely to graduate. <i>Yazzie</i> at ¶ 67.</li> <li>• According to administrators in the twenty-three Indian Education districts, the following resources, programs and services are necessary to meet both the academic and unique cultural needs of Native Americans enrolled in New Mexico</li> </ul>	<ul style="list-style-type: none"> <li>• Tribes must retain full authority to establish their own criteria standards, and assessment tools for early childhood programs while having full access to state resources for implementation.</li> <li>• Resources must be provided to tribes to develop and implement the design for early childhood programs for the maintenance and enhancement of language and culture.</li> <li>• Resources must be provided to tribal education departments to conduct a needs assessment for infrastructure needs and planning and design for construction of new early childhood education facilities where necessary in all Native American communities.</li> <li>• Develop a tribal community-based certificate/degree program for Early Childhood educators/providers to obtain a certificate or degree while</li> </ul>	<p><b>Provide \$150,000.00 to Tribal Education Departments to comprehensively develop strategies for implementing these recommendations</b></p>	<p><u>NM STATE LAW</u>  <b>NM Constitution</b>  Const. Art. 12, § 1, NM  -Education Clause, describing education rights of students in NM public schools.</p> <p><b>NM Indian Education Act (2003)</b>  NMSA 1978, § 22-23A-2  -Education rights for Native American students in public schools.</p> <p><b>Bilingual/Multicultural Act (2004)</b>  NMSA 1978, § 22-23-1  -The right to include and celebrate multilingualism and multiculturalism in public school curriculum.</p> <p><b>Intergovernmental Agreements (1990)</b>  NMSA 1978, § 22-23-1</p> <p><b>State Tribal Collaboration Act (2009)</b>  NMSA 1978, § 11-18-3-  Requirements of state government to consult and collaborate with Indian tribes on state policy matters.</p> <p><b>HB 250 amended the Indian Education Act (2018)</b></p>	<p><b>All Pueblo Council of Governors:</b> Resolution No. APCG 2019-25, <i>Supporting the Education Institute Yazzie Remedy Recommendations for the 2020 Legislative Session</i>. Adopted and Approved on 08/22/19.</p> <p><b>Mescalero Apache Tribe:</b> Resolution No. 19-127, Adopted and Approved on 11/4/2019.</p> <p><b>Navajo Nation Laws:</b> Sovereignty in Education Act of 2005 (Title 10) and the Dine School Accountability Plan</p> <p><b>Jicarilla Apache Nation:</b> Resolution No. 2019-R-288-11, <i>An Action Relating to Native American Education; Supporting the Claims Brought by the Plaintiffs in the Yazzie et. al. v. State of New Mexico</i>. Adopted and Approved on 11/6/2019.</p>

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	public schools: b. A culturally- relevant curriculum from Pre-K to grade 12, which requires a blend of contemporary standards within a curriculum that focuses on language, culture, cultural protocols, and orientation. <i>Yazzie</i> at ¶ 522.	working full-time. <ul style="list-style-type: none"> <li>• Development and implementation of a parenting curriculum which provides culturally specific training for tribal communities through native values and native belief systems.</li> </ul>		Assessment, Accountability & Governance	