

# Tribal Education Alliance

## **Closing the Equity Gap: Including Native Students in the SEG**

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on behalf of the Tribal Education Alliance  
Chair: Regis Pecos

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# Tribal Remedy Framework

- ❑ The **Tribal Education Alliance** is a coalition of tribal education experts and advocates that supports New Mexico's tribal leaders in advancing the Tribal Remedy Framework.
- ❑ The **Tribal Remedy Framework** is a comprehensive plan for meeting the educational needs of Native students.
- ❑ It is the collective tribal response to the landmark 2018 *Yazzie/Martinez* court ruling.
- ❑ The Tribal Remedy Framework has been endorsed by New Mexico's 23 Nations, Tribes, and Pueblos.

# New Mexico's Indian Education Funding

- ❑ The \$4 billion State Equalization Guarantee does not include a formula factor for Native students or for Indian education programming.
- ❑ Federal Impact Aid replaces local tax revenue, not state funding.
- ❑ Indian Education Fund: In FY24, a total of \$5 million will be awarded to districts and charters that serve Native students in the form of one-year, reimbursable grants (around \$150k each).
  - *Yazzie/Martinez* Court: it is “difficult to use [these grants] for programs that should be sustained year-after-year” (Decision and Order, p. 50).

# Closing the Equity Gap for Native Students?

- ❑ Native children continue to suffer from deep educational disparities, language loss, and poor life outcomes.
- ❑ 5 years after the *Yazzie/Martinez* ruling and 20 years after the Indian Education Act of 2003, the State is still failing to ensure equity for Native students.

The State's obligations are clear:

- ❑ HM 51 (2023), the legislative basis for this SEG review, summarizes that:
  - "the first judicial district court has not yet found the state to be in compliance with its findings," and
  - "a well-designed public school funding methodology is a critical component in achieving a high-quality, equitable and constitutionally sufficient public education system."

Native students are impacted by inequity of educational achievement. My children and the other students I represent as education director have been personally impacted by this injustice, which continues within your public schools.

Marsha Leno, Education Director, Pueblo of Zia

# Closing the Equity Gap for Native Students

- ❑ The NM Indian Education Act of 2003 requires the State to “ensure equitable and culturally relevant learning environments” for Native students (22-23A-2).
- ❑ The Court states: “this statute [the IEA] sets forth the legislative determination of what constitutes a constitutionally adequate education for Native American children in New Mexico public schools; thus, failure to comply with the NMIEA amounts to a violation of the constitution’s adequacy clause” (Court Decision and Order, p. 28).
- ❑ But the SEG does not address the NMIEA and the equity gap for Native students.
- Unless there are explicit provisions that include Native students, there is no incentive to address their needs and rights.
- Targeted initiatives, incentivized by targeted funding, are needed to advance equity.

Native American students continue to receive substandard educational services. Based on state assessments, Native students perform far below their counterparts. This is unacceptable and we need more funding allocations.

Charlene Lucero, Education Director, Pueblo of Isleta

# Theory of Change

## **Incentivize inputs (short and medium-term):**

*When* the State provides targeted funding for Native students, and *when* such funding is tied to needs-based educational inputs, *then* school districts and schools develop and deliver programs and services to meet the needs of Native students.

## **Improve outcomes (long-term):**

*When* schools identify the needs of Native students, and *when* they provide programs, services, and staff to meet those needs, *then* Native student engagement, well-being, and academic performance increase and the gap in education outcomes decreases.



# Previous Proposals for SEG Reform

2020 bill (HB 135): Native Language Educational Program Units (Reps Lente, Johnson, Allison, Roybal Caballero)

- Add a Native Language program unit to the SEG

2021 bill (HB 84): Native Language Education Program Unit (Reps Lente, Louis, Johnson, Roybal Caballero)

- Add a Native Language program unit to the SEG
- Add a Native student factor to the at-risk index through a separate calculation.
- Add Tribes as SEG recipients
- Passed by the House Education Committee

# TRF Goals for Public Schools

Goals	Progress
Ensure that schools identify and address the needs of Native students, in collaboration with Tribes	HB 250 (2019): Native student needs assessments Next: improve tribal collaboration
Increase human capital and know-how for designing and delivering programs and services for Native students	HB 60 (2022): Native language teacher salary parity HB 280 (2023): Tech. Assistance Centers Next: more Native teachers
Secure targeted funding for schools that provide programs and services for Native students	Next: SEG reform

# Proposals for SEG Reform

## 1. Add a Native student factor to the SEG

Native students are one of four groups defined as “at-risk” in the Court’s ruling, yet they are not included in the at-risk index.

- “Historically defined Indian impacted school districts” should receive additional program units if they provide programs and services aligned with the Indian Education Act and based on the Native student needs assessment, systemic framework, and accountability tool required by the IEA (22-23A Sections 9, 10, 11).
- The additional program units could be calculated based on the number of Native students in the district.
- The Native student factor could be part of the at-risk index, but calculated separately, or an additional program unit in the SEG (e.g., “historically defined Indian impacted school districts adjustment”).

# Proposals for SEG Reform


## 2. Add Native language education program units

There is a dire need for expanding Native language instruction in public schools, yet schools lack teachers, materials, instructional time, and classroom space.

- Add Native language education program units parallel to the existing bilingual multicultural education program units.
- School programs must be aligned with the Indian Education Act and approved by Tribes and PED.

### *Example:*

*District X wants to double their number of 520 certified Native language instructors, and contract with experts in curriculum and materials development. Yet district X struggles to pay for this programming. District X could apply for targeted SEG funding for Native language education.*



Please take the necessary steps to ensure that our Native American students in public schools receive tribal language instruction that aligns with BMEP time allotments, have their own classrooms, and receive funding to strengthen and revitalize our tribal languages. This can lead to higher graduation rates as these tribal language classes are culturally and linguistically relevant instructional time. Native American students have the right to learn their tribal language in all school settings (public, BIE, tribally controlled, charters, etc.).

The funding for tribal languages should go to district departments that oversee tribal languages. For Albuquerque Public Schools it would be the Indian education department.



Shannon Johnson (Diné)  
Bilingual Coordinator, APS Indian Ed. Dept

# Proposals for SEG Reform

## 3. Ensure accountability

The State needs *"a system of accountability [...] to assure that the local districts are spending the funds provided in a way that efficiently and effectively meets the needs of at-risk students."* (Court Decision and Order, p. 75)

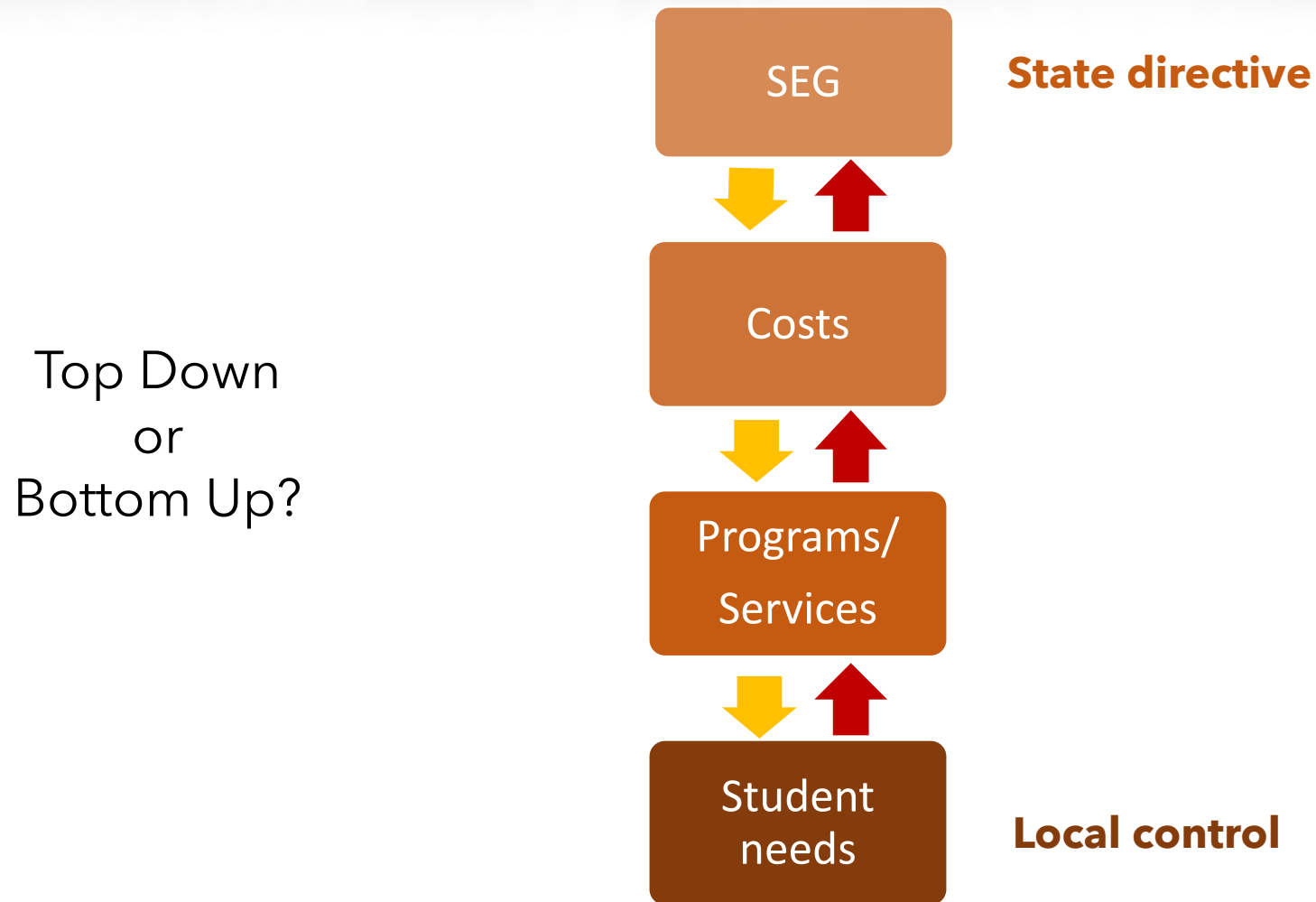
Accountability to inputs:

- Enables short- and medium-term measurements
- Aligns with cost of programming and services
- Measures schools, not students

Input metrics for a new Native student factor:

- Development of Native student needs assessment and systemic framework for meeting needs, collaboration with Tribes, and use of accountability tool (as per IEA).
- Educational inputs that are aligned with IEA and identified in the systemic framework.

# Principle: Formula responds to student needs



# Principle: Formula matches education model

The SEG should reflect and support the education model we want and need.

- An education that upholds the rights and meets the needs of Native students.
- Public schools that enable Native students to thrive, contribute to their tribal communities, and pursue college and career paths on par with their non-Native peers.
- To achieve this, the *Yazzie/Martinez* ruling and the Indian Education Act obligate schools to change how they educate Native students.
- The SEG must match this obligation by funding an equitable education for Native students.





# Thank you!

More information on the  
Tribal Remedy Framework:

**[TribalEducationAlliance.org](http://TribalEducationAlliance.org)**