

# Tribal Education Alliance

## **The Tribal Response to *Yazzie/Martinez*: The Tribal Remedy Framework**

Regis Pecos and Anja Rudiger

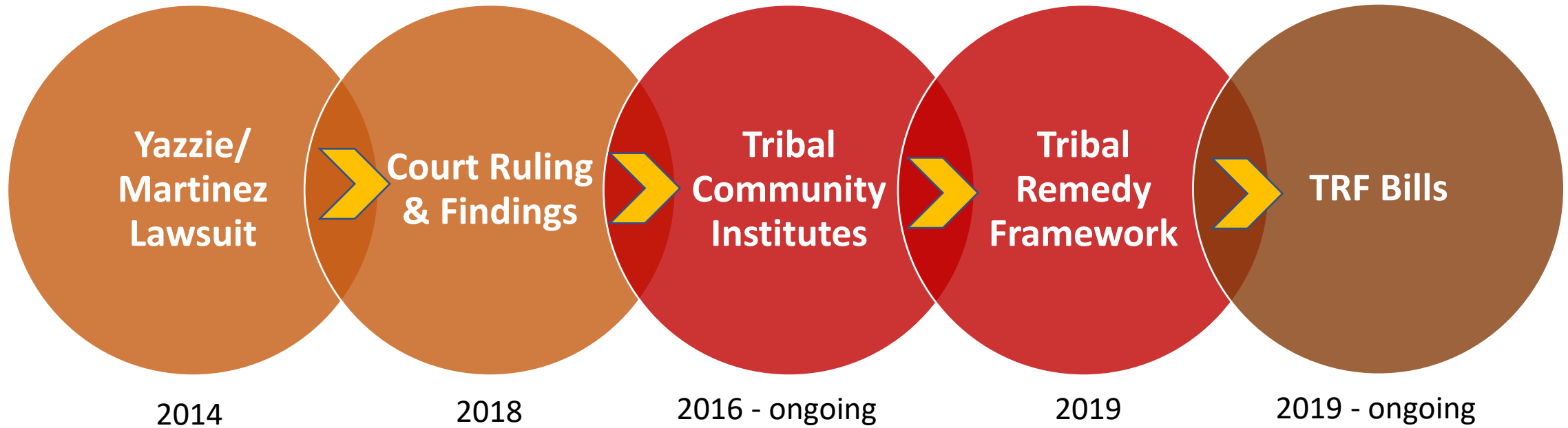
October 18, 2023

Indian Affairs Committee

# What is 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 was developed jointly by tribal leaders, communities, and Indigenous education experts.
- ❑ The Tribal Remedy Framework has been endorsed by New Mexico's 23 Nations, Tribes, and Pueblos.

# Transforming Indian Education in New Mexico: A Brief Timeline



# The State's Obligations

- Legal obligation: *Yazzie/Martinez* court ruling of 2018
- Statutory requirement: Indian Education Act of 2003 (IEA)
- Legislators have made initial investments in the *Tribal Remedy Framework*
- But: 5 years after the court order and 20 years after enacting the IEA, the State is still failing to meet the needs of Native students
- Native children continue to suffer from deep educational disparities, language loss, and poor life outcomes

# New Mexico's Indian Education Funding

- Indian Education Fund: \$20 million in 2023, of which 20% goes to Tribes as one-year grants
- One-off legislative appropriations secured by *Tribal Remedy Framework* advocates since 2021
- Federal funding for school districts serving Native students: Impact Aid
- *What about the State's school funding formula?* K-12 public schools receive \$4 billion through the State Equalization Guarantee (SEG), which they can use however they see fit. The SEG does **not** include formula factor for Native students.



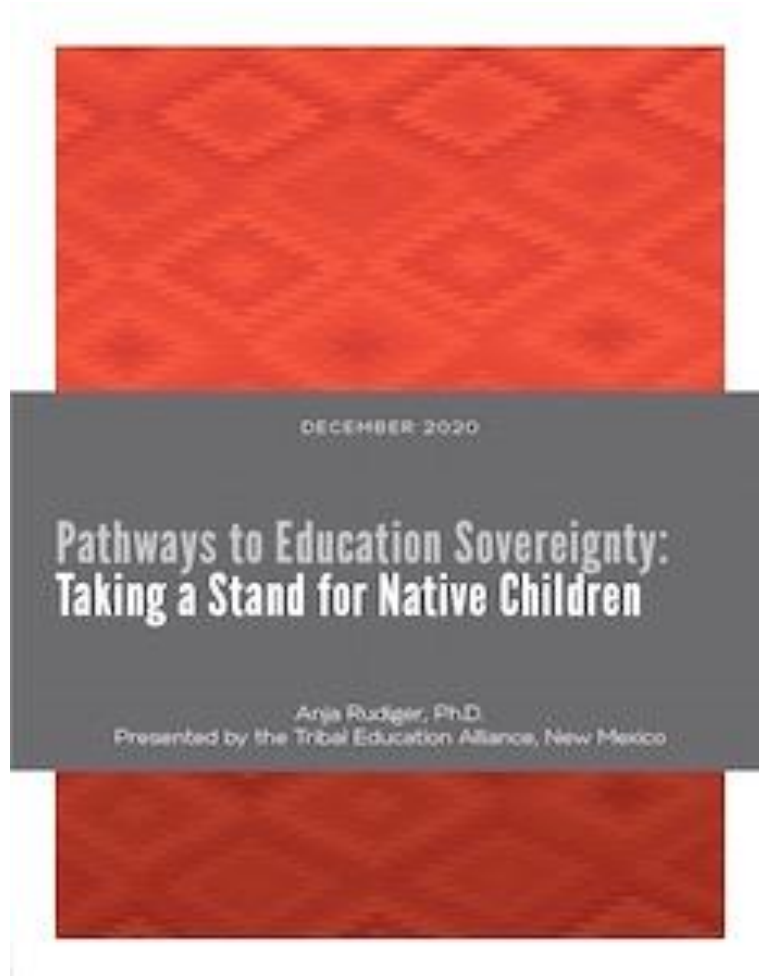
▶▶▶ Native students are impacted by inequity of educational achievement. My children and the other students I represent as education director have been personally impacted by this injustice, which continues within your public schools.

I know you want to be committed to our tribal nations and you have passed bills to support our communities. Please continue to support our tribal communities by passing legislation that addresses the Tribal Remedy Framework.

Marsna Leno, Education Director, Pueblo of Zia



# Pathways to Education Sovereignty



## Tribal Remedy Framework Solutions:

- 1. Invest in tribal education capacity:** community-based education and infrastructure to support Native students
- 2. Shared responsibility with K-12 public schools:** increased tribal control and targeted funding for Native students
- 3. Build a support infrastructure with Native-led higher education programs** to help Tribes and schools develop a balanced education that is culturally and linguistically relevant

# Indian Education Framework

**Tribal education:**  
community-based  
programs &  
infrastructure

**School districts: K-12**  
\$4 billion through state  
formula funding (SEG)

*Yazzie/Martinez* requires targeted \$\$  
for “at-risk” students:

1. Economically Disadvantaged
2. **Native Students**
3. English Language Learners
4. Students with Disabilities

**Support infrastructure:**

- Tech. Assistance Centers
- Native-led higher ed. programs & Tribal Colleges



# Invest in Tribal Education Capacity

**Tribal  
education:**  
community-based  
programs &  
infrastructure

Goal:

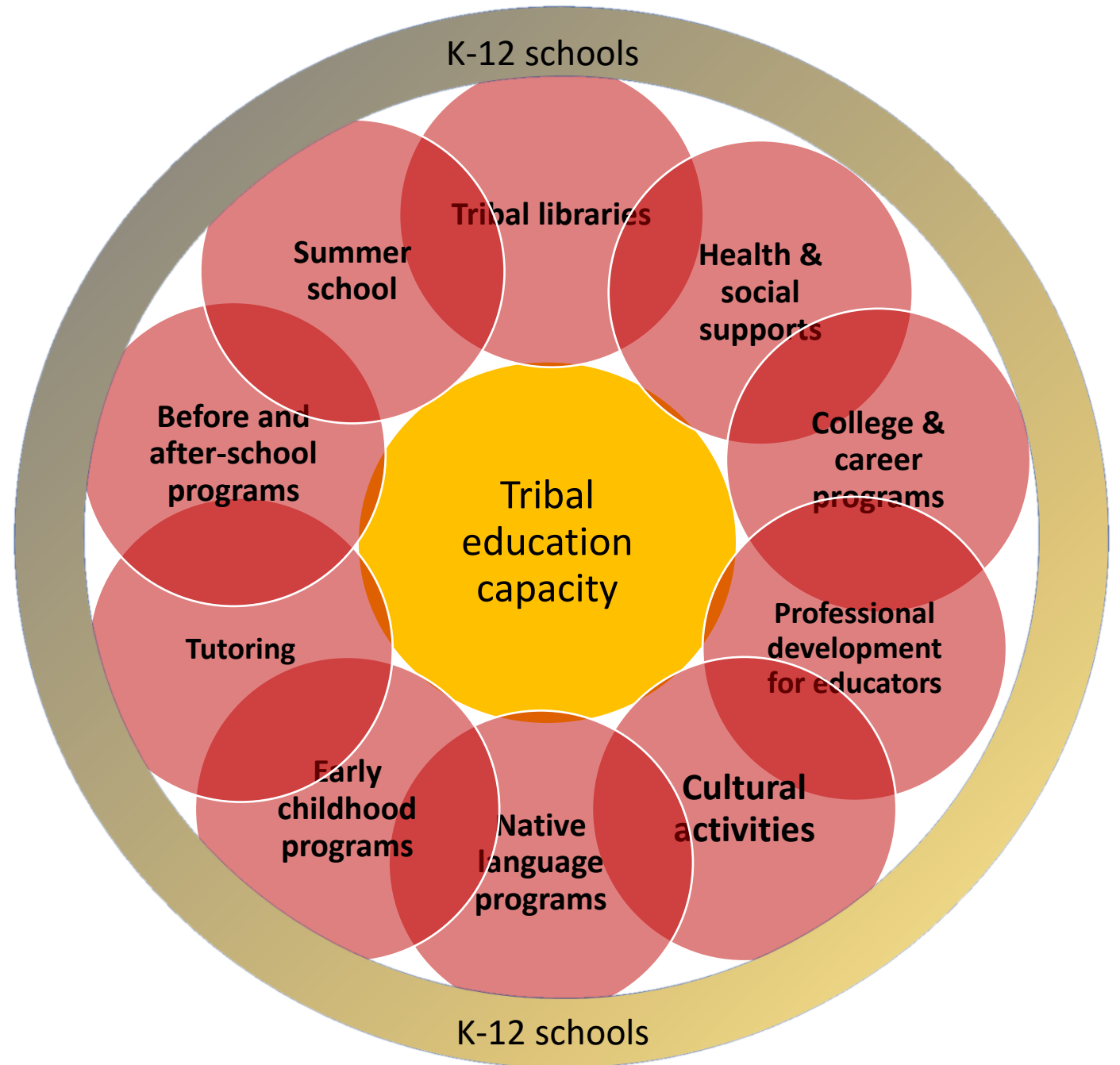
Strengthen the capacity of all New Mexico Nations, Tribes, and Pueblos to support their students and sustain Native languages and cultures

Progress:

HB 148 passed in 2023 to strengthen tribal capacity and control in early childhood education

# What is tribal community-based education?

- Created by and centered in tribal communities.
- Connects classrooms with communities.
- Gives Native students the academic, social, health, and cultural supports they need to thrive in school and in life.
- Sustains tribal languages and cultures.



## Brick & mortar infrastructure for tribal education

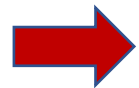
**“Tribal libraries, past, present and future, are the central hub for all our communities. We respectfully request increased funding, adequate facilities, and sustainability for our programming.”**

Lillian Chavez, Tribal Librarian  
Mescalero Apache Tribe

Phase 1: 2022 federal/state funding for tribal libraries’ planning & design (\$12 million)

Phase 2: 2023 state capital outlay for tribal libraries’ construction (\$20 million)

Phase 3: continue to fund shovel-ready tribal library projects



**Invest in tribal libraries**

# Shared Responsibility with K-12 Public Schools

## Goals:

Improve collaboration with schools to meet the needs of Native students

Secure targeted resources for school districts serving Native students by adding a Native student factor to the SEG

**School districts: K-12**

\$4 billion through state formula funding

## Progress:

HB 250 (2019): Native student needs assessments

HB 60 (2022): Native language teacher salary parity

HB 198 (2023): Career Tech. Education funding for BIE schools

# Build a Support Infrastructure for Indian Education

## Goal:

Develop human capital and technical assistance capabilities to help schools and Tribes provide a culturally and linguistically relevant education

## Progress:

HB 280 passed in 2023 to establish two Technical Assistance Centers for Indian Education

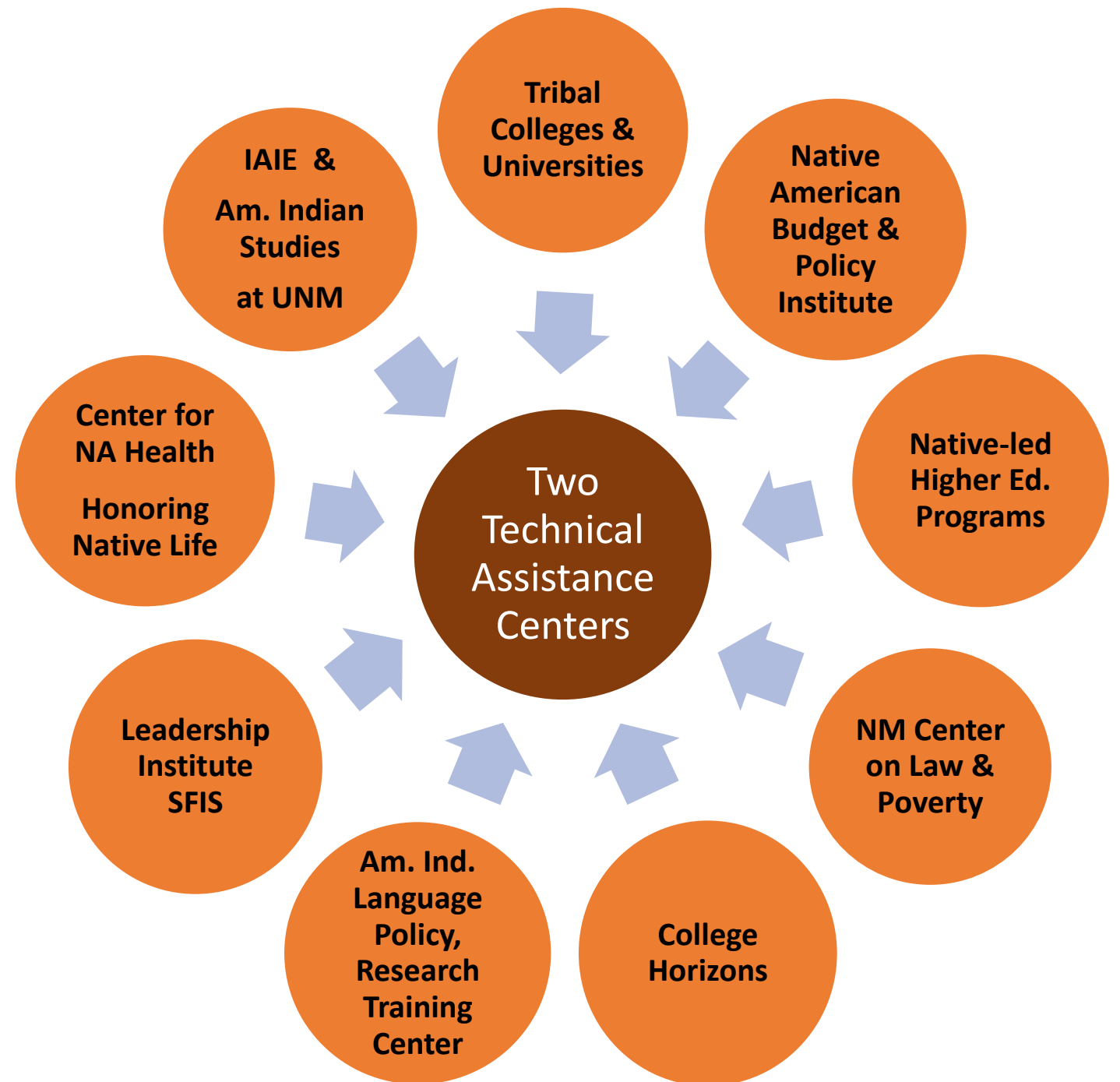
## Support infrastructure:

- Tech. Assistance Centers
- Native-led higher ed. programs & Tribal Colleges

## What is an Indian education support infrastructure?

Indigenous expertise exists throughout New Mexico's higher education ecosystem, but it is underfunded and undervalued.

 Invest in Native-led, bilingual, and multicultural higher education programs to support public schools, students and Tribes.



**Putting it all  
together:**

**Indian Education Framework**

**Strengthen  
Tribal  
education  
capacity:**

- Establish Tribal Education Trust Fund \$\$\$
- Amend IEA
- Tribal libraries \$\$

**Shared responsibility with  
school districts and  
targeted resources:**

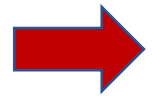
- Improve collaboration with school districts
- Include Native students in the SEG

**Build support  
infrastructure:**

- Fund Native-led programs in higher education \$\$

# Request for Committee Support

Invest in tribal education capacity and community-based programs and infrastructure:



Establish a **Tribal Education Trust Fund** to make a long-term investment and secure stable, consistent, and sustainable annual distributions to Tribes



# Invest in Tribal Education Capacity

»»» Our main need, our priority, is to build our capacity, including staffing. This requires recurring, predictable funding. We can't hire with a one-year grant that arrives after the school year has started. We can't sustain our operations with short-term planning.

We need resources we can count on, year after year, to build effective educational systems for our children.



Kevin Shendo, Tribal Education Director, Pueblo of Jemez

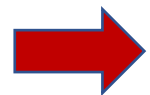
# Request for Committee Support

Reform the Indian Education Fund (IEF) to address persistent problems:


- Short-term grants that impede planning
- Funding delays that make hiring difficult
- Reimbursable funding that challenges cash flow
- Funding process that drains rather than strengthens tribal capacity

**“Make it easier: from applying to reporting, funding needs to be streamlined and flexible enough to allow room for tribally determined goals.”**

Bettina Sandoval, Education Director, Pueblo of Taos



**Amend the Indian Education Act to improve its funding strategy**



»»» I am respectfully demanding policy changes with regard to funding periods to extend beyond one year time frames. We need sustainable recurring funding.

A tribe needs to exercise its sovereign right to determine how to administer funds for delivering a basic human right: accessible, equitable and culturally grounded education.



Tiffany Calabaza, Child Care Director, Santo Domingo Pueblo



**Thank you!**

More information on the  
Tribal Remedy Framework:

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