










EDUCATIONAL SOVEREIGNTY:

Tribal/Pueblo Yazzie Remedy Framework Recommendations

**TRIBAL &
PUEBLO
NATIONS**

**PARENTS
STUDENTS
COMMUNITY**

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LEA, et. al.

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According to the New Mexico Constitution Article 12 Section 1, every child in New Mexico has the right to a sufficient and equitable public education. The NM Constitution guarantees the right to a sufficient public education for every student in NM. New Mexico Constitution Article XII, §1. The Court in *Yazzie/Martinez* ruled that the State has failed to provide Native American students with a constitutionally sufficient education. (*Yazzie/Martinez* Findings of Fact and Conclusions of Law).

Historically and currently, Tribes and Pueblos have had to confront cultural and legal barriers created by education policies and laws incompatible with their own laws and cultural values. Imposed education policies and laws based on cultural assimilation have always contributed to loss of language and culture and low academic achievement which has manifested into high rates of poverty, hunger, health disparities, and a vicious cycle of self-destructive behaviors leading to high rates of youth suicide.

This year, 2019, marks the 50th anniversary of the congressionally commissioned report known as the “Kennedy Report” and entitled *Indian Education: A National Tragedy*. Alignment of the findings fifty years ago reflected in the report are nearly identical point-by-point with the findings in *Yazzie/Martinez*, which begs the question: What has changed in the last fifty years? In the *Kennedy Report’s* forward, “Congress asked itself this question, has the Federal Government lived up to its responsibility? The extensive record of the subcommittee, seven volumes of hearings, five committee prints, in this report constitute a major indictment of our failure.” Subsequently, in the *Yazzie/Martinez* decision, the Honorable Judge Sarah Singleton concluded that “...the system of education as applied to Native Americans in New Mexico is broken and not sufficient.” *Yazzie* Findings of Fact and Conclusions of Law at ¶ 529.

The following list of commissioned studies, inquiries, and assessments by the United States Executive and Legislative branches and New Mexico Executive and Legislative branches document the glaring systemic failures in the education of Native American students in the last 129 years:

- **1890 First Indian Education Policy: “Kill the Indian Save the Man” was built on a mantra to kill language and culture as part of cultural assimilation which lead to the wholesale removal of Indian children and relocated to boarding schools across the country.**
- **1928 Merriam Report: Survey of conditions on Indian reservations documenting the devastating effects of cultural assimilation education.**
- **1969 - Indian Education: A National Tragedy & National Disgrace was a study commissioned by Congress to evaluate the state of Indian education and represents the most extensive congressional hearings conducted to date. As a result, Congress committed to support Indian Education under the Elementary and Secondary Act and included Indian children in the impacted-aid formulas under PL-874 and PL-815, and PL-561, the Indian Policies and Procedures.**
- **2003 - the NM Indian Education Act is enacted.**
- **2010 - PED commissioned a study entitled Indian Education in New Mexico, 2025. This unprecedented Indigenous study concludes that the best practices in Indian Education requires providing a culturally responsive education pedagogy for Native students. Culturally responsive education demands systematic reform in education ideologies.**
- **2011- White House Report on Indian Education declared, “Native American education is in a state of emergency.”**

To address the historical failures and the constitutional violations in *Yazzie*, the following recommendations were developed at meetings by Tribal leaders, Native faculty at their respective higher education institutions, teachers, education leaders, community members, parents, and students.

- **All Pueblo Council of Governors Education Institute, July 2019**
- **Mescalero Apache Tribal Council Education Institute, September 2019**
- **Navajo Nation Education Institute, October 2019**
- **Zuni Education Institute, October 2019**
- **Jicarilla Apache Tribal Council, November 2019**

INDIAN EDUCATION: A Student Centered and Community Based Approach



THE GOAL OF HB 134

To increase the base budgets of Institutions of Higher Education (IHEs) for programs developed by Native faculty responding to the requests of Tribal leaders regarding the long history of the glaring unmet educational needs of Native students. Historically, there has been a lack of support by IHEs leadership hierarchy. Despite the lack of support by IHEs, these programs continue as a result of Tribal leaders, Native faculty, and Program Directors working directly with individual legislators to secure piecemeal funding. Over the years, these programs have realized tremendous success and have been recognized nationally as exemplary models in Indian education.

A. HB 134(A) - For the Board of Regents of the University of New Mexico: College of Education:

- *American Indian Education Institute* - to develop and implement strategies for recruitment of Native American teachers, programs for retention, practicum partnerships with schools with high Native American student enrollment; thus, increasing certification of Native American teachers. (\$550,000.00)
- *American Indian Language Policy, Research, and Teacher Training Center* - to partnership with tribes to develop and implement outreach strategies for recruitment of Native American language teachers, training, and certification, technical assistance for policy and program development for Pueblos/Tribes. (\$500,000.00)
- *American Indian Language Curriculum and Materials Development Center* - to develop and implement curriculum and instructional materials for language programs in partnership with Pueblos and Tribes consistent with the *Yazzie* requirements of relevance of curriculum. (\$550,000.00)
- *American Indian Leadership Doctoral Cohort* (\$450,000)

- *American Indian Educational Leadership Education Licensure Program* (\$1,300,000.00)
- *Bilingual Education Degree Programs* (\$545,000.00)
- *Dual License in Special Ed and Elementary Ed Program-Gallup* (\$170,000.00)

For American Indian Student Services:

- To support and ensure student recruitment and the summer bridge programs; engage beginning freshman, continuing, transfer and graduate students; expand and enhance campus wide student development efforts; and support alliances with academic development of courses, programs and curriculum that enhance the ability of American Indian students to be successful; and strengthen and expand collaborative efforts with the 23 NM Tribes and their respective higher education departments. (\$946,230.00)

For Native American Studies Program in the College of Arts and Sciences:

- To support and expand indigenous leadership, indigenous studies development, high school curriculum development, a Master's program and doctoral program. (\$928,706.00)

For the School of Medicine:

- *Center for Native American Health* - responding to the needs of tribal communities by funding education programs to support Native American students for 1) Health Career Pathways, 2) Indigenous Pre-admission Education for the Health Professions, 3) Summer Research Enrichment Program, 4) Little Medical School (elementary, middle school health professions curriculum), and 5) Reader-2-Reader; UNM Health Sciences Center campus visits targeting Native American students and their families, high school advisors, and tribal college student success staff. This will build on the success in the increase of health profession degrees from 27 to 49 ranging from Nursing, Medicine, and other health related fields (seen from 2013 to 2019) (\$696,000.00).
- *Community Behavioral Health Division Native American Suicide Clearinghouse* - to develop culturally based behavioral health and suicide prevention/intervention and wellness programs; and to support a statewide working workgroup in collaboration with tribes, UNM Center for Rural and Community Behavioral Health, State of NM, and the Indian Health Service; this coordination and sharing of information and support of statewide programs to decrease the suicide risk in tribal communities and strengthen the tribal response to Native American youth suicide. (\$450,000.00).

For the School of Law:

- *Southwest Indian Law Clinic* - to fund the development of Indian law education by expanding the clinical program to include the study of Indian education policy and laws. This will support the legal protection and representation of Native American communities and will provide technical assistance to tribes in the

development of education policies, protocols, memorandum of understanding and memorandum of agreements. Thus, resulting in the strengthening of the government-to-government relationships of tribes and local education agencies in the governance of schools. (\$393,000.00)

For the School of Architecture:

- *Indigenous Design and Planning Institute* - to expand the goals to educate and inform indigenous design and planning by engaging faculty, students, professionals, and community leaders in culturally responsive practices focused on education infrastructure facilities. The overarching goal of this process is to foster sustainable communities among indigenous populations-communities guided by principles of social justice and distinguished by healthy environments, strong local economies, and thriving cultures. (\$725,000.00)

For Three Collaborative Projects at UNM - HB 134

For the Native American Studies (\$316,000.00) HB 134 (A)(5)(b)

- For Ten Projects of Excellence - extend Native American studies curriculum to ten local high schools that are currently without indigenous studies curriculum.

For Chicana/o Studies - HB 134 (A)(1)

- To Build a Higher Education Pipeline (\$316,000.00)

Africana Studies -HB 134 (A)(2)

- To support efforts to increase participation of high school students in science, technology, engineering, and mathematics (STEM) and their transition to college. (\$316,000.00)

TOTAL FOR UNM = \$9,152,470.00

B. HB 134(B) - Appropriations to the Board of Regents of New Mexico Highlands University:

- *Ben Lujan Leadership Institute* - to fund programs for outreach and engagement of Hispanic and tribal communities in developing education blueprints and strategies for career and education pathways to higher education; to develop and implement programs and initiatives to transition education assistants toward undergraduate degrees in teaching, counseling, and programs to further advance teachers into Master's programs to secure administrative certificates and licensure. (\$625,000.00)
- *Center for Studies of Diverse Populations* - to support programs that are culturally relevant responsive teaching modules designed to provide educators, including schools and district leaders, with opportunities to examine current practices and develop culturally relevant teaching methodologies and programs to support parental involvement. The modules will be designed to engage participants in exploring research based materials and resources and the further development of relevant strategies that align with New Mexico teacher and administrator competencies. (\$775,000.00)

- *Native American Social Workers Institute* - to develop an outreach program which will recruit Native American students into the social work field; support the development of curriculum with special focus on Indian Child Welfare practices; and provide training to social workers, tribal and state judges, and other court personnel on Indian law and customs, state and federal policies and laws pertaining to Indian Child Welfare. (\$250,000.00)
- *American Indian Student Support Services* - To support and ensure student recruitment and the summer bridge programs; engage beginning freshman, continuing, transfer and graduate students; expand and enhance campus wide student development efforts; and support alliances with academic development of courses, programs and curriculum that enhance the ability of American Indian students to be successful; and strengthen and expand collaborative efforts with the 23 NM Tribes and their respective higher education departments. (\$250,000.00)
- *Parent Institute* - to fund the expansion of programs designed to support parents to become knowledgeable with policies and laws that govern programs affecting their children's development and education. (\$100,000.00)

Total for NM Highlands = \$2,000,000.00

HB 134(C) - Board of Regents of New Mexico State University

- *College of Education's American Indian Programs* - To support and ensure student recruitment and the summer bridge programs; engage beginning freshman, continuing, transfer and graduate students; expand and enhance campus wide student development efforts; and support alliances with academic development of courses, programs and curriculum that enhance the ability of American Indian students to be successful; and strengthen and expand collaborative efforts with the 23 NM Tribes and their respective higher education departments. (\$337,000.00)
- *Indian Resource Development* - responding to increase college and career readiness of Native American students by funding of career exploration camps, college 101 linking students and parents to information about preparing for college with the help of Native Pathways and providing resources for Dual credit programs focusing on agriculture, engineering, natural resources, and business/management. (\$58,500.00)
- *Borderlands & Ethnic Studies* - to support outreach, recruitment, retention, expansion of curriculum, development of graduate programs, extend ethnic studies curriculum to local high schools without culturally relevant curriculum. (\$259,000.00)

Total for NMSU = \$654,500.00

C. Navajo Nation University NTU/A:shiwi College and Career Readiness Center (ACCRC) - HB 134(D)

NTU- support the expansion of readiness programs, certificates, associates, baccalaureate, and graduate degrees, support culturally and linguistic appropriate research, community engagement, service learning and activities designed to foster cultural and environmental preservation and sustainable economic development.

- *Cultural Education Resource, Curriculum, & Materials Development Center* - for the development of expanded literature that can be used in classrooms and other venues, including the home, throughout Navajo and Pueblo Nations; Curriculum developers, artists, and editors will be hired to produce educational materials for dissemination. (\$800,000.00)
- *STEM Project Budget* - to expand educational outreach to Navajo schools by providing presentations, workshops, student, teachers, and family members to enhance placement in STEM related teachings. (\$727,400.00)
- *Early Childhood/Early Childhood Practicum Budget* (\$1,795,800.00)
- *RN/Substance Abuse/Suicide Prevention Project Budget* (\$422,000.00)
- *New Mexico's Dual Credit Program Project Budget* (\$210,000.00)

Total NTU/A:shiwi Budget = \$3,955,200.00

D. DINÉ College - HB 134(D)(2)

- Funding for teacher recruitment, retention, and teacher advance training and teacher licensure with an emphasis in multicultural education. (\$1,500,000.00)
- *Dine College Curriculum and Materials Development Press* (\$500,000.00)
- *Dual Language Teacher Education Training Center* - to provide teachers, teacher candidates, parents and students resources and training for English language learning, Bilingual Education and English as a Second Language. (\$500,000.00)
- *Culturally and Linguistically Education and Extended Learning* - program support for family literacy, culturally relevant activities, community based programs, professional networking and collaboration to support teachers, teacher candidates and families. (\$800,000.00)

Total Diné College = \$3,300,000.00

E. SIPI - HB 134(D)(3) - For the Board of Regents of the Southwestern Indian Polytechnic Institute (SIPI):

- Teacher Preparation Pipeline (Early Childhood and Elementary Education, Early Childhood Workforce Development). (\$245,892.00)
- Behavioral Health/Social Work - support outreach recruitment retention and certification of behavior health and social work students to transition to undergraduate and degree programs. (\$200,000.00)
- Summer Bridge Program - to support recruitment and support services for transition from high school to higher education. (\$200,000.00)
- Dual Credit and Transfer Support Services and Scholarships - (\$100,000.00)

Total for SIPI: \$745,892.00

TOTAL HB 516 BUDGET = \$19,807,528.00

F. Tribal/Pueblo Level - Recurring Budget Requests - HB 138

- *Funding to Tribal Department of Education-* to fully develop and implement Education Blueprints and Governance Structure **(\$3,650,000.00)** [\$150,0000 per Pueblo, Jicarilla, Mescalero, and \$500,000.00 to Navajo]
- *Funding to Tribal Language Programs* - to recruit, train and certify language teachers, develop language programs, develop curriculum and instructional materials. **(\$3,400,000.00)** [\$150,0000 per Pueblo, Jicarilla, Mescalero, and \$250,000.00 to the Navajo Nation]
- *Funding for Tribal Libraries Operational Budgets* - to staff and develop after school programs and summer school community-based programs. **(\$5,750,000.00)** [\$250,000.00 per Pueblo, Jicarilla, Mescalero, and \$500,000.00 to the Navajo Nation]
- *Funding to Tribal Departments of Education* - to create, develop and staff information technology departments to increase support network operations and user access to high speed internet for tribal departments and other tribal educational entities and to create information technology to build tribal information technology capacity. **(\$3,400,000.00)** [\$150,000.00 per Pueblo, Jicarilla, Mescalero, and \$250,000 to the Navajo Nation]

Total Recurring Budget Requests: \$16,200,000.00

G. Tribal/Pueblo Specific Recurring Requests

Mescalero Apache Tribe - HB 140

- *Teacher Preparation Program* (\$150,000.00)
- *Mescalero Youth Leadership, Internship and Apprenticeship Programs* (\$150,000.00)
- *Curriculum and material Development Center Operational* (\$350,000.00)
- *Mescalero Apache Education Liaisons* [Ruidoso, Tularosa] (\$150,000.00)
- *Social Services, Mental, Behavioral Health, Suicide Prevention and Intervention* (\$150,000.00)

Total Mescalero Specific Recurring Budget Request: \$950,000.00

Zuni Pueblo - HB 139

- *Zuni Teacher Prep Program* (\$150,000.00)
- *Curriculum and Materials Development Center* (\$350,000.00)
- *Community Profile, College Readiness, Workforce Alignment* (\$150,000.00)
- *Social Services, Behavioral and Mental Health, Suicide Prevention and Intervention* (\$150,000.00)

Total Zuni Pueblo Specific Recurring Budget Request: \$800,000.00

TOTAL TRIBAL RECURRING BUDGET REQUESTS (F & G above): \$17,950,000.00

H. NEW INITIATIVES

- Replicate and refine the successful **College Readiness Program** model established by College Horizons and implement the model statewide in the heavily Indian populated impacted school districts (\$650,000.00);
- Replicate and implement the successful Internship Program model developed by the Leadership Institute for high schools in the Indian impacted school districts to explore career and workforce pathways (\$341,600.00); and
- Educational Leadership Program Development in partnership with University of New Mexico, New Mexico Highlands University and Harvard University for educational leaders focusing on program, policy and leadership development (Leadership Institute). (\$508,975.00)
- Create two specific RECs to respond to the unique needs of school districts with high numbers of Native American students (Navajo specific at NTU and one for the balance of the Pueblos and Tribes) (\$150,000.00 x 2 = \$300,000.00)

Total New Initiatives = \$1,800,575.00

I. Proposed Amendments to Existing Statutes

- Amend At-Risk statutes to include explicit language to make Tribes/Pueblos eligible to receive At-Risk funding for community-based after school and summer school community based programs
- Amend current statutes governing funding formula to include recurring and permanent funding for Native language programs based on student counts