

Briefing on the Tribal Framework for Transforming Education

The Tribal Education Framework (TEF) offers the State of New Mexico a guide for meeting its constitutional obligation to uphold Native students' right to an adequate and sufficient education. This comprehensive plan was developed in response to the landmark 2018 *Yazzie/Martinez v. State of New Mexico* ruling, which ordered the State to transform the public education system to ensure that all students receive the programs and services necessary to be college and career ready.

The Tribal Education Framework (also known as the Tribal Remedy Framework) was endorsed by New Mexico's 23 Nations, Tribes and Pueblos in 2019, following a series of tribal community education institutes and Pueblo convocations, convened by the Leadership Institute at the Santa Fe Indian School. The TEF's proposals were introduced as a legislative package in the 2019 and 2020 legislative sessions. Due to the State's persistent failure to meet the educational needs of Native students, an updated version of these bills, taking into account additional needs revealed by the Covid-19 pandemic, will be introduced again in the 2021 legislative session.

What is the Tribal Education Framework?

The TEF puts forward solutions to rectify the deep educational inequities that deprive Native students of their right to an adequate education. It envisions an equitable public education system that responds to the needs of Native children and to the core values and cultures of New Mexico's 23 Nations, Tribes and Pueblos.

The TEF proposes systemic solutions, grounded in the principle of tribal sovereignty, to close the gap in educational outcomes for Native students. These proposals are aligned with the mandates of the *Yazzie/Martinez* ruling and the Indian Education Act of 2003. They are part of a comprehensive platform for transforming education, developed by Transform Education New Mexico (TENM), which lays out remedies for the State to comply with the *Yazzie/Martinez* ruling.

The TEF's legislative package consists of requests for recurring appropriations and one-time capital investments in the education of Native children, amounting to a total funding request of approximately \$111 to \$130 million.

What is the purpose of the Tribal Education Framework?

The TEF seeks to implement the mandates of the *Yazzie/Martinez* ruling and of the Indian Education Act. Its solutions are designed to enable Native students to succeed and to reverse the language and culture loss caused by assimilation policies.

The TEF responds to the systemic failure of New Mexico's public school system to improve educational outcomes for Native students. The *Yazzie/Martinez* case exposed that Native children attend schools that are systemically under-resourced, fail to provide essential educational programs and services and ignore students' diverse strengths and needs. Native students are deprived of educational opportunities due to systemic inequities and institutional racism. The *Yazzie/Martinez* Court found that the education system violates the State's constitution and ordered a comprehensive overhaul of education funding, programming and services.

The implementation of the Tribal Education Framework would bring an adequately resourced and culturally relevant education to all Native students. It would enhance tribal education sovereignty, aligned with the mandates of the Indian Education Act.

How are the TEF's proposals different from the State's promised reform efforts?

Education outcomes of Native students have not improved since the *Yazzie/Martinez* Court warned that children “will be irreparably harmed if better programs are not instituted.” More than two years later, the State has yet to make meaningful investments in Native children. Indian Education remains largely unfunded. Nor has the State developed a comprehensive plan or strategy to comply with the court’s order.

The TEF responds to the insufficiencies of the State’s piecemeal reforms and small-scale grant funding with transformative solutions that address historical injustices. Its proposals seek the full implementation of the Indian Education Act, with funding based on student needs, as a cornerstone of an equitable education system.

What does the TEF propose?

The Tribal Education Framework and legislative package specifies plans, policies and resources necessary for meeting the educational needs of Native children. The proposals reflect the perspectives of Tribal leaders, educators and communities, which have considerable experience designing and delivering education programs for Native children. Tribes have successfully established or taken over schools and colleges, developed Native language and culture programs, built community education centers, and partnered with higher education programs to help their students succeed.

The TEF’s solutions place tribal communities at the center of education planning, programing and infrastructure. This allows Native values and cultures to be marshaled as strengths that children can draw on, and as resources for transforming education.

To enable all Native students to be college, career and community ready, the Tribal Education Framework puts forward the following strategic solutions:

- 1. Shared responsibility and increased tribal control over the schooling of Native children:**
 - Capacity building for Tribal Education Departments (TEDs), including through partnerships with Native higher education institutions and programs.
 - Permanent resources for TEDs, including through the school funding formula’s at-risk factor.
 - A local governance and accountability framework that formalizes collaboration between school districts and Tribes.
- 2. Community-based education, created by and centered in tribal communities:**
 - Investments in tribal libraries as community education centers to provide extended learning, technology access and access to support and career services.
 - Investments in early education programs developed and delivered by tribal communities.
 - Capacity building for tribal community-based networks of integrated student support services.
- 3. A balanced, culturally and linguistically relevant education that builds on the strengths of children and their communities:**
 - Policies to address institutional racism, develop trauma informed practices and implement Indigenous justice models to end school pushout.
 - Investments in community-led curriculum development centers and Native language programs, operated in partnership with Native higher education institutions and programs.
 - Investments in a pipeline for Native teachers and Native educational leaders, and mandatory anti-racism and Indian Education Act training for all teachers and educational leaders.

Each of these solutions requires a fundamental shift in approach that includes the following: a commitment to rectifying historical injustices and persistent systemic biases; an appreciation of tribal community knowledge and practices; and a readiness to act on the educational aspirations held by Native students, families and communities.

With a consistent and comprehensive commitment by the State, the Tribal Education Framework can move New Mexico toward a balanced education system that brings schools and communities together and empowers tribal families and communities to reclaim the education of their children.

A Plan for Action: Initial Steps for Implementing the *Tribal Education Framework*

Solution	Action	Legislation or Rule <i>(bill #s to be updated)</i>
Shared Responsibility in Public Education	Increase the capacity of Tribal Education Departments (TED) to advance tribal education sovereignty	HB134: allocation for higher ed partnerships HB136: college readiness program to build pipeline of Native professionals HB138: recurring allocation for TEDs
	Resource TEDs through recurring funding, including the at-risk formula factor	expand at-risk index to include Native students HB135: add Native language units to funding formula
	Formalize LEA-TED collaboration through a governance and accountability framework	Implement HB250; PED to revise its draft rule in consultation with tribes
Community-Based Education	Invest in tribal libraries as community education centers, providing extended learning, technology access, student support and career services	HB137: capital investments in all tribal libraries HB138: operational investments in all tribal libraries
	Invest in tribal early education programs	HB137: allocation for community education resource centers HB138: recurring allocation for TEDs
	Build tribal capacity to develop a network of integrated student support services	HB134: allocation for higher ed partnerships HB139: allocation for social support services in Zuni HB140: allocation for social support services in Mescalero
Culturally & Linguistically Relevant Education	Make schools safe by addressing institutional racism, using trauma informed practices and indigenous justice models	HB134: allocation for higher ed partnerships
	Invest in community-led curriculum development centers, operated jointly by tribes and higher education institutions, and provide permanent funding for community-based Native language programs.	HB134: allocation for higher ed partnerships HB135: add Native language units to funding formula HB137: capital investments in curriculum development centers HB139: allocation for curriculum development center in Zuni HB140: allocation for curriculum development center in Mescalero
	Invest in a Native teacher pipeline and require anti-racism and IEA training for all teachers and staff	HB134: allocation for higher ed partnerships HB139: allocation for teacher college scholarships and workforce alignment in Zuni HB140: allocation for teacher college scholarships in Mescalero

Funding request in 2021 legislative package: \$45-55 million recurring appropriations plus \$66-75 million capital investments (not including technology investments).