

# TRIBAL EDUCATION ALLIANCE

## Transforming Indian Education: A Call for Political Leadership

There is nothing more important than our children. To ensure that our children thrive, we must uphold their right to education. This is a moral and legal imperative. Elected leaders must meet their constitutional obligations, remedy all forms of injustice, and respect tribal sovereignty.

### State obligations to transform education

- ▶ *Yazzie/Martinez* court ruling (July 2018): the State must uphold at-risk students' constitutional right to a sufficient education and comply with the Indian Education Act.
- ▶ U.S. Department of Education ruling (April 2020): the State cannot take credit for federal Impact Aid in state funding allocations; districts that generate Impact Aid are entitled to keep it.
- ▶ *Zuni Public School District v. State of New Mexico* court ruling (December 2020): the State must transform its school capital funding system, which is inequitable and unconstitutional.
- ▶ *Yazzie* Plaintiff's technology motion (December 2020): the State's failure to provide technology infrastructure during the pandemic denies Native students access to public education.

These judicial actions point to systemic failures and chronic underfunding. Each ruling imposes distinct obligations on the State. Political leadership must rise to meet each and all of these obligations.

### The Tribal Remedy Framework: collective solutions crafted by tribal communities

- 2014 *Yazzie/Martinez* lawsuit filed
- 2016 First Community Education Institutes convened by the Leadership Institute
- 2018 Pueblo Convocation on Education (July 8-10)
- 2018 *Yazzie/Martinez* court ruling against the State (July 20)
- 2019 Community Education Institutes held across the state, supported by PED
- 2019 Tribal Remedy Framework (TRF) finalized and endorsed by all 23 Nations, Tribes & Pueblos
- 2019-2020 TRF bills introduced by Rep. Lente and passed by the House Education Committee

### In support of the TRF: a body of evidence and recommendations

- ☑ Legislative Finance Committee (2006): "Make tribal/pueblo education departments Local Education Agencies eligible for state funding as a foundational step in increasing tribal capacity, involvement and control over the education of their students."
- ☑ Learning Policy Institute (2020): Reforms "were never implemented fully, such as [...] provisions of statutes requiring increased tribal control over the education of Native students."
- ☑ PED draft strategic plan: PED "acknowledges the past systemic failure to address the historic inequities that exist in serving at-risk students."
- ☑ *Pathways to Education Sovereignty* report: "Transforming education requires sharing power and resources with New Mexico's Nations, Tribes and Pueblos."

### Time for Action: Fund the Tribal Remedy Framework!

The budget is a moral document; it reflects what we value and whose voice counts.

- ▶ **Support Native kids.**
- ▶ **Respect tribal voices and tribal education sovereignty.**

*"Our children don't learn because the system just pushes them through. I've worked in education for 30 years and things have largely stayed the same. There's a revolving door of different public officials and political parties, but whatever changes they make, the state continues to dictate how education should happen."*

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