



All Pueblo
Council of
Governors

Officers:
Wilfred Herrera, Jr., Chairman
Governor Phillip A. Perez, Vice-Chair
David M. Toledo, Secretary

ALL PUEBLO COUNCIL OF GOVERNORS
RESOLUTION NO. APCG 2021-09

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

**REAFFIRMING SUPPORT OF THE YAZZIE/MARTINEZ TRIBAL REMEDY
FRAMEWORK AND POSITION ON EDUCATION RELATED MATTERS**

WHEREAS, the All Pueblo Council of Governors (APCG) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni and one Pueblo in Texas, Ysleta del Sur, each having sovereign authority to govern their own affairs; and

WHEREAS, the purpose of the APCG is to advocate, foster, protect, and encourage the social, cultural, and traditional well-being of the Pueblo Nations; and

WHEREAS, through their inherent sovereign rights, the APCG promotes language, health, economic, natural resources, and education equity and advancement of all generations of Pueblo people; and

WHEREAS, Pueblo governments and their tribal members, including those members enrolled and attending New Mexico public schools, possess a unique legal and political status, as set forth in the Constitution of the United States, Treaties, Executive Orders, and court decisions, and are citizens of Pueblo Nations, the State of New Mexico, and the United States; and

WHEREAS, Based on the Pueblos' political and legal status and tribal members' citizenship status, New Mexico Public Education Department and public school districts are obligated to provide programs and services for Native American students; and

WHEREAS, APCG has established education as a top priority and has a long-demonstrated history of advocacy to impact and create policies and programs, to secure appropriations, and to enact laws at the local, state and federal levels to address the education needs of and create opportunities for its children; and

WHEREAS, APCG publicly expressed and actively supported *Yazzie/Martinez v. the State of New Mexico*, and commended the New Mexico Center on Law and Poverty and all who worked tirelessly in preparing for litigation and those who provided expert testimony during trial, including former Pueblo Governors and Pueblo education professionals, to realize the historic and landmark 2018 decision declared by the late Honorable Sarah Singleton; and



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Acoma

WHEREAS, in July 2018, APCG co-sponsored with the Leadership Institute a historic Pueblo Convocation on Education to develop policy, program, budget and legislative recommendations in alignment with the *Yazzie/Martinez* decision and order and findings of fact detailing the major areas of deficiency in the public school system requiring immediate attention; and

Cochiti

Isleta

Jemez

WHEREAS, in July 2018, at a special meeting of the APCG held during the Pueblo Convocation on Education, APCG Resolution 2018-21 was enacted to formally endorse the Remedy Framework recommendations addressing: early childhood, primary, secondary, and higher education; Native language loss and need for Native language teachers; cultural and linguistically relevant curriculum and instructional materials development; increasing Native teacher and administrator capacity; programs and services addressing needs of at-risk students, including mental and behavioral health and social services; programs for children with special needs; college, vocational, and workforce readiness; tribal education infrastructure, tribal libraries, and internet access; governance and accountability; culturally relevant assessment instruments and tools for evaluation of tribal community-based programs; and the overarching framework of cultural knowledge transfer in response to *Yazzie/Martinez*; and

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

WHEREAS, the recommendations in APCG Resolution No. 2018-21 were fully incorporated into the larger *Yazzie* Remedy Framework, and endorsed by Jicarilla Apache Nation, Navajo Nation, and Mescalero Apache Tribe; and

San Felipe

San Ildefonso

WHEREAS, the recommendations in APCG Resolution No. 2018-21 were fully incorporated into the broader set of *Yazzie* remedies developed by Transform Education New Mexico (TENM), an education coalition led by the NM Center on Law and Poverty. APCG fully supported TENM's Platform for Action crafted by *Yazzie* plaintiff school districts and families, teachers, superintendents, school boards, community groups, local education experts, tribal representatives, and APCG Education Committee representatives in preparation for the 2019 legislative session; and

Santa Ana

Santa Clara

Santo Domingo

Taos

WHEREAS, in the aftermath of the 2019 session, the APCG co-sponsored with the Leadership Institute a series of Community Education Institutes and were joined by Jicarilla Apache Nation, Navajo Nation, and the Mescalero Apache Tribe to further refine and expand legislative priorities. This work resulted in is what is now officially known as the "Tribal Remedy Framework," and establishment of the Tribal Education Alliance, comprised of representatives from APCG, Jicarilla Apache Nation, Navajo Nation, and Mescalero Apache Tribe to collectively advocate for passage of legislative proposals introduced in the 2020 session by Representative Derrick Lente and his legislative colleagues; and

Tesuque

Ysleta Del Sur

Zia

Zuni



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Acoma

WHEREAS, in March 2020, the State of New Mexico filed a Motion to Dismiss the *Yazzie/Martinez* lawsuit asserting that it had taken steps to comply with the 2018 court ruling and should be trusted to do the rest, which APCG vehemently opposed. At the June 29, 2021 court hearing, the Honorable Judge Matthew Wilson rejected the state’s motion stating, “Until there are long term comprehensive reforms implemented by the state, the court will maintain jurisdiction over the case.”; and

Cochiti

Isleta

Jemez

WHEREAS, the Tribal Education Alliance has worked with all stakeholders to further refine policies, programs, budgets, and legislative initiatives contained in the 2021 Tribal Remedy Framework legislative package; and

Laguna

Nambe

WHEREAS, the state Executive recommended \$30 million for the Tribal Remedy Framework in the 2021 legislative session which did not materialize. However, Representative Lente and the Tribal Education Alliance and many stakeholders successfully secured \$16 million in appropriations identified as Phase I of funding for the Tribal Remedy Framework; and

Ohkay Owingeh

Picuris

WHEREAS, in December 2020, the *Yazzie* Plaintiffs’ filed an Expedited Motion for Further Relief Concerning Defendants’ Failure to Provide Essential Technology to At-Risk Public School Students, asserting that students, especially those in rural and predominately Native American school districts, who cannot access remote learning because they lack a computer and/or access to high-speed internet are effectively being denied all opportunities for a uniform and sufficient education; and

Pojoaque

Sandia

San Felipe

WHEREAS, at the April 30, 2021 court hearing, the Honorable Judge Matthew Wilson ruled the state must comply with its duty to provide a uniform and sufficient education and may not conserve financial resources at the expense of its duties under the state constitution, and ordered the state to immediately provide computers and high-speed internet access to the thousands of at-risk students and their teachers who lack the tools necessary for remote learning and funding for qualified information technology staff to support students’ remote learning needs, both presently and post-pandemic; and

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

NOW THEREFORE BE IT RESOLVED, that the APCG reaffirms its support and commitment to the Tribal Remedy Framework legislation as introduced in the 2021 legislature, as those proposals are aligned with the *Yazzie/Martinez* court decision and order and findings of fact and are consistent with the recommendations resulting from Pueblo Community Education Institutes from which those legislative proposals were drafted and introduced on behalf of our Native children and tribal communities; and

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni



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Acoma

BE IT FURTHER RESOLVED, that the APCG insists that the state public education formula funding fix for federal Impact Aid must remain consistent with the ruling of the U.S. Department of Education Impact Aid Office and be kept separate from the state's obligations under the *Yazzie/Martinez* court ruling; and

Cochiti

Isleta

BE IT FURTHER RESOLVED, that the APCG requests the state to consult and coordinate with the respective tribal education departments in the development of a statewide plan to ensure all Native American students have access to digital devices and high-speed internet at home to participate in remote learning now and in the future, consistent with the court ruling on *Yazzie* Plaintiffs' motion regarding access to technology; and

Jemez

Laguna

Nambe

BE IT FURTHER RESOLVED, that APCG requests the support of the Leadership Institute and Tribal Education Alliance to collaborate with the APCG Education and Legislative Committees to organize an APCG Community Education Institute for the purpose of reviewing all education initiatives to reaffirm the collective efforts to achieve the outcomes of the Tribal Remedy Framework recommendations; and

Ohkay Owingeh

Picuris

Pojoaque

BE IT FINALLY RESOLVED, that APCG Chairman Wilfred Herrera and presiding officers are authorized to pursue efforts with the state Executive and Legislature to fulfill the intent and purpose of this Resolution, and call upon the State of New Mexico to fulfill its obligations as mandated by the 2018 *Yazzie/Martinez* decision and order and the 2021 court ruling regarding access to technology, to fully address the unmet needs of Native students by implementing and fully funding tribal proposals contained in the Tribal Remedy Framework.

Sandia

San Felipe

San Ildefonso

Santa Ana

CERTIFICATION

We, the undersigned officials of the All Pueblo Council of Governors, hereby certify that the foregoing Resolution 2021- 09 was considered and adopted at a duly called council meeting held on 27th day of May 2021, at which time, a quorum was present and the same was approved by a vote of 12 and in favor, 2 opposed, 0 abstained and 6 absent.


Santa Clara

Santo Domingo

Taos

By:

Tesuque

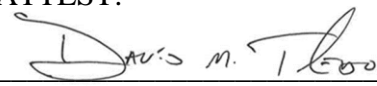


Wilfred Herrera Jr., Chairman
All Pueblo Council of Governors

Ysleta Del Sur

ATTEST:

Zia



David M. Toledo, Secretary
All Pueblo Council of Governors

Zuni