INSTITUTE FOR AMERICAN INDIAN EDUCATION

7TH ANNUAL INDIGENOUS EDUCATION SUMMIT EXECUTIVE SUMMARY

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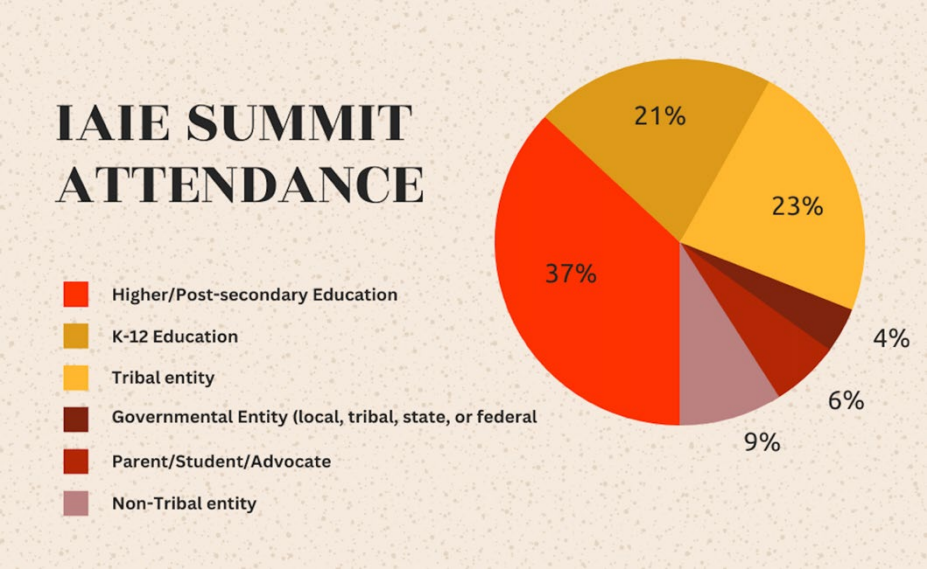
Overview

On June 7, 2023, the University of New Mexico's (UNM) Institute for American Indian Education (IAIE) convened for the 7th Annual Indigenous Education Summit at the Indian Pueblo Cultural Center (IPCC) in Albuquerque. A total of 81 people were in attendance. Registration for the summit requested attendees to identify their organizational affiliations. Their affiliations were organized into the following groups: Higher/Post-Secondary Education: 37%; K-12 Education: 21%; Tribal entity: 23%; Non-Tribal entity: 9%; Governmental Entity (local, tribal, state, or federal): 4%; Parent/Student/Advocate: 6%.



The express purpose of the Summit was to provide attendees with an overview of the *Martinez and Yazzie v. State of New Mexico* 2018 court ruling that held the State is violating New Mexico students' constitutional right to a sufficient education and ordered the State to invest in the programs and services necessary to close opportunity gaps and fix deep inequities for low-income, Native American, English Language Learner (ELL) students and students with disabilities. Ms. Wilhelmina Yazzie, lead plaintiff, and Ms. Marsha Leno, family plaintiff, provided personal narratives of their roles in the case to their current advocacy work. Attorneys for the *Yazzie* Plaintiffs – Melissa Candelaria and Alisa Diehl of the New Mexico Center on Law and Poverty (NMCLP) and Preston Sanchez of the American Civil Liberties Union of New Mexico (NM-ACLU) – provided an overview of the case, the 2018 ruling and findings of fact, and the 2021*Yazzie* technology order. The second half of the morning focused on an update on tribal education legislation directly aligned with the case by New Mexico State Representative Derrick Lente and Cochiti Pueblo leader Regis Pecos. Each segment of the morning agenda included time for attendees to ask questions of the presenters and to provide commentary on the presentations. After a nutritious lunch catered by the IPCC, Representative Lente and Mr. Pecos addressed questions and comments from the audience. The Summit ended at 2 p.m.

Attendees were encouraged to participate in a focus group discussion organized and facilitated by NMCLP staff immediately following the closing prayer at 2 pm.

QUESTIONS FOR THIS DISCUSSION INCLUDED:

- Describe your experiences with the public education system. What are some of the best and some of the more challenging aspects?
- What do you see as the most needed change(s) in the New Mexico public school system?
- What do you think the state (e.g., PED, districts, schools) needs to do to fix the school system?
- What would it look like if your culture and history were valued in the classroom?
- What are your hopes and expectations for the future of New Mexico's education system?

The NMCLP will compile the responses to the questions and develop a short video series. The video clips and social media materials generated from the focus group will be available at their website and social media sites in the near future.

Martinez and Yazzie v. State of New Mexico: Summary of presentation by Wilhelmina Yazzie, Marcia Leno, Melissa Candelaria (NMCLP), Alisa Diehl (NMCLP) and Preston Sanchez (NMACLU)

The first session of the Seventh Annual IAIE Summit began with an overview and update of the *Martinez and Yazzie v. State of New Mexico* case presented by a panel including Ms. Wilhelmina Yazzie, the lead plaintiff in the case, Melissa Candelaria and Alisa Diehl, attorneys from the NMCLP, and Preston Sanchez, an attorney from ACLU of New Mexico. The presentation concluded a series of IAIE-sponsored *Martinez and Yazzie v. State of New Mexico* information-sharing and gathering sessions held across the State during the Spring of 2023 with the NMCLP.

The update began with an introduction by Ms. Wilhelmina Yazzie, who discussed her reasoning, thoughts and ideas, and stance as a parent and educational advocate regarding the case and education in New Mexico. Ms. Yazzie stressed her role as a mother, the cultural importance of the responsibility of motherhood, the absence of cultural and traditional ways of knowing and learning in the public education system, and the absence of resources as key factors in her advocacy work. She noted that her children were not provided sufficient educational opportunities to support their learning. Despite being told everything was "ok," they were not testing where they should. They were not receiving adequate transportation and social services, nor was their culture being honored in the state education system. These are some of the reasons she pursued legal action. She continues to be focused on giving a voice to children and bringing people together in collaboration and advocacy.

Ms. Candelaria and Ms. Diehl shared historical information on the *Martinez and Yazzie v. State of New Mexico* case as well as the current state of education in New Mexico. They provided that the *Martinez* and *Yazzie* lawsuits were consolidated by the court because they had similar legal claims. In July 2018, the court ruled in favor of the family and school district plaintiffs.

The attorneys emphasized that the case is grounded in the strengths of New Mexicans: 1) New Mexico's students are culturally and linguistically gifted and have just as much ability to learn and achieve at high levels as children anywhere; and 2) the educational expertise and knowledge of our local experts, educators, parents and community leaders who know how to improve the state education system. They further noted that the case is grounded in the New Mexico Constitution, as education is both a uniform and sufficient system of free public schools open to all children. Next, Ms. Candelaria and Ms. Diehl revealed that multiple education inequities exist in New Mexico, ranging from a lack of resources and a multicultural and multilingual framework to missing programs and opportunities for students to succeed in the areas of reading and math that impact grade level performance, graduation rate, and college remediation levels. They further pointed out that New Mexico has great intentions regarding this work in the form of equity and state laws such as The New Mexico Indian Education Act, the Hispanic Education Act, and the Bilingual Multicultural Education Act. However, the State has yet to meet its own standards established in law.

The landmark court ruling found that New Mexico was violating the constitutional rights to a sufficient education for Native American students, English language learners, students with disabilities, and low-income students. Of note, the ruling indicated that a sufficient education for Native American students included an education that prepared them for college and career opportunities and roles within their tribal communities and tribal governments. Specifically, the ruling called for a multicultural framework, effective programs and services, more Native American teachers, greater funding, and more accountability for the State of New Mexico and local education agencies.

Actions, or lack of actions since the court's ruling in 2018, were presented by Ms. Candelaria and Ms. Diehl. For instance, the State was ordered to take immediate action by 2019 to address deficiencies of the educational system. Because the State had not done enough to implement the court's order, the Plaintiffs returned to court with a request for further relief, including a comprehensive educational plan with key elements such as timelines, funding and staffing needs among others. Meanwhile the State asked the judge to dismiss the case in 2020 arguing that it had done enough and should be trusted to comply with the order. The judge rejected the State's motion to dismiss and said it will maintain jurisdiction until significant changes to transform the education system occurred. The Plaintiffs are in the process of assessing the State's implementation of the 2018 ruling and the *Yazzie* technology order.

During COVID-19 pandemic, the digital divide and technology gap rapidly became apparent across rural New Mexico and among the Native Nations inside New Mexico. In December 2020, the *Yazzie* Plaintiffs filed a motion for further relief concerning the State's failure to provide essential technology

to at-risk public school students. Mr. Sanchez led the presentation on the *Yazzie* Plaintiffs' motion to the court to ensure sufficient access to technology to reduce the digital divide and technology gap that adversely impacted the students identified in the *Martinez and Yazzie v. State of New Mexico* ruling due to COVID-19 especially students in rural and tribal lands. In 2021, the court ruled in favor of the *Yazzie* Plaintiffs and ordered the State to provide dedicated digital devices for students and teachers, access to high-speed internet at home, training for teachers and staff, and sufficient funding to support the order.

In 2022, the New Mexico Public Education Department (NMPED) released a *Martinez and Yazzie v. State of New Mexico* Action Plan to a tepid response from stakeholders across the state and asked for feedback with a promise for a timely and inclusive update. More than a year later, there was and continues to be no update and no response from the NMPED. In response, grassroots efforts from Native educators, leaders, and stakeholders have come together to develop consensus around a framework based upon local expertise to help educate policymakers, engage the public, and hold the State accountable to provide a culturally and linguistically relevant education to Native American students. Through this incredible work, numerous bills have been introduced in the State Legislature that address the need for increased funding, requirements for culturally relevant curriculum and instructional materials, teacher raises, and planning and more.

The first session concluded with comments from Ms. Marsha Leno, a *Yazzie* family plaintiff, who remarked that support services are still lacking for Native American students and challenges to being college, career and civic ready are still evident, as is the need for school leaders to learn about the court ruling and the responsibilities of the NMPED, districts, and schools to address the opportunity gaps experienced by the four student groups in the case. The theme of ineffective or unresponsive school and district school leadership was echoed by several speakers who noted a lack of awareness or appropriate responses to the concerns of Native education and Native students.

Legislative Update: Summary of presentations by Regis Pecos and New Mexico Representative Derrick Lente

Mr. Regis Pecos opened the legislative update. He set the foundation of his talk by acknowledging the 150-year history of federal policies aimed at denigrating and eradicating Indigenous cultures and communities, including education policies. He iterated that this imposed western education model is designed for assimilation and continues through today. Furthermore, he suggested that we personalize our own educational journeys and stories in the same way as Ms. Leno and Ms. Yazzie. As he spoke to the audience, Mr. Pecos expressed to the audience that everything that is in your mind and heart is the sacred trust that follows in the footsteps of our ancestors. The greatest expression of love is our language, culture, and way of life. He urged that tribal communities, parents, teachers, and advocates must consider the perspectives of our children in how we respond to the challenges set before us. In consideration of this historical and current context, Mr. Pecos expressed gratitude to the New Mexico Center on Law and Poverty (NMCLP) for their work on the case for nearly ten years since the case was filed in 2014 to the 2018 ruling to the current post-judgement phase. At this point in time, it is of special significance that the NMCLP Board of Directors is now presided over by Mr. Casey Douma, an attorney and member of Laguna Pueblo. Upon establishing this layered context, Mr. Pecos stated that he would now report on the aftermath of the case.

The All Pueblo Council of Governors (APCG) requested that the Santa Fe Indian School Leadership Institute begin discussions among Pueblo leaders to develop *Yazzie* remedies to address the court findings regarding the deficiencies of the current public school system. The efforts ultimately encompassed: a beginning group of 10 core Native people; examination of the 600-page ruling; meetings with tribal councils at Navajo, Mescalero, Jicarilla, and APCG; delineating policy and funding needs; and enactment of new laws or amending existing laws. Over a course of 12 months, the Tribal Remedy Framework was developed and is endorsed by all 23 Native Nations. This official document is known as the “Education Sovereignty Document” and the “Tribal Remedy Framework” that guides Tribal education legislation and funding requests.

Mr. Pecos added to and referenced a few issues that were raised in the audience comments from earlier. He discussed teacher shortages, Native representation in leadership and administration positions, institutional racism and higher education programs such as IAIE at UNM needing greater support. He recognized that the issues go back to the legacy and history of policy. Thus, there are three parts that need to be addressed: 1) build capacity at the tribal level with a sustainable source of recurring dollars from the state; 2) revisit the current inequitable State equalization formula and create a funding formula that is equitable and targeted to Native students and the other students in the case; and 3) invest in higher education programs to build Native capacities.

Mr. Pecos stated “essentially, we have two bookends.” On one side, there is the need to build the capacity at the tribal level, and the other is to deepen the Native systems within institutions of higher education. In between lies a struggling K-12 educational system that suffers from an ineffective response to the *Martinez and Yazzie v. State of New Mexico* ruling at the state level and inconsistent awareness and leadership from local district and school leaders.

Finally, Mr. Pecos explained the significant strategic movements at the legislature that has resulted in Representative Derrick Lente becoming a member of the Legislative Education Study Committee (LESC), he is the Chair of the Taxation and Revenue Committee, and a member of the Legislative Finance Committee. These key committees have an important role in the legislative funding process. As the face and voice of Yazzie, Representative Lente can speak from the collective action behind the Tribal Remedy Framework.

Representative Lente described the complex negotiations in the legislative and executive branches of state government as contentious at times. “Racism is still alive today in education and that is why barriers need to be broken” stated Lente as he described the process from introducing legislation from 2018 to the present time. Recognizing the insidious nature of racism in education, he explained how COVID-19 and government-mandated virtual instruction further deepened the racial and socioeconomic gaps across the state. Representative Lente consistently reminds his colleagues in the Legislature that “life is not fair” and Indigenous Peoples “are not looking for a handout, but a hand up” in the larger program of attaining educational sovereignty. Utilizing his position as a freshman state representative from 2018 to a legislative leader in 2023, Representative Lente continues to focus on the hopes of all people across the state of New Mexico who are seeking a transformation of education as one measure of achieving justice and equity.

Participant Feedback: Summary of written feedback from Summit attendees

<u>Things learned from Session 1:</u> Overview of Yazzie/Martinez ruling (presenters Wilhelmina Yazzie, Marsha Leno, Melissa Candelaria, Alisa Diehl, Preston Sanchez

- The legal history of the lawsuit
- Real stories from plaintiffs about what was happening that encouraged the lawsuit
- Native students still not receiving adequate resources and opportunities
- State not meeting obligations in ruling
- State tried to dismiss the lawsuit
- Need for technology in tribal communities
- Yazzie Technology Order and current technology initiatives

<u>Things learned from Session 2:</u> NM Representative Derrick Lente & Regis Pecos

- School administrators and district leaders must attend these sessions and become educated
- Indigenous leaders such as Mr. Pecos develop and use tribal remedy frameworks
- Changes to the Indian Education Advisory Council
- NM PED accountability
- Need recurring funds for sustainability.

- Powerful and more empowering legislative language now being used at our State Government level
- Representative Lente is chairman of the powerful tax and revenue committee
- Learn about HB250 and follow the work of Derrick Lente
- How house bills connect now and its use to support education systems for our Native education systems

What should institutions of higher education be doing?

- Build a coalition to push back on bureaucracy.
- Review and be familiar with HB6
- Support the needs of tribes and nations in New Mexico
- Work to close the education gap
- Work to increase graduation rates for Native students
- Conduct outreach to Native students
- Provide technical training and education in trades
- Make connections with schools to increase high school to college pipeline
- Convene and listen to this Native faculty, staff and students to use them to recruit and retain Native educators
- Make a concentrated effort to recruit, hire and retain Native faculty
- Establish a Native Educational Board or panel or create a position on the Board of Regents of the Universities
- Include Yazzie/Martinez case in the class syllabus
- Offer more in community cohorts in teacher preparation
- Establish technical assistance centers
- Develop a program in library science to encourage Native students to enter this field

What was one highlight from this summit? Or new information learned?

- See colleagues and share information
- Learn about legislation in progress
- Lente and Pecos continue to advocate for Native students' education
- Learned about the teacher shortage and need for native teachers
- Seeing so many people working hard to ensure quality education for our Native students
- The need for social workers, and counselors in Native school districts

How might today's presentations be useful to you and your community? Or What would you like to see as next steps?

- Learned ways to support my students
- Vote smarter
- Next step is to educate school leaders
- Get information and resources to be shared among school staff
- Continue to follow the court cases/rulings/implementation to keep school leaders updated
- Discuss educational sovereignty outside of tribal communities where most Native students attend school

- Ask our tribal community leaders, school boards, and education programs to establish a plan for recruiting Native students into teaching
- Continuing to fund Native American liaison positions, teachers, teaching staff, etc.
- Develop PD for teachers already in programs
- Hold mandatory Yazzie/Martinez workshop for superintendents and principals
- More involvement from school districts
- More in-depth explanation of the legislative process
- It would benefit my community to have more information about how this helps each student

What would you like to see in the future IAIE Indigenous Education Summits?

- Please invite local school boards, superintendents, teachers etc.
- Provide an example of a Pueblo or tribe that has implemented steps to address the Yazzie ruling
- More group collaboration work
- Get the communities involved
- More opportunities to listen to our youth speak about their ideas on education
- Efforts towards revising the Indian Education Act
- Outcomes, support systems, perhaps a comparison of tribes in other states, what is working
- More teacher preparation focused events
- More opportunity for Q&A/discussions
- Workshops on learning each bill of legislation
- Educational sovereignty in urban settings
- More summits. You help to get us heard, you hear us, and support our dedication, devotion, and action
- Always the presence of the state legislative representation
- See an honest response as to why these concerns are not being addressed
- Why proper funding is not being allocated to Native student education

Recommendations for Stakeholders:

- To create a visual timeline of the major events taking place since 2018 in order to gain a deeper appreciation of the historicity from the first Convocation to the present time.
- To continue the UNM IAIE *Martinez and Yazzie v. State of New Mexico* information sharing and gathering sessions across New Mexico to a broad set of stakeholders beyond those in Native communities, building on the strength of previous sessions so that a greater awareness of the issues and information surrounding the case and ruling can be created and additional information from previously unheard stakeholders can be gained creating a more inclusive voice moving forward.
- To hold an UNM IAIE-facilitated educational roundtable meeting between K-12 educational leaders (superintendents, administrators, and school board members), tribal leaders, state education leaders, and higher education leaders focusing on the *Martinez and Yazzie v. State of New Mexico* ruling and subsequent actions to date in order to bring awareness and increase collaboration between all parties to improve the statewide PreK – 20 response to the case.

- To conduct UNM IAIE-sponsored research focused on the *Martinez and Yazzie v. State of New Mexico* case, ruling, and subsequent actions to date so that the research can be shared and highlighted at the 2024 IAIE Indigenous Education Research Conference (IERC).
- To continue to cultivate a strong working relationship of UNM IAIE with Transform Education New Mexico, the 23 Native Nations of New Mexico, and institutions of higher education in the state to implement the Tribal Remedy Framework.
- To build Indigenous culturally relevant and sustaining programs of studies at the undergraduate and graduate levels in higher education by recruiting, hiring, and retaining tenure-track and tenured Native faculty, by offering a strong understanding of the *Martinez and Yazzie v. State of New Mexico* ruling on preparation of Native American teachers, social workers, counselors, and educational leaders, by providing technical training in the trades, and by developing a program in library science that serves the individual needs of the 23 Native Nations in NM.
- To create a series of professional development sessions to educate Native and non-Native entities about educational sovereignty as a framework for cultivating stronger working relationships between the 23 Native Nations and the schools that their students attend.
- To create a framework model for school districts in New Mexico that includes action items in how to respond to the court ruling in ways that honor the students, families, communities, and Native nations that they serve. Demonstrate that there are many resources available (i.e., parents, IAIE, Educational Sovereignty Document, NMCLP, and Transform Education NM, Native leadership, Indigenous education professionals and practitioners) to draw from. Iterate that school districts were also plaintiffs in the case and they continue to have the agency to move forward without the direction of the state.
- To support Native Nations in developing their own plans for supporting their high school students who may want to become teachers.

Acknowledgment

The IAIE faculty thanks all the attendees, presenters, and partners that supported the 2023 summit. We did our best to capture the perspectives and concerns raised by all respondents. If we have missed any pertinent comments or suggestions, you may contact us directly at iaie@unm.edu.

Land Acknowledgment

Founded in 1889, the University of New Mexico sits on the traditional homelands of the Pueblo of Sandia. The original peoples of New Mexico – Pueblo, Navajo, and Apache – since time immemorial, have deep connections to the land and have made significant contributions to the broader community

statewide. We honor the land itself and those who remain stewards of this land throughout the generations and also acknowledge our committed relationship to Indigenous peoples. We gratefully recognize our history.