



INSTITUTE FOR
AMERICAN INDIAN
EDUCATION

2021 Post-Summit Executive Report

CO - A U T H O R S :

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INTRODUCTION

In May 2020, the Institute for American Indian Education (IAIE) at the University of New Mexico, hosted a virtual summit, addressing the impact of the *Martinez/Yazzie v. State of New Mexico* ruling on the current state of Indian education. The Summit provided updates on the legal issues and a legislative perspective by expert speakers followed by small and large-group discussion among all attendees. In the Summit, five primary themes were revealed in the Post-Summit Report on the *Martinez/Yazzie* ruling (2020): 1) Funding is a major concern, 2) New Mexico Public Education Department (NMPED) needs to be accountable, 3) Communication must be inclusive, 4) Educator preparation needs to be improved, and 5) Curriculum and instruction must be culturally responsive.

The report concluded with recommendations, based on data collected from attendees, and reflected the concerns raised during the Summit. Recommendations included: 1) the need to secure sustainable funding, 2) NMPED must be held accountable for addressing and resolving the *Martinez/Yazzie* orders, 3) NMPED should improve their communication with stakeholders to educate people about their strategies for resolving the issues in *Martinez/Yazzie*, 4) NMPED should increase their advocacy to state legislators to improve and expand educator preparation at Institutions of Higher Education, 5) NMPED should provide resources to teachers for developing culturally sensitive curriculum and instruction, and 6) NMPED should review and revise their existing policies to determine alignment with the *Martinez/Yazzie* ruling.

2020 IAIE Summit Recommendations*

- 1. Need for Sustainable Funding***
- 2. Hold PED Accountable***
- 3. Intensify Communication Outreach***
- 4. Improve Educator Preparation***
- 5. Increase Support for Curriculum and Instruction***
- 6. Critical Review of Existing Laws***

*2020 IAIE Post-Summit Report is available on iaie.unm.edu

This year's Summit, which was again organized by the IAIE faculty and staff, took place virtually on Friday, June 4, 2021, through the Zoom platform. The virtual summit was presented from 9 AM to 1:00 PM (MT) in two parts. Part I provided a presentation from IAIE faculty followed by a panel discussion. Part II provided an opportunity for further dialogue among all attendees via breakout rooms.

Our focus and theme was “**Looking to 2022: Finding Strategies that Work.**” Since Judge Sarah Singleton’s ruling on *Yazzie/Martinez v. State of New Mexico* in 2018, legislation has been introduced to implement educational remedies. However, numerous significant bills to carry out these remedies in 2019, 2020, and 2021 have not reached the Governor’s desk for signature. *Are our strategies working? What can we do better as we move forward?* The purpose of this summit was to re-examine and refine a framework of legislative strategies that would maximize our advocacy, resources, and educational capacity and better serve our children in New Mexico.

BACKGROUND

In July 2018, Judge Sarah Singleton of the 1st Judicial District Court ruled the state, the Public Education Department (PED), and the Secretary of Education failed to provide Native American students with college and career-ready education. Judge Singleton stated in her ruling that “lack of funds is no excuse” for providing equitable services and programs for “all at-risk students.” Her ruling was a clear signal to PED, Secretary of Education, and the state that they are responsible for “providing an adequate, sufficient education to at-risk students, i.e., socioeconomically disadvantaged children, English learners, Native American students, and children with disabilities.” Legislation during the 2019 and 2020 session sought appropriations to fund tribal and school efforts to transform the education system, and it fell short in many areas.

On March 13, 2020, NMPED and the state filed a motion to dismiss *Martinez/Yazzie v. State of New Mexico*. The timing of the motion to dismiss occurred at the rise of the COVID-19 Pandemic, which blindsided tribal leaders and educational stakeholders focused on safety and remote delivery of

instruction. The filing caused many in the Native community to question the state's commitment to the government-to-government relationship. Particularly when the state's motion to dismiss the case relied so heavily upon "trusting the state government (PED), legislators, and the governor to fix the state's school system" (NM Center on Law and Poverty, June/29/2020, para. 13) something the state has been unable and unwilling to do despite a constitutional requirement to do so. On June 29, 2020, First Judicial District Court Judge Matthew Wilson denied the state's motion and noted: "that the state's by its own admission was not fulfilling its constitutional duty to provide a sufficient education to all students" (NM Center on Law and Poverty, April/30/2021, para. 1). Additionally, at the request of the Yazzie plaintiffs on April 30, 2021, Judge Matthew Wilson ordered the state to address technology and broadband connectivity issues in rural and tribal areas that were adversely impacting students and their learning during remote learning caused by the COVID-19 pandemic. Finally, in the 2021 Legislative session, tribal and school efforts were again made to address the issues of *Martinez/Yazzie*, and again, these efforts fell short in many areas.

PROCESS

Legislation from the 2019, 2020, and 2021 sessions of the New Mexico State Legislature were reviewed by IAIE faculty with technical assistance from IAIE staff and consultation with UNM Government Relations Director Dr. Barbara Damron.

The 107 legislative actions – bills, memorials, resolutions, summaries, Funding Impact Reports -- that referenced the *Martinez/Yazzie* lawsuit guided the development of the PowerPoint presentation *Martinez/Yazzie Lawsuit-Related Legislative Analysis*.

Seven individuals representing perspectives of K-12 educators, K-12 district administrators, tribal leadership, the NM State House of Representatives, and the NM State Senate were invited

In total, there were 107 pieces of Martinez-Yazzie Lawsuit related legislation. Each year shows:

2021 - 31 legislations

2020 - 42 legislations

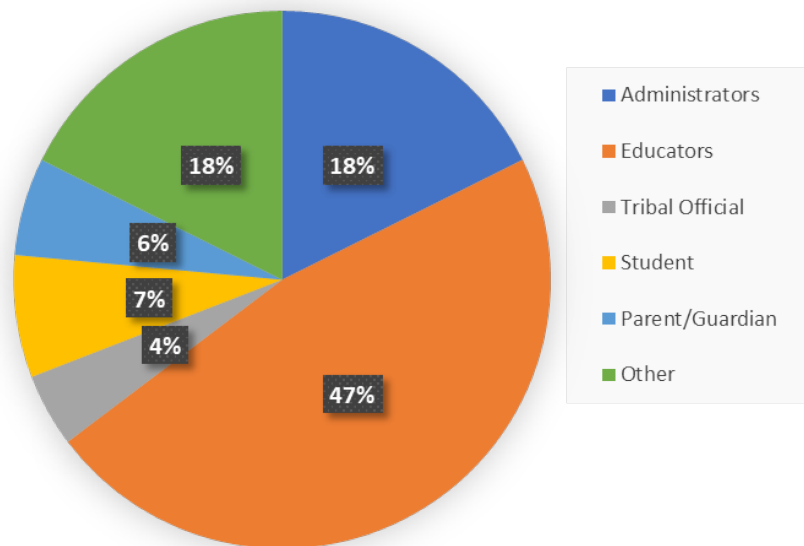
2019 - 34 legislations

There were 23 memorials, 2 resolutions, and 82 bills initiated to address the Martinez-Yazzie Lawsuit.

to serve on the panel. Four of the seven accepted our invitation. The panel included Navajo Nation Councilman Daniel Tso, All Pueblo Governors Council Chairman Wilfred Herrera, Shiprock Elementary Teacher Andrea Thomas, and Gallup McKinley County Schools Superintendent Mike Hyatt.

A total of 95 people pre-registered for the Summit with 68 in attendance. Of those who attended, there were educators (47%), administrators (18%), students (7%), parents/guardians (6%), tribal officials (4%) and others (18%). Utilizing Zoom video conferencing, part one of the summit began with a PowerPoint

IAIE Virtual Summit Attendance



presentation, *Martinez/Yazzie Lawsuit-Related Legislative Analysis*, by IAIE faculty with commentary provided by UNM Government Relations Director Dr. Barbara Damron. This was followed by a one-hour presentation of perspectives by the four panelists. Part two of the summit consisted of four breakout sessions. Each breakout session had 7 to 10 participants plus the facilitator and notetaker. Summit attendees reconvened for the Summit’s final hour to debrief from the breakout sessions and to provide commentary and raise questions. The Summit concluded at 1 PM.

Drawing on the information presented in the PowerPoint and their perspectives from the classroom, administration, and tribal leadership, panelists were asked the following questions:

1. What has been the overall impact of the *Martinez/Yazzie* ruling on your school(s) and schools that serve your communities?

2. What does the legislative record of the NM State Legislature say to you as an educator, leader, and community member about the implementation of the *Martinez/Yazzie v. State of New Mexico* ruling?

The questions that guided the communal discussions vis-à-vis breakout sessions were:

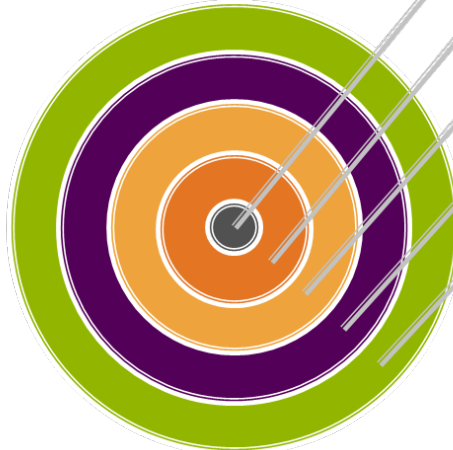
1. What thoughts and questions were raised for you from the legislation analysis and panel commentaries?
2. What strategies, along with legislation, should we focus on in 2022 to address the *Martinez/Yazzie* ruling?

IAIE wanted to focus on a communal format allowing stakeholders to offer their perspectives and to listen to statewide concerns from teachers, policy makers, administrators, and higher education representatives. The breakout sessions allowed participants to reflect on the information presented and then share their own experiences since the Judge's ruling on *Martinez/Yazzie*.

METHODS/PRE-SUMMIT ANALYSIS

Dr. Wendy S. Greyeyes and IAIE staff compiled and analyzed 107 pieces of legislation from the 2019, 2020, 2021 regular Legislative session and the 2020 Special session pertaining to the *Martinez/Yazzie v. State of New Mexico* education ruling. The data consisted of the type of legislation (bill, memorial, resolution), title of the legislation, sponsor(s), current location of the legislation, session the legislation was introduced, summary of the legislation, Fiscal Impact Report, and Legislative Education Study Committee bill analysis. Dr. Greyeyes organized the data into excel spreadsheets and inserted documents into the Atlas.ti qualitative data analysis software to construct a listing of themes and trends. From the coding and analyses, five primary codes/themes were identified:

1. College and Career Ready
2. Culturally Relevant Courses
3. Community Preparedness for College and Career Ready
4. New Mexico Public Education Department planning and preparedness
5. *Martinez/Yazzie* education funding disparity



1. College and Career Ready (CCR)
2. Culturally Relevant Courses
3. Community Preparedness for CCR
4. NMPED Planning and Preparedness
5. M/Y Education Funding Disparity

Of the 107 legislative actions reviewed, the following bills from the Senate and the House of Representatives in 2021 responded to the *Martinez/Yazzie* lawsuit:

Targeted Legislation	Responsive to the <i>Martinez/Yazzie</i> Legislation (2021)
College and Career Ready	SB 337: Workplace Preparation School Programs HB 87: Yazzie Lawsuit Higher Education Funding
Culturally Relevant Courses	HB 86: Native American Library, Internet and Education SB 337: Workplace Preparation School Programs
Community Preparedness for College and Career Ready	HB 86: Native American Library, Internet and Education HB 87: Yazzie Lawsuit Higher Education Funding
NMPED Planning and Preparedness	SB 337: Workplace Preparation School Programs HB 219: Biliteracy Development Framework Task Force
<i>Martinez/Yazzie</i> Education Funding Disparity	HB 6: State Equalization Guarantee Distributions HB 116: Additions to 3-Tiered Teacher Licenses

RESULTS FROM BREAKOUT SESSIONS

What strategies, along with legislation, should we focus on in 2022 to address the Martinez/Yazzie ruling?

- The *Martinez/Yazzie* ruling is not known in many places across the state.
- Communication among all stakeholders is not taking place.
- There is a lack of understanding of and participation in the legislative process.
- There is a need for a different approach for engagement with the NM Legislature.
- Educational leaders and teachers need to be part of the conversation.
- Principals and superintendents are often seen as barriers to operationalizing the remedies.
- There is a lack of unified approach to addressing the issues and operationalizing the remedies Judge Singleton outlined in her ruling.
- There is a lack of tribal unity, voice, and communication on addressing *Martinez/Yazzie*.
- The voice of the opposition to the ruling is not understood or heard.
- There is a lack of outreach to people who are opposed to the ruling.
- Principals and district administrators need professional development on implementing the remedies.
- There needs to be intentional community engagement to address the remedies.
- There is a need for departments across higher education to engage in community-based education and provide support to departments that are operationalizing the remedies in their curriculum.
- There is a need to have greater alignment between K-12 and higher education in realizing the remedies.
- There is a need to listen to parents and provide more support for equity councils.

What thoughts and questions were raised for you from the legislation analysis and panel commentaries?

- There are no central goals to achieve the remedies of the ruling.

- We need to fix and improve the funding formula and equity councils.
- We need time and resources to implement the remedies.
- We need to unify and have established leadership.
- We need to create a common and unified voice.
- There is a lack of common vision and communication among all parties/stakeholders.
- There is a need for a community needs analysis in order to address the unique needs of communities.
- We need a model for successfully developing legislation and seeing it through the process.

RECOMMENDATIONS

- **There is a need for improved communication.** Specifically, there is a lack of awareness of information, initiatives, and interaction among all members of the Tribal community surrounding the issues and remedies of *Martinez/Yazzie*. Additionally, the voice of all members of the Tribal and educational communities are inconsistently heard. Therefore, a more detailed and comprehensive plan for communicating among the 23 Native Nations, educational participants, and external stakeholders such as policymakers and community leaders should be implemented so that all stakeholders are heard, and higher levels of unity and collaboration are achieved.
- **There is a need for greater unity among the 23 Native Nations and stakeholders.** Voice, vision, leadership should be interwoven to ensure all tribal leadership, Native communities, and education stakeholders are working to achieve the remedies. Tribal leadership needs to engage with parents and community members on what exactly Native Nations are advocating for regarding the remedies. Common objectives among all 23 Native Nations and stakeholders need to be developed to create a unified legislation. Tribal leadership with the help of their communities and Native Nations should consider developing one unified legislation to achieve remedies.
- **There is a need for a unified approach in developing legislation and engaging the legislature.** To begin this process, a review of intent and purpose of the lawsuit could be beneficial. Next, a unification of purpose and commitment to specific goals should be reflected in legislation put forward. One story, one narrative, addressing key remedies set forth in the

Martinez/Yazzie ruling should be advanced under the leadership of one or two primary legislators. Finally, there is a need for participation from tribal leaders, communities, educators, and all stakeholders in the development of legislative actions.

- **There is a need to engage all stakeholders.** Engagement is critical in the process of educational reform and specifically to implementing the remedies outlined by Judge Singleton in her 2018 ruling. Parents, educators, administrators, Tribal leaders, equity councils, and other stakeholders from the 23 Native Nations, rural regions of the state and urban settings all have an investment in achieving educational equity and equality. Multiple approaches in engaging all stakeholders are critical to presenting a unified front to ensure that legislation reaches the Governor’s desk. The voices and perspectives are foundational to realizing transformation to address present and future challenges.

THANK YOU!

The IAIE faculty thanks all the attendees, presenters, and partners that supported the virtual summit. We did our best to capture the perspectives and concerns raised by all respondents. We also extend our appreciation to Dr. Danielle Lansing of the Southwestern Indian Polytechnic Institute and Dr. Denise Wallen of the University of New Mexico for their thoughtful reviews of the report. If we have missed any pertinent comments or suggestions, you may contact us directly. Glenabah Martinez at glenie@unm.edu or Brianna Fragua at bfragua@unm.edu.