



DECEMBER 2020

Pathways to Education Sovereignty: Taking a Stand for Native Children

SUMMARY REPORT

Presented by the Tribal Education Alliance, New Mexico



I. The Tribal Remedy Framework: Guidance for Transforming Education

*Pathways to Education Sovereignty*¹ charts a set of solutions to New Mexico’s education crisis and presents a comprehensive plan for meeting the needs of Native students. It reflects the recommendations contained in the *Tribal Remedy Framework*, which is grounded in the Indigenous core values of New Mexico’s 23 Nations, Tribes and Pueblos. The *Tribal Remedy Framework* offers a guiding light for transforming the state’s public education system.

Native children have a constitutional right to a sufficient education, but at each stage of their lives the public education system has failed them. From early childhood through primary, secondary and post-secondary schooling, the cumulative effect of under-resourced, misguided and — to this day — biased educational inputs produces disparate educational outcomes. This systemic equity gap in education jeopardizes the future of Native students and the future of tribal communities.

“The strength of our people and our sovereign nation is dependent upon the education of our children in carrying forward the knowledge of our ancestors’ gift to us and at the same time acquiring the skills necessary to protect our lands, our way of life, our people, all that defines who we are. Education sovereignty is the right to fulfill that vision without compromise.”

President Gabe Aguilar, Mescalero Apache Tribe

The *Tribal Remedy Framework* was created collectively by tribal community members and endorsed by the leadership of New Mexico’s Nations, Tribes and Pueblos. Aligned with the 2018 landmark court ruling in *Yazzie/Martinez v. State of New Mexico*, the *Tribal Remedy Framework* sets out concrete steps for beginning a systemic transformation of the public education system to address historical injustices and ensure equitable outcomes for Native children.

The *Yazzie/Martinez* court ruling found that “the education system in New Mexico violates the New Mexico Constitution art. XII, § 1” (Decision and Order, 7/20/18, p. 59) and that the state has “not studied or developed effective educational systems for Native American students” (Court’s Findings of Fact and Conclusions of Law, 12/20/18, ¶3067), despite directives set out in New Mexico’s Indian Education Act of 2003 (22-23A-1 NMSA 1978). The court also reminded state officials that a lack of funds is not a valid reason for the state to deprive children of their constitutional rights and that “the remedy for lack of funds is not to deny public school children a sufficient education, but rather the answer is to find more funds” (Decision and Order, p. 56).

1. This document summarizes a longer report of the same name. To access the more detailed report, please visit: <https://nabpi.unm.edu/>

The *Tribal Remedy Framework* offers a step-by-step plan for turning legal and judicial mandates into policy solutions and actions. It emerged from a series of tribal Community Education Institutes and Pueblo Convocations, convened by the Leadership Institute (Santa Fe Indian School). These convenings brought together tribal leaders, educators, scholars, youth and tribal community members and resulted in recommendations to create a new paradigm for Indian education. The *Tribal Remedy Framework* serves as an implementation plan, aligned with the mandates in the *Yazzie/Martinez* ruling and the Indian Education Act, as well as with the platform put forward by the broad-based reform coalition, Transform Education NM. During the 2019 and 2020 New Mexico legislative sessions, the recommendations were introduced as a proposed package of bills. An updated version of these bills takes into account additional disparate educational needs exposed by the COVID-19 pandemic. The new set of legislative proposals will be introduced in the 2021 legislative session.

Pathways to Education Sovereignty discusses the tribal recommendations in the historical context of Indian education and the systemic failures of New Mexico’s education system. An in-depth analysis of materials chronicling the development of the *Tribal Remedy Framework* as well as interviews with tribal stakeholders, supplemented by a review of historical, legal, legislative and budget documents, academic research and policy evidence, forms the basis of this report.

The recommendations contained in the *Tribal Remedy Framework* are not radical new ideas. On the contrary, they are drawn from successful tribal educational practices and guided by research, evidence and decades of policy recommendations.

Three strategic solutions define and detail how New Mexico can transform education:



The image displays three distinct boxes, each with a thick red border and a light gray background. Each box contains a bold, black, centered text block representing a strategic solution. The boxes are arranged horizontally and are separated by small gaps.

- Shared responsibility and increased tribal control over the schooling of Native children**
- Community-based education, created by and centered within tribal communities**
- A balanced, culturally and linguistically relevant education that revitalizes and sustains the strengths of children and their communities**

1. Shared responsibility and increased tribal control over the schooling of Native children:

- Elevate the role of Tribal Education Departments (TEDs) and build their capacity, including by creating a pipeline for Native professionals through investing in college and career preparation programs.
- Share public education resources more equitably by providing recurring state funding for TEDs, including through the school funding formula's at-risk factor.
- Formalize collaboration between Tribes and school districts through a local governance and accountability framework; establish Native technical assistance centers to support TEDs and schools.

2. Community-based education, created by and centered within tribal communities:

- Invest in tribal libraries as community education centers to provide extended learning, summer school, technology access, career and support services.
- Invest in early education programs developed and delivered by tribal communities, with Tribes retaining full authority.
- Increase the capacity of tribal community-based networks to deliver integrated student support services, and enable public schools to coordinate and contract with Tribes for providing students with health and social supports.

3. A balanced, culturally and linguistically relevant education that revitalizes and sustains the strengths of children and their communities:

- Develop policies to address institutional racism; adopt trauma-informed practices; implement Indigenous justice models to end the marginalization and school pushout of Native children.
- Establish Indigenous curriculum development centers; expand Native language programs by adding a Native language factor to the school funding formula and distribute funds to Tribes; ensure full tribal authority over Native language and culture programs.
- Invest in a pipeline for Native teachers, educational leaders and staff; ensure pay equity for Native language teachers; provide tuition waivers for tribal students.

These solutions require a fundamental shift in approach. They demand a commitment to rectify historical injustices and systemic racism, backed by a substantial targeted investment and a willingness to share responsibility with Tribes at both the state and local levels. Each proposed solution can help turn around New Mexico’s failed education system — from governance to funding, school environments to teaching and testing, and from early education to college. This framework for change presents a historic opportunity to close the education equity gap. The key to change lies in enabling New Mexico’s Nations, Tribes and Pueblos to take greater ownership over the education of their children.

“We have a chance to bend history, to make it different, to create change, so that in the totality of all our actions, we will have shaped a future generation of Native children who has it better than we do. It will take acts of courage and a strong belief that the history of Native people will be shaped by what we do today. This change must occur. If our Tribes shape and control the education of Native children to include our Indigenous languages, cultures and values, we ensure equity and opportunity, and a brighter future. This is Education Sovereignty and a path to our collective prosperity.”

Governor Brian Vallo, Pueblo of Acoma

II. A New Education Paradigm

New Mexico’s public education system produces a persistent equity gap that leaves many Native students unprepared for career, college or community leadership. The *Yazzie/Martinez* ruling attributed disparate educational outcomes to a “systemic failure” (Order and Decision, p. 46) and warned that children “will be irreparably harmed if better programs are not instituted” (Id., p. 74). Court findings showed that Native students attend under-resourced schools that fail to provide adequate educational programs and services and that ignore the diverse strengths and needs of Native students.

Native students face a barrage of barriers at school. They must cope with racial discrimination and bullying, accept a shortage of teachers and technology, and conform to a biased curriculum and distorted set of assessments. But these students are not “failing” school or “dropping out” — instead, they are being pushed through or pushed out by schools and administrators, teachers and policymakers who operate within entrenched structures of institutional racism.

“In education, discrimination and racial bias are forces of institutional racism that begin at pre-school. At stake are Indigenous Peoples’ most precious assets — children and cultural integrity. Educational justice transforms all forms and levels of education to prepare our children with cultural integrity, dignity, and respect.”

*Christine Zuni Cruz, J.D., Isleta Pueblo,
Professor of Law, University of New Mexico School of Law*

The state has an obligation to rectify the violation of Native students’ constitutional and human rights. Yet, the policy and funding solutions offered by the state do not match the scale and depth of the problem. There is no comprehensive plan or strategy to comply with the Yazzie/Martinez court ruling. Nor is there an assessment of what it would cost to provide Native students with the programs and services they need to be college, career and community ready.

“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.”

*Claudia J. Vigil-Muniz, Jicarilla Apache,
Director, Jicarilla Apache Department of Education, former President, Jicarilla Apache Nation*

A national study estimated New Mexico has a school funding gap of \$1.90 billion per year, with a majority of Native school districts suffering from disproportionately larger gaps.² The state’s FY2020 education budget increase of approximately \$430 million was clearly insufficient to close this gap.

Indian education in New Mexico remains largely unfunded. The *Yazzie/Martinez* court ruling found the state’s Indian Education Fund, which awards small-scale, one-off grants, unsuitable for sustaining necessary educational programming. Tribes are not eligible to receive distributions from the state’s school funding formula, the State Equalization Guarantee (SEG). The SEG includes a number of special formula factors that increase allocations to districts serving certain student populations, but none are specifically targeted to address the needs of Native students or to sustain Native language programs.

The inequitable distribution of education resources has a long history. Almost a hundred years ago, the 1928 Meriam Report condemned the “work of the government directed toward the education and advancement of the Indian himself, as distinguished from the control and conservation of his property, [as] largely ineffective. The chief explanation of the deficiency in this work lies in the fact that the government has not appropriated enough funds.³” Interestingly, it was through the effective “control” of Tribal and Hispanic property that New Mexico’s Permanent Land Grant Fund was established upon entry into statehood. Since the fund was earmarked for financing education, the newly created state public school system benefited directly — and continues benefiting to this day — from the forced transfer of millions of acres of Pueblo and Hispanic lands into state hands.

There is little doubt that equitable and sufficient funding for educating Native students would go a long way toward redressing unmet needs. The *Tribal Remedy Framework* outlines a set of steps to advance

² The Century Foundation, *Closing America’s Education Funding Gaps* (July 2020), at <https://tcf.org/content/report/closing-americas-education-funding/>

³ Institute for Government Research, *The Problem of Indian Administration*, Baltimore, MD: The Johns Hopkins Press (1928), 8, commonly referred to as the “Meriam Report.”

funding parity for Native students. But without dismantling the culture of assimilation entrenched in New Mexico's Western-designed school system, institutional bias will continue to thwart Native student success.

“Public officials lack historical consciousness. Because they have power, they are part of determining what counts as knowledge, what aligns with the dominant culture. We need to interrupt this racialized and intersectional privileged way of understanding and teaching history. Students need a strong foundation in the culture and language of their Indigenous nations and know about the history of Indigenous activism.”

*Dr. Glenabah Martinez, Taos Pueblo/Diné,
Associate Professor, Department of Language, Literacy, and Sociocultural Studies,
and Director, Institute of American Indian Education, University of New Mexico College of Education*

The equity gap is embedded in the destructive history of Indian education in the United States. Education has served as an instrument for denigrating and eradicating Indigenous cultures and communities. Native children were forcibly taken from their families and placed into the abusive environments of federal boarding schools. Subsequent generations were “integrated” into state public schools, where they undeniably faced racism and neglect. Today, the vast majority of Native children attend public schools and are entitled to equal rights under the New Mexico constitution. Yet the harm American schooling has inflicted on Native children and their communities runs deep.

Dismantling the oppressive structures that deprive Native children of an adequate education demands more than piecemeal reforms. It involves acknowledging how patterns of domination have harmed one culture while benefiting another. It requires recognizing tribal communities as sovereign nations and yielding to them on decisions that affect their children's education. It calls for a shift from an assimilationist education model to an Indigenous education paradigm, where the dignity, knowledge and values of Native children and their communities are clear, visible cornerstones.

“Native children have a right to an education that is centered on their Indigenous cultural and linguistic values and acknowledges their unique perspectives based on their lived experiences. By ensuring that our children receive that education, we help to perpetuate the vitality of our tribal communities, our language, our culture, and our way of life.”

*Melissa Candelaria, Esq., San Felipe Pueblo,
Senior Education Attorney, New Mexico Center on Law and Poverty*

When the Indian Education Act was enacted in 2003, it was meant to set New Mexico on a path of change. Embedded in the Act are the principles of government-to-government relations — long recognized at the federal level but new to state-tribal interactions, especially in state education law and policy. One of the Act’s central precepts was to increase tribal control over public schools that serve Native children. While other state policy areas have benefited from the sharing of authority and responsibility between Tribes and the state, no such reciprocity has occurred in public education. Native students have been ill-served by this one-sided approach.

Full implementation of the Indian Education Act, as amended in 2019, must be one of the cornerstones of a transformed and just education system. The *Yazzie/Martinez* court ruling recognized the Indian Education Act as a constitutional mandate (FFCL ¶13067). To meet this constitutional obligation, state government must shift its perspective and begin to share power over policy and resources. By accepting tribal leaders, educators and communities as partners in public education, public officials can draw on the considerable experience of Tribes in designing and delivering education programs for Native children. Tribes have successfully established or taken over schools and colleges, developed Indigenous language preservation and revitalization programs, implemented culturally relevant instruction, built community education centers and partnered with higher education programs. Inspired by these practices and possibilities, the *Tribal Remedy Framework* charts pathways toward a new education paradigm.

It is centered on three systemic solutions that complement and build on each other:

- Shared responsibility in public education and increased tribal education sovereignty;
- Community-based education through investing in infrastructure and programs created by and centered in tribal communities; and
- A culturally and linguistically relevant education that is revitalizing, sustaining and builds on the strengths of Native children and their communities, thus creating a balanced education from early childhood through college.

“40 plus years of education reform efforts have just been band-aids. They’ve utilized Western knowledge and tools to make changes, but this has had limited impact. As long as it’s merely about giving struggling students a helping hand, we won’t see meaningful change. New Mexico’s education system needs a complete overhaul in order to reflect Native people and be relevant for us.”

Dr. Lloyd Lee, Diné, Associate Professor and Graduate Faculty Director, Native American Studies Department, University of New Mexico

III. The Tribal Remedy Framework’s Solutions and Pathways

Solution 1: Shared Responsibility in Public Education

The Indian Education Act requires the state of New Mexico “to increase tribal involvement and control over schools” (22-23A-2 NMSA 1978). However, the *Yazzie/Martinez* court ruling found that New Mexico’s Public Education Department (PED) lacks a formal, government-to-government mechanism for involving Tribes (FFCL ¶588) and that school districts routinely fail to comply with federal and state tribal consultation mandates (FFCL ¶620). This leaves Tribes largely locked out of education decisions affecting Native children. The court noted that the absence of collaborative relationships has obstructed the implementation of legal mandates: “The Indian Education Act is premised on the idea that a culturally relevant education is to be produced through the cooperation of the schools and the tribal communities. This goal has not been realized in most of the districts with significant Native American student populations” (Decision and Order, p. 28).

This has created a disconnect between the schooling provided by public schools and the education that Indigenous students, families and communities want and need. Without tribal consultation and collaboration, the state lacks the capacity to understand how funding and programming can best be deployed to improve educational outcomes for Native students. This deficiency is at the core of the education system’s constitutional failure. It is the direct result of a reluctance by the PED and Local Education Agencies (LEAs) to recognize that tribal sovereignty is implicit in the education of Native students and requires a shared responsibility with Tribes.

Tribal sovereignty is not only codified in international, federal and state law, but is also rooted in Indigenous ways of life, languages and cultures. A Tribe’s sovereign existence is deeply connected to what and how tribal members learn. In developing the *Tribal Remedy Framework*, tribal leaders, education advocates and tribal community members sought to reclaim the education of Native children. They laid out a framework of shared responsibility between the state, Tribes and school districts, centered on a formal collaboration in matters of school governance, funding and accountability.

The state can take three concrete steps toward sharing responsibility in public education:



1. Elevate the role of Tribal Education Departments

Tribal Education Departments (TEDs) have a key role in the education system, which the state should enhance and elevate, including through capacity building. This is necessary to sustain tribal education initiatives and enable partnerships between Tribes and LEAs in local school governance and programming. The state should support Native higher education institutions and programs, along with Native organizations specializing in college readiness initiatives. This will help build a pipeline of Native professionals through college and career preparation. Developing a systematic cycle of support for Native students embarking on a college or career pathway, including internships and mentoring programs, will benefit both individuals and Tribes through the placement of graduates in the tribal workforce.

2. Share education resources more equitably

Public education resources should be shared more equitably by making Tribes eligible for receiving distributions from the school funding formula. The Legislative Finance Committee recognized in 2006 (LFC Report #06-04) that TEDs have a similar function as LEAs and should be funded accordingly. Since Native students are categorized within the at-risk group, according to the Yazzie/Martinez ruling, the at-risk formula factor should be increased to include Native students and to fund Tribes for operating extended learning programs, summer school and student support services. Government-to-government agreements should be used to develop culturally appropriate accountability mechanisms for state funding intended to meet Native students' needs.

3. Formalize joint education governance

The PED, Tribes and LEAs must develop a formal framework for shared local education governance that is community- and culturally appropriate. District and school level budget decisions must align with identified student needs. Formal memoranda should guide collaborative efforts between TEDs and LEAs. The state should support the establishment of two Native technical assistance centers, similar to Regional Education Cooperatives, to assist both TEDs and LEAs.

Solution 2: Community-Based Education

Community-based education extends the sites of student learning into tribal communities, thereby enabling Native families and community members to become active participants in the education process. This embraces an Indigenous understanding of knowledge as embedded in place and embodied across generations. In contrast to a one-way model of schooling that relegates students, families and communities to passive recipients, community-based education fosters more equal, mutually supportive relationships.

Education programs created by and centered in tribal communities can expand and enrich formal education by connecting classrooms with communities and their cultural resources. This restores a balance to education by grounding students in cultural integrity and community mindedness.

Tribes operate a range of community-based education programs and services that are embedded in cultural and linguistic traditions and delivered by Native experts, often in multi-generational settings. Smart interchanges between community-based and school-based programming can be achieved through formal partnerships between schools, Tribal Education Departments and community facilities located on tribal lands. The Indian Education Act stipulates that “supports are needed in public school, at home and in the community to help Indian students succeed” (22-23A-9 NMSA 1978). Incorporating community facilities, programs and services into formal public education can help schools address persistent access gaps. The *Yazzie/Martinez* ruling found that technological, physical and cultural barriers deprive Native students of significant school-based learning opportunities. Investing in community-based programming expands the reach of public schools, increases student participation, enriches the learning experience and enables family involvement.

This has never been more important than in the era of the COVID-19 pandemic. While distance learning and the lack of technology have widened the equity gap, community-based education fosters student engagement through culture and language-based learning as well as experiential practices. Learning takes place in small-scale settings close to students’ homes.

Community-based education requires an infrastructure comprised of different learning spaces. Tribal libraries supplement school-based programming and also offer intergenerational activities; early childhood centers enable Native language learning; and a network of social supports can connect older students to opportunities and services that help them graduate and transition out of school.

Infrastructure expansion within tribal communities can occur if the state adopts three concrete strategies:

Invest in tribal libraries

**Invest in tribal community-based
early education**

**Invest in tribal community-based
student support services**

1. Invest in tribal libraries

Tribal libraries function as community education centers and should be funded accordingly. They serve as sites for extended learning and summer school, technology hubs, career pathway centers and conduits for social support services. Tribal libraries already assist public schools through a range of educational programming. However, severe under-resourcing limits their reach.

2. Invest in tribal community-based early education

Community-based early education programs are key to closing the equity gap that often begins in early childhood. If early education investments by the state are to benefit Native children, resources and decision-making authority must be shifted to Tribes for operating early childhood programs that are grounded in Native languages and cultures. This assures families that their youngest children are secure in their Indigenous identity and develop a sense of belonging.

3. Invest in tribal community-based student support services

School districts should coordinate and contract with Tribes for providing social support services that meet Native students' social, emotional and health needs. Successful tribal community-based support services combine clinical with traditional methods of helping and healing that draw on a resiliency model, anchored in the profound strengths, resourcefulness and perseverance of Indigenous communities. These services should be sustained and scaled up, through support for Native behavioral health centers that engage in community capacity building.

“Tribal Libraries are at the heart of supporting our people, young and old, through our community-based education programs that strike a balance in the transfer of essential knowledge, Indigenous and Western. They are not a luxury but an absolute necessity.”

*Janice Kowemy, M.A. Library Sciences,
Laguna Pueblo, Laguna Pueblo Library*

Solution 3: Culturally and Linguistically Relevant Education

A relevant, culturally and linguistically sustaining and revitalizing education fosters the full development and well-being of Indigenous children and their communities alike. This requires embedding Native languages, cultures and values in school environments, instruction, curriculum and assessments, sequentially supporting the formation of Indigenous identities from early childhood through college. Public schools can shift toward a balanced education model by interweaving cultural, linguistic and academic competencies and braiding Indigenous and Western knowledge systems. For tribal communities threatened by language and culture loss, the shift away from assimilation to a culturally revitalizing and sustaining education is nothing short of an existential imperative.

“Culturally and linguistically sustaining and revitalizing education counters the oppressive, colonial attempts to eradicate Indigenous language, identity, and knowledge. It engages Indigenous communities to determine learning outcomes and ensures alignment with the core values, worldview, and desires for the education of their children.”

*Dr. Tiffany Lee, Diné/Lakota, Chair and Professor,
Native American Studies Department, University of New Mexico*

This much needed shift is not yet reflected in the reality of public schooling: schools continue to employ a deficit-based approach, treating Native students and their cultural and linguistic assets as problems and demanding assimilation to dominant ideologies and cultures. The Yazzie/Martinez court ruling found that “New Mexico’s system of education does not provide Native American students the necessary programs and services that meet their unique cultural and linguistic needs” (FFCL ¶1523) and that the state has “failed to implement culturally relevant learning environments” (FFCL ¶13076). The court summed up a multitude of inadequate and inequitable schooling inputs, including one-sided Eurocentric curricula, inappropriate instructional materials, low-quality teaching, insufficient Native language instruction and a serious underrepresentation of Native teachers. Taken together, these reflect the systemic bias, neglect and under-resourcing that continue to produce inequitable educational outcomes for Native students.

“Our current educational systems, from early childhood to higher education, perpetuate historical trauma by continuing to teach based on colonial concepts that disregard Indigenous history, language, traditions and culture. Teaching and using every part of our malleable brain through the acquisition of dual languages and placing value on traditional sociocultural knowledge is our key to healing and resilience.”

Dr. Gayle Diné Chacon, Diné, Executive Director, Native American Budget and Policy Institute at UNM, former Surgeon General of the Navajo Nation

Research has shown that outcomes can be improved through educational practices that are relevant, respectful and responsive to the values and needs of Native students and their communities. However, a relevant and balanced education is not a product that can be designed in a top-down manner by the state or private entities; it can only emerge from collaborative efforts that engage tribal communities in defining goals, methods and content. It has to be built upon the foundation of tribal education sovereignty and community-based education. The task is to create a different educational environment that starts with children’s existing knowledge and strengths, challenges implicit cultural and racial bias, and is accountable to tribal communities.

The state can begin such a transformation with three concrete strategies:

Address institutional racism

**Invest in Native languages and
Indigenous curriculum**

**Create a pipeline for Native
teachers**

1. Address institutional racism

Making education relevant starts by turning schools into welcoming and safe environments for Native students and their families. Schools must confront the history of injustice, including barriers imposed by institutional racism and the impact of trauma. The state should support Tribes and Native higher education programs to assist schools in developing trauma-informed practices and connecting students to culturally appropriate resources. Schools must also work with tribal communities and Indigenous law practitioners to incorporate Indigenous justice practices, specifically peacemaking, in order to manage conflicts that currently trigger punishment and criminalization.

2. Invest in Native languages and Indigenous curriculum

The state must invest in Native language programs and Native-led centers for curriculum and materials development. Curriculum development requires coordinated efforts by Native education experts and tribal communities and cannot be separated from Native language revitalization. Tribes should receive distributions from the school funding formula, through a new Native language factor, for developing and delivering Native language programs, while retaining full authority over their educational programming.

3. Create a pipeline for Native teachers

The state must make a concerted effort to increase the number of Native teachers, specialists and educational leaders who understand the communities, languages and cultures of their students. Narrowing the teacher diversity gap requires investing in a Native teacher pipeline, operated by Tribal colleges and Native higher education programs. Native students should be supported through tuition waivers. Native language teachers must be assured pay equity. All public school teachers, staff and educational leaders should receive anti-racism and Indian Education Act training.

“This is a critical generation of Native children, the last to prevent the deterioration of our Native languages. Without language, how long can a culture survive without unravelling? We need a different paradigm to win this race against time. Native Languages must become part of the regular school curriculum.”

*Dr. Christine Sims, Acoma Pueblo, Director,
American Indian Language Policy Research and Teacher Training Center, University of New Mexico*

IV. A Plan for Action: Steps to Implement the Tribal Remedy Framework

Transforming public education in New Mexico and closing the equity gap for Native students requires investing in the education sovereignty of New Mexico’s Nations, Tribes and Pueblos. The *Tribal Remedy Framework* responds to the landmark *Yazzie/Martinez* ruling with a set of strategic solutions that place tribal communities at the center of education planning, programming and infrastructure. It guides the state toward sharing responsibility with Tribes and investing in community-based education. This is the foundation on which schools and communities, Tribes and higher education institutions can build an equitable public education system that ensures full access to culturally appropriate learning during the pandemic and beyond. To embark on this transformation, the state has to share power and resources with New Mexico’s Tribes. The *Tribal Remedy Framework* lays out the steps for starting this process now.

Solution	Policy Steps	Implementation & Investments
Shared Responsibility in Public Education	Build capacity of Tribal Education Departments (TEDs) to assume a role akin to LEAs and increase tribal involvement & control	<ul style="list-style-type: none"> • Support Native higher education institutions/programs to provide technical assistance • Build pipeline for Native professionals through college & career preparation and tuition waivers
	Resource TEDs through recurring funding, including the at-risk formula factor	<ul style="list-style-type: none"> • Recurring allocation for TEDs • Expand at-risk factor to include Native students; make Tribes eligible for receiving at-risk funds
	Formalize TED-LEA collaboration through a local governance framework that increases tribal involvement & control over school resourcing and programming	<ul style="list-style-type: none"> • Support the meaningful implementation of HB250 (collaboration in developing needs-based resourcing and programming) • Require accountability measures to be culturally and community-appropriate • Establish Native technical assistance centers to support Tribes and schools
Community-Based Education	Build community education infrastructure, e.g. through tribal libraries as community education centers (providing extended & summer learning, technology, support & career services)	<ul style="list-style-type: none"> • Make significant capital investments in all tribal libraries • Make significant operational investments in all tribal libraries
	Increase tribal capacity to develop and deliver community-based early education programs	<ul style="list-style-type: none"> • Provide full authority and state funding for TEDs to develop early education programs • Expand Native language teacher certification to include early education • Fund early education curriculum development through Native higher education programs
	Increase tribal capacity to develop a network of integrated student support services	<ul style="list-style-type: none"> • Fund tribally-based design and delivery of integrated social support services • Support Native higher education institutions/programs to provide technical assistance
Balanced, Culturally & Linguistically Relevant Education	Make schools safe and supportive and end school pushout by addressing institutional racism, using trauma informed practices and Indigenous justice models	<ul style="list-style-type: none"> • Fund technical assistance to Tribes, schools, teachers and PED through Native higher education institutions/programs • Support tribal agencies in providing social and emotional supports, assisted by Native higher education institutions/programs
	Establish curriculum development centers at Native higher education institutions/programs partnering with Tribes; provide permanent funding for Native language programs	<ul style="list-style-type: none"> • Establish curriculum development centers at Native higher education institutes/programs • Add a Native language factor to the school funding formula; make Tribes eligible for receiving formula funding; ensure full tribal authority over programming and use of funds
	Create a Native teacher pipeline; require anti-racism and IEA training for all educators and staff	<ul style="list-style-type: none"> • Build a Native teacher pipeline through supporting enrollment, training and professional development at Native higher education institutions/programs • Provide tuition waivers for Native college students • Ensure equal pay for Native language teachers

Afterword

Tribal leaders have called the landmark *Yazzie/Martinez* ruling “a watershed moment.” It brought forth a once-in-a-lifetime opportunity in the struggle for education equity for Indigenous children. Not since 1890, when the first Indian education policy was unveiled as supposedly a more humane way to deal with the “Indian Problem” — after genocide, extermination and wars failed to eliminate us — have we had the opportunity to redefine education for our purpose. Indian education was built on the doctrine that Indigenous languages and cultures can be killed by removing children from their homes and communities and forcing them to assimilate. Now, following *Yazzie/Martinez*, we have an opening to fully and truly end this injustice.

However, if we collectively fail at this time, we may become a tragic chapter in a long history of oppression. In our failure, we may very well write the final chapter of Indigenous languages and cultures. Those who come after us will know and say that it was during our time that our Indigenous languages and cultures perished. That is a prophecy taught by our elders.

Our elders also teach us that it is our sacred trust to do all we can to disrupt such prophecies from becoming reality. What we do today, after this landmark court decision, will define what future generations inherit from us. This is a struggle for our cultural survival. I truly believe we will fulfill our sacred trust in this time. The reason is simple: There are far too many people who, over the course of the past few years, have come to understand and appreciate our struggle. Together we will make this a truly historic and defining moment in New Mexico history.

*Regis Pecos, Cochiti Pueblo
Co-Director, Leadership Institute*

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The full report is available at
<https://nabpi.unm.edu/tribal-remedy-framework.html>