



Navajo Nation on motion to dismiss Yazzie-Martinez case: “New Mexico must do right by our children.”

FOR IMMEDIATE RELEASE: June 29, 2020

WINDOW ROCK, Ariz. — Members of the 24th Navajo Nation Council greeted the news that New Mexico First Judicial District Judge Matthew Wilson rejected New Mexico Gov. Michelle Lujan Grisham’s request to dismiss the 2014 Yazzie and Martinez v. State of New Mexico lawsuit.

“The 24th Navajo Nation Council was disappointed to hear from Gov. Lujan Grisham earlier this month that the State of New Mexico would continue seeking a motion to dismiss one of the most important victories for Navajo students in the state,” said Speaker Seth Damon (Baahaali, Chilchiltah, Manuelito, Red Rock, Rock Springs, Tsayatoh). “The Yazzie-Martinez case began with a simple question, ‘Why can’t our children bring their textbooks home to complete their homework?’ The fundamental issues of student rights and state education funding have not been adequately addressed. The State of New Mexico must do right by our children.”

Decided in 2018, Yazzie and Martinez v. State of New Mexico found that the state continually failed to provide Native American students, English language learners, students with disabilities and low-income students an adequate education that prepared them for a career or for college.

The motion to dismiss case plaintiffs’ opposition was filed by the State of New Mexico on May 1. In response, the Navajo Nation and the All Pueblo Council of Governors, Mescalero Apache Nation and Jicarilla Apache Nation immediately expressed their opposition.

Wilson acknowledged on Monday that the state was only in the initial stages of the implementation and compliance stages of the suit.

“The New Mexico Constitution makes it very clear,” stated Council Delegate Daniel E. Tso (Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Brewitt, Casamero Lake, Ojo Encino, Counselor), chairman of the Health, Education, and Human Services Committee. “It says, ‘A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained.’ As far as Navajo students are concerned, that hasn’t happened yet.”

Chairman Tso expressed his concern that the New Mexico Public Education Department, as an organization, continues to marginalizes the needs of Navajo students. Notably, the state’s attorney could not provide adequate arguments in their motion to dismiss.

The Yazzie-Martinez case represents one of the most powerful tools for local leaders and school districts serving at-risk populations in New Mexico in helping to ensure the state’s budget priorities are refocused onto its public education system.

The Court held in its 2018 findings that the New Mexico Indian Education Act of 2003 provided a set of goals that would accomplish the state constitution’s requirements for Native American children. The problem, noted council delegates, can be attributed to the lack of a comprehensive education funding reform bill that adequately improved funding levels per student.

“As Navajo leaders, we must continue to ask the State of New Mexico to seriously consider the success of our Navajo students,” said Council Delegate Mark Freeland (Becenti, Lake Valley, Nahodishgish, Standing

Rock, Whiterock, Huerfano, Nageezi, Crownpoint), chairman of the State Task Force Subcommittee. “For every Navajo student whose Census number is used on applications for federal Impact Aid funding, the state should be matching those education dollars instead of working to continue operating under policies and funding mechanisms that don’t work for school districts that need it the most.”

To proactively establish the Navajo Nation’s position in favor of protecting local school districts’ allocations of federal Impact Aid, the Council unanimously approved Resolution No. NABIJN-28-20 on Jun. 18. That resolution supports the final written determinations of the federal Impact Aid Program that the State of New Mexico cannot utilize portions of the federal funding to effectively calculate funding offsets for state aid entitlements from Jul. 1, 2019, to Jun. 30, 2020.

Supporting the findings of the Yazzie-Martinez case and pushing for greater educational support at the state level has been a legislative priority of the 24th Navajo Nation Council through Resolution No. NABIJA-03-20. That legislation was approved Jan. 23 and included, as its top three priorities, issues related to Impact Aid, Yazzie-Martinez case and funding for Head Start and pre-k programs.

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