

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0165-21_

SPONSOR: Daniel E. Tso

TITLE: An Action Relating to the Health, Education and Human Services and Naabik'iyáti' Committees; Supporting the Implementation of the Tribal Remedy Framework to Address Educational Transformation to Meet the Needs of Indigenous Students Attending the State of New Mexico Public Schools; Supporting the Reintroduction or Similar Versions of the New Mexico House Bills Titled the Native Language Education Unit, Yazzie Lawsuit Response Funding, Native American Library, Internet & Education, and Yazzie Lawsuit Higher Ed. Funding; Supporting Any Future New Mexico House Bills Related to the Tribal Remedy Framework in Future State Legislative Sessions.

Date posted: August 12, 2021 at 7:18 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0165-21

DATE: August 12, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'IYATI' COMMITTEES; SUPPORTING THE IMPLEMENTATION OF THE TRIBAL REMEDY FRAMEWORK TO ADDRESS EDUCATIONAL TRANSFORMATION TO MEET THE NEEDS OF INDIGENOUS STUDENTS ATTENDING THE STATE OF NEW MEXICO PUBLIC SCHOOLS; SUPPORTING THE REINTRODUCTION OR SIMILAR VERSIONS OF THE NEW MEXICO HOUSE BILLS TITLED THE NATIVE LANGUAGE EDUCATION UNIT, YAZZIE LAWSUIT RESPONSE FUNDING, NATIVE AMERICAN LIBRARY, INTERNET & EDUCATION, AND YAZZIE LAWSUIT HIGHER ED. FUNDING; SUPPORTING ANY FUTURE NEW MEXICO HOUSE BILLS RELATED TO THE TRIBAL REMEDY FRAMEWORK IN FUTURE STATE LEGISLATIVE SESSIONS.

PURPOSE: This resolution, if adopted, will support the implementation of the Tribal Remedy Framework to address educational transformation to meet the needs of Indigenous students attending the State of New Mexico public schools. This resolution also supports any New Mexico House Bills related to the Tribal Remedy Framework.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

PROPOSED STANDING COMMITTEE RESOLUTION
24TH NAVAJO NATION COUNCIL—Third Year, 2021

INTRODUCED BY

Daniel G. Jr

Primary Sponsor

TRACKING NO. 0165-21

AN ACTION

RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'İYATI' COMMITTEES; SUPPORTING THE IMPLEMENTATION OF THE TRIBAL REMEDY FRAMEWORK TO ADDRESS EDUCATIONAL TRANSFORMATION TO MEET THE NEEDS OF INDIGENOUS STUDENTS ATTENDING THE STATE OF NEW MEXICO PUBLIC SCHOOLS; SUPPORTING THE REINTRODUCTION OR SIMILAR VERSIONS OF THE NEW MEXICO HOUSE BILLS TITLED THE NATIVE LANGUAGE EDUCATION UNIT, YAZZIE LAWSUIT RESPONSE FUNDING, NATIVE AMERICAN LIBRARY, INTERNET & EDUCATION, AND YAZZIE LAWSUIT HIGHER ED. FUNDING; SUPPORTING ANY FUTURE NEW MEXICO HOUSE BILLS RELATED TO THE TRIBAL REMEDY FRAMEWORK IN FUTURE STATE LEGISLATIVE SESSIONS.

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400(A). Among other responsibilities, the Committee is empowered to represent the Navajo Nation at local, state and federal levels in coordination with the President of the Navajo Nation and the Naabi'kiyati Committee on proposed legislation, funding and other actions affecting health,

1 environmental health, social services, education, veteran's services, employment,
2 training and labor. 2 N.N.C. § 401(B)(7).

- 3 B. The Naabi'kiyati Committee is a standing committee of the Navajo Nation Council and
4 empowered to coordinate all federal, county, and state programs with other standing
5 committees and branches of the Navajo Nation government to provide the most
6 efficient delivery of services to the Navajo Nation. 2 N.N.C. §§ 700(A), 701(A)(4).

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8 **SECTION 2. FINDINGS**

- 9 A. First and foremost, the Navajo Nation commends the leadership of Wilhelmina Yazzie
10 for being the voice for all tribal nations across New Mexico and tribal members
11 attending New Mexico public schools, and by paving a path for all Indigenous peoples
12 to include their values, language and culture into their public education.
- 13 B. The Tribal Remedy Framework (TRF) were produced by Native parents, students,
14 teachers, tribal education directors, language program directors, social workers, health
15 practitioners, Native higher education faculty, and tribal leadership which offers to
16 serve as a guide and suggests recommendations to the State of New Mexico to meet its
17 constitutional obligations to uphold Indigenous students' right to an adequate and
18 sufficient education.
- 19 C. The Navajo Nation also commends tribal leaders, tribes, and Pueblos for their support
20 of the Tribal Remedy Framework; it also commends the Leadership Institute, the Tribal
21 Education Alliance, and the Native American Budget and Policy Institute for providing
22 a full report regarding the Tribal Remedy Framework's solutions, *Pathways to*
23 *Education Sovereignty*; and it commends State Representative Derrick Lente for
24 introducing, on behalf of tribes, the Tribal Remedy Framework solutions as a legislative
25 package, and the Tribal Education Alliance for advocating for the Tribal Remedy
26 Framework in the state legislature.
- 27 D. On July 20, 2018, in *Yazzie et. al. v. State of New Mexico*, the First Judicial District
28 Court of New Mexico provided that the state had "not studied or developed effective
29 educational systems for Native American students." The court ruled that the State of
30 New Mexico failed to uphold its obligation set out in the New Mexico Indian Education
Act of 2003 and the New Mexico Constitution. The Court also reminded state officials

1 that a lack of funds is not a valid reason for the state to deprive children of their
2 constitutional rights and that “the remedy for lack of funds is not to deny public school
3 children a sufficient education, but rather the answer is to find more funds.”

- 4 E. The Tribal Remedy Framework emerged from a collaboration between Native parents,
5 students, teachers, tribal education directors, language program directors, social
6 workers, health practitioners and Native higher education faculty, who drew on proven
7 best practice within tribal communities to develop a framework for education that
8 envisions a future where Indigenous knowledge is balanced with the skills necessary to
9 function in our contemporary world.
- 10 F. In 2019, the TRF was endorsed by the leadership of all Native Nations, Tribes and
11 Pueblos of New Mexico.
- 12 G. The recommendations provided within the TRF place tribal communities at the center
13 of education planning, programming, and infrastructure. They correspond to the federal
14 legal and policy framework for tribal self-determination and education sovereignty.
- 15 H. The Navajo Nation recognizes and supports the strategies provided within the TRF:
16 a. Shared responsibility and increased tribal control over the schooling of Native
17 children; and
18 b. Community-based education, created by and centered within tribal communities;
19 and
20 c. A balanced, culturally and linguistically relevant education that revitalizes and
21 sustains the strengths of children and their communities.
- 22 I. The Navajo Nation recognizes the urgent need for educational transformation to fulfill
23 the rights and meet the needs of Indigenous students attending New Mexico’s public
24 schools, which include the right and need to be immersed in their values, languages and
25 cultures, to be college, career and civics ready, and to be healthy, safe and respected.
- 26 J. The TRF recommends to the State of New Mexico educational and funding priorities
27 which were developed by tribal leadership, students, parents, and community members
28 attached as **Exhibit A**.
- 29 K. The Navajo Nation finds the TRF to be consistent with Navajo Nation Fundamental law
30 which provides the following: (1) Navajo language is an essential element of the life,
culture and identity of the Navajo people... 10 N.N.C. § 111(A). (2) the Navajo Nation

1 recognizes The survival of the Navajo Nation as a unique group of people growing and
2 developing socially, educationally, economically and politically within the larger
3 American Nation requires that the Navajo people and those who reside with the Navajo
4 people retain and/or develop an understanding, knowledge and respect for Navajo
5 culture, history, civics and social studies. 10 N.N.C. § 112(A). (3) The Navajo Nation
6 Council enacted 1 N.N.C. §§ 200—206 to provide a general statement of guiding
7 principles to acknowledge, protect, observe, and educate on the values and principles
8 inherent to the Diné Life Way, while maintaining respect for the various spiritual
9 beliefs, practices and contributions of all persons within the Navajo Nation...

- 10 L. The Navajo Nation finds the Native Language Education Unit, Yazzie Lawsuit
11 Response Funding, Native American Library, Internet & Education, and Yazzie
12 Lawsuit Higher Ed. Funding House Bills were not signed into law which these bills
13 sought to implement the Tribal Remedy Framework, which has been endorsed by New
14 Mexico’s Native Nations, Tribes, and Pueblos as the tribal vision for addressing the
15 2018 court ruling of *Yazzie et. al. v. State of New Mexico*, including by providing
16 targeted, direct and recurring funding for Indigenous public school students and tribal
17 education programs and infrastructure.
- 18 M. These House Bills mentioned in the above paragraph or similar Bills will significantly
19 benefit Native students attending public schools and provide critical resources to
20 improve Native students’ educational success.
- 21 N. The Navajo Nation supports the Tribal Remedy Framework which sets out concrete
22 steps for beginning a systemic transformation of the public education system to address
23 historical injustices and ensure equitable outcomes for Indigenous children.

24 **SECTION THREE. APPROVAL**

- 25 A. The Navajo Nation hereby supports the Tribal Remedy Framework; whose
26 implementation is necessary to transform the Public Education System for the State of
27 New Mexico in a way that complies with the *Yazzie et. al. v. State of New Mexico*.
- 28 B. The Navajo Nation hereby endorses the Native Language Education Unit, Yazzie
29 Lawsuit Response Funding, Native American Library, Internet & Education, and
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1 Yazzie Lawsuit Higher Ed. Funding House Bills, as introduced in 2021, and supports
2 the reintroduction of these or similar bills in future State legislative sessions.

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4 **SECTION FOUR. DIRECTIVE**

5 The Tribal Remedy Framework places Native communities at the center of education
6 planning, programming, and infrastructure. The Navajo Nation hereby directs the Diné
7 Department of Education to be at the forefront of efforts to promote and implement the
8 Tribal Remedy Framework, in coordination with the Tribal Education Alliance, and to
9 collaborate and engage in consultation to this effect with the State of New Mexico's Public
10 Education Department and Local Education Agencies immediately after enactment of this
11 resolution.
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