TITLE: An Action Relating to the Health, Education and Human Services and Naabik’íyáti’ 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

[Signature]

Primary Sponsor

TRACKING NO. 0165-21

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.

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 Naabik'iyati Committee on proposed legislation, funding and other actions affecting health,
environmental health, social services, education, veteran’s services, employment, training and labor. 2 N.N.C. § 401(B)(7).

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

SECTION 2. FINDINGS

A. First and foremost, the Navajo Nation commends the leadership of Wilhelmina Yazzie for being the voice for all tribal nations across New Mexico and tribal members attending New Mexico public schools, and by paving a path for all Indigenous peoples to include their values, language and culture into their public education.

B. The Tribal Remedy Framework (TRF) were produced by Native parents, students, teachers, tribal education directors, language program directors, social workers, health practitioners, Native higher education faculty, and tribal leadership which offers to serve as a guide and suggests recommendations to the State of New Mexico to meet its constitutional obligations to uphold Indigenous students’ right to an adequate and sufficient education.

C. The Navajo Nation also commends tribal leaders, tribes, and Pueblos for their support of the Tribal Remedy Framework; it also commends the Leadership Institute, the Tribal Education Alliance, and the Native American Budget and Policy Institute for providing a full report regarding the Tribal Remedy Framework’s solutions, Pathways to Education Sovereignty; and it commends State Representative Derrick Lente for introducing, on behalf of tribes, the Tribal Remedy Framework solutions as a legislative package, and the Tribal Education Alliance for advocating for the Tribal Remedy Framework in the state legislature.

D. On July 20, 2018, in Yazzie et. al. v. State of New Mexico, the First Judicial District Court of New Mexico provided that the state had “not studied or developed effective educational systems for Native American students.” The court ruled that the State of 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
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.”

E. The Tribal Remedy Framework emerged from a collaboration between Native parents, students, teachers, tribal education directors, language program directors, social workers, health practitioners and Native higher education faculty, who drew on proven best practice within tribal communities to develop a framework for education that envisions a future where Indigenous knowledge is balanced with the skills necessary to function in our contemporary world.

F. In 2019, the TRF was endorsed by the leadership of all Native Nations, Tribes and Pueblos of New Mexico.

G. The recommendations provided within the TRF place tribal communities at the center of education planning, programming, and infrastructure. They correspond to the federal legal and policy framework for tribal self-determination and education sovereignty.

H. The Navajo Nation recognizes and supports the strategies provided within the TRF:
   a. Shared responsibility and increased tribal control over the schooling of Native children; and
   b. Community-based education, created by and centered within tribal communities; and
   c. A balanced, culturally and linguistically relevant education that revitalizes and sustains the strengths of children and their communities.

I. The Navajo Nation recognizes the urgent need for educational transformation to fulfill the rights and meet the needs of Indigenous students attending New Mexico’s public schools, which include the right and need to be immersed in their values, languages and cultures, to be college, career and civics ready, and to be healthy, safe and respected.

J. The TRF recommends to the State of New Mexico educational and funding priorities which were developed by tribal leadership, students, parents, and community members attached as Exhibit A.

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

L. The Navajo Nation finds the Native Language Education Unit, Yazzie Lawsuit
Response Funding, Native American Library, Internet & Education, and Yazzie
Lawsuit Higher Ed. Funding House Bills were not signed into law which these bills
sought to implement the Tribal Remedy Framework, which has been endorsed by New
Mexico’s Native Nations, Tribes, and Pueblos as the tribal vision for addressing the
2018 court ruling of Yazzie et. al. v. State of New Mexico, including by providing
targeted, direct and recurring funding for Indigenous public school students and tribal
education programs and infrastructure.

M. These House Bills mentioned in the above paragraph or similar Bills will significantly
benefit Native students attending public schools and provide critical resources to
improve Native students’ educational success.

N. The Navajo Nation supports the Tribal Remedy Framework which sets out concrete
steps for beginning a systemic transformation of the public education system to address
historical injustices and ensure equitable outcomes for Indigenous children.

SECTION THREE. APPROVAL

A. The Navajo Nation hereby supports the Tribal Remedy Framework; whose
implementation is necessary to transform the Public Education System for the State of
New Mexico in a way that complies with the Yazzie et. al. v. State of New Mexico.

B. The Navajo Nation hereby endorses the Native Language Education Unit, Yazzie
Lawsuit Response Funding, Native American Library, Internet & Education, and
Yazzie Lawsuit Higher Ed. Funding House Bills, as introduced in 2021, and supports the reintroduction of these or similar bills in future State legislative sessions.

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