

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0013-26_

SPONSOR: Dr. Andy Nez

TITLE: An Action Relating to the Naabik'iyáti' Committee; Opposing the New Mexico Public Education Department's Martinez/Yazzie Educational Action Plan ("My Action Plan")

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0013-26

DATE: January 14, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; OPPOSING THE NEW MEXICO PUBLIC EDUCATION DEPARTMENT'S MARTINEZ-YAZZIE EDUCATIONAL ACTION PLAN ("MY ACTION PLAN")

PURPOSE: This resolution, if approved, would oppose the New Mexico Public Education Department's Martinez-Yazzie Educational Action Plan.

FINAL AUTHORITY: Naabik'íyáti' Committee

VOTE REQUIRED: Simple Majority

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.

5-DAY BILL HOLD PERIOD: At 11:58 AM
Website Posting Time/Date: _____
Posting End Date: 1/21/26
Eligible for Action: 1/22/26

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL - Fourth Year, 2026

Introduced by:


(Prime Sponsor)

Tracking No. 0013-26

AN ACTION
RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; OPPOSING THE NEW
MEXICO PUBLIC EDUCATION DEPARTMENT'S MARTINEZ/YAZZIE
EDUCATIONAL ACTION PLAN ("MY ACTION PLAN")

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council empowered to oversee the conduct and operation of entities of the Navajo Nation not otherwise under the oversight authority of other standing committees. See 2 N.N.C. §§ 164(A)(9), 700(A), 701(A)(2) (2015); See also CO-45-12.
- B. The Naabik'iyati' Committee has the authority to delegate its responsibilities and authorities to other standing committees and appropriate entities provided that the Committee first approve rules and regulations governing such delegations and to rescind delegations. 2 N.N.C. § 701(B).

SECTION TWO. FINDINGS

- A. The Yazzie/Martinez v. New Mexico Case is a landmark educational lawsuit that challenged the New Mexico Public Education Department ("NMPED") for violating the constitutional rights of students to obtain sufficient and equitable public education –

1 especially for Native American students, English Language Learners, students with
2 disabilities, and students from low-income families.

3 B. The State of New Mexico Constitution provides a fundamental obligation of “[a]
4 uniform system of free public schools sufficient for the education of and open to all
5 children of school age in the state shall be established and maintained.” N.M. Const.
6 Art. XII, §1.

7 C. A purpose of the 2003 State of New Mexico Indian Education Act (“NMIEA”) is to
8 “ensure equitable and culturally relevant learning environments, educational
9 opportunities and culturally relevant instructional materials for American Indian
10 students enrolled in public schools; 1978 NMSA, ss §§22- 23A-1, et seq. (2005).

11 D. Other purposes of the NMIEA include ensuring the “maintenance of native languages”
12 and providing “for the study, development and implementation of educational systems
13 that positively affect the educational success of American Indian students.” Id, at
14 subsections (B) and (C).

15 E. In 2018, Yazzie/Martinez vs. State of New Mexico, D-101-CV-2014-00793 (“Yazzie”),
16 was filed in New Mexico District Court, County of Santa Fe, First Judicial District
17 (“NM Court”). The consolidated lawsuit concerns whether the state of New Mexico was
18 “living up to [its] constitutional obligation to provide a sufficient education for those
19 children characterized as at-risk.” Yazzie, at 2. Children “at-risk” included “those
20 children who come from economically disadvantaged homes, those children who are
21 English Language Learners, those children who are Native American, and those
22 children with a disability.” Id. The Court explained, “[t]his case raises a challenge as to
23 the adequacy of the education being provided public school students who are Native
24 American, English Language Learners, economically disadvantaged, or who have a
25 disability. The Plaintiffs challenge as inadequate both the public school funding formula
26 and the implementation of programs to meet statutory mandates which are designed to
27 achieve the constitutional requirement.” Yazzie, at 5.

28 F. The NM Court ruled that the State of New Mexico failed in meeting its constitutional
29 obligations in providing a sufficient and uniform system of education to all New Mexico
30 students, including Native American children. The NM Court found that the state failed

1 to provide the necessary programs and services for “at-risk” students, violating state and
2 federal laws. The schools in the case failed to provide the necessary programs and
3 services in preparing students for college and careers. Further, the Court did not see lack
4 of funding as a defense, ruling that the state’s Public Education Program failed to meet
5 its oversight functions. It stated, “as a legal matter, lack of funds is not a defense in
6 providing constitutional rights.” Yazzie, at 54. “[T]he remedy for lack of funds is not to
7 deny public school children a sufficient education, but rather the answer is to fund more
8 funds,” the court ruled. Id., at 56. Based on its findings, the court correctly ordered the
9 state of New Mexico to “create a funding system that will meet the constitutional
10 requirement.”

11 G. Of those school districts on and near the Navajo Nation, the Gallup McKinley County
12 School District (“GMCS D”) and Central Consolidated School District (“CCSD”) serve
13 the most Native American students, especially Navajo students. Other school districts
14 include; Aztec Municipal School District, Bloomfield School District, Cuba
15 Independent School District, Farmington Municipal Schools, Grants-Cibola School
16 District, and Magdalena Municipal School District. There are also other larger school
17 districts in New Mexico with a large Native American (and Navajo) student population,
18 such as Albuquerque Public Schools and Santa Fe Public Schools.

19 H. According to School Year 2024 (“SY 2024”), the Office of Educational Research and
20 Statistics within the Department of Diné Education gathered from their tribal
21 consultation that GMCS D has 7,581 of their 12,882 enrolled students as Navajo (59%)
22 and CCSD has 4,246 of their 4,686 students being Navajo (91%).

23 I. For SY 2024 tribal consultation, those “at-risk” Navajo students classified as English
24 Language Learners (“ELL”) and Special Education (“SPED”), GMCS D reported nearly
25 20% for ELL and 10% for SPED. CCSD reported 30% for ELL. There is no reported
26 data for SPED.

27 J. According to the 2024-2025 New Mexico Tribal Education Status Report an 80-day
28 count illustrated that there are 25,784 Navajo students attending public schools across
29 New Mexico, including 5,476 who are classified as Special Needs (21%).
30

- 1 K. On April 29, 2025, an NM Court order was issued and provided to the NMPED to create
2 a community-driven action plan. The court ordered the state to develop a
3 Martinez/Yazzie Action Plan (“MY Action Plan”), with input from important
4 stakeholders, such as students, families, educators, and tribal leaders. The “MY Action
5 Plan” would be an enforceable 5-year plan to address all systemic failures.
- 6 L. The “MY Action Plan” responds to five core areas presented by NMPED: (1) Equitable
7 access to high-quality instruction, (2) Access to well-prepared, culturally and
8 linguistically responsive educators, (3) Academic, social, and behavioral support
9 services, (4) Fair and effective funding to meet student needs, (5) data and
10 accountability systems to drive continuous improvement.
- 11 M. On July 31, 2025, the NMPED released a media advisory notice regarding a series of
12 thirteen (13) community input meetings concerning the “MY Action Plan”, which were
13 scheduled to occur only in August 2025. Of the thirteen (13) initially scheduled
14 community input meetings, two were held virtually and the remaining meetings were
15 held throughout New Mexico, unfortunately none of the meetings were conducted on
16 the Navajo Nation.
- 17 N. In September 2025, after the conclusion of the community input meetings, the “MY
18 Action Plan” Team, which was comprised of NMPED, the Los Alamos National
19 Laboratories, the NM Legislative Education Study Committee and WestEd, drafted an
20 85-page “MY Action Plan”.
- 21 O. On October 7, 2025, the initial draft of the “MY Action Plan” was shared with the public
22 and there was a 10-day comment period, to obtain input and/or recommendations. Any
23 input and/or recommendations were encouraged to be sent via email rather than in
24 person community meetings with all affected stakeholders. **Exhibit A** is the October 7,
25 2025, “MY Action Plan” Draft.
- 26 P. On October 16, 2025, the NMPED Office of Indian Education hosted their bi-annual
27 Government-to-Government Indian Education Summit. That afternoon, there was a
28 Martinez/Yazzie Draft Action Plan Review and Feedback Session with Tribal Leaders
29 and Tribal Educators (Invitation Only) for invited tribal leaders and tribal education
30 departments to discuss the draft action plan for merely an hour and a half.

- 1 Q. October 17, 2025, was the deadline to accept public comments and feedback, and the
2 Speaker of the Navajo Nation Council and the New Mexico Caucus of the 25th Navajo
3 Nation Council issued a joint letter to New Mexico Cabinet Secretary of Education,
4 Mariana Padilla, requesting an extension to submit public comments due to the short
5 window and quick turnaround following the public input meetings. **Exhibit B** is the
6 October 16, 2025, joint letter.
- 7 R. On November 3, 2025, seventeen (17) days after the public comment deadline, NMPED
8 revised and resubmitted the final “MY Action Plan” draft to the New Mexico District
9 court. The New Mexico District court had fifteen (15) days to make a ruling on any next
10 steps or declarations. **Exhibit C** is the November 3, 2025 “MY Action Plan” Draft.
- 11 S. Prior to the New Mexico District court ruling on the “MY Action Plan”, the Speaker of
12 the Navajo Nation Council and the New Mexico Caucus of the 25th Navajo Nation
13 Council sent a second joint letter on November 3, 2025, requesting Judge Matthew J.
14 Wilson to extend the public comment period. **Exhibit D** is the November 3, 2025, joint
15 letter.
- 16 T. On December 3, 2025, the Health, Education, and Human Services Committee
17 (HEHSC) of the 25th Navajo Nation Council sent a letter to NMPED and New Mexico
18 Governor Michelle Lujan Grisham officially opposing the “MY Action Plan”, stating
19 that the Plan exhibits critical deficiencies that fundamentally undermine its capacity to
20 remedy the constitutional violations identified in the Martinez-Yazzie decision. **Exhibit**
21 **E** is the HEHSC letter sent on December 3, 2025.
- 22 U. On December 4, 2025, the Navajo Nation Board of Education supported the HEHSC
23 letter in Resolution NNBEDE-1110-2025: Relating to Education; Supporting the
24 Health, Education, and Human Services Committee Memorandum Opposing the New
25 Mexico Public Education Department’s Martinez/Yazzie Action Plan. **Exhibit F** is the
26 Navajo Nation Board of Education Resolution-1110-2025.
- 27 V. Also on December 4, 2025, the Office of Navajo Nation Human Rights Commission
28 expressed their position and sent a letter to NMPED to oppose the “MY Action Plan”,
29 calling it “incomplete and insufficient in addressing the core concerns raised by the
30

1 Martinez-Yazzie lawsuit”. **EXHIBIT G** is the Office of Navajo Nation Human Rights
2 Commission letter opposing the “MY Action Plan”.

3
4 **SECTION THREE. OPPOSING THE NEW MEXICO PUBLIC EDUCATION**
5 **DEPARTMENT’S “MY ACTION PLAN”**

- 6 A. The “MY Action Plan” does not adequately connect specific actions to the violations
7 identified by the court regarding the constitutional rights of at-risk students. It also lacks
8 precise proposals that would address the educational disparities for Native Americans,
9 disadvantaged students, English Language Learners, and students with disabilities,
10 especially with the varying demographics across New Mexico.
- 11 B. The “MY Action Plan” especially lacks meaningful engagement with stakeholders and
12 tribal communities in its development. Effective consultation is essential to ensure the
13 plan meets the needs of diverse student populations. These must be in-person and
14 community-based, not virtual or with all tribal nations at once.
- 15 C. August 2025 was the only period where the “MY Action Plan” public input meetings
16 were held by the NMPED, Los Alamos National Laboratories and WestEd. There were
17 no meetings hosted on the Navajo Nation. And of their initial community meetings, the
18 closest to the Navajo Nation was Farmington, New Mexico; and later, Gallup, New
19 Mexico was added.
- 20 D. The Navajo Nation agrees that the State of New Mexico and the NMPED failed to meet
21 its constitutional responsibilities in the education of at-risk children, especially for
22 Native American students.
- 23 E. The “MY Action Plan” uses vague language that does not provide clear and actionable
24 items and lacks specificity, making it difficult to evaluate the effectiveness of the
25 proposed measures. For example, the “MY Action Plan” discusses high-quality
26 instruction and curricula without specifying what timelines they will follow to achieve
27 a new and revised assessments that aligns with grade-level or how such materials would
28 be enforced for the benefit of Native American students.
- 29 F. The “MY Action Plan” also fails to include a comprehensive cost analysis to implement
30 the proposed actions. If there is no clear financial planning, it is uncertain how the

1 initiatives will be funded and executed (i.e., materials, training, timelines, etc.). Thus,
2 any comprehensive remedial plan should require a detailed fiscal analysis.

3 G. Further, the “MY Action Plan” neglects to include itemized cost projections, funding
4 source identification, or implementation budgets. This omission only reveals
5 uncertainty to both the feasibility and sustainability of any proposed educational
6 interventions.

7 H. The “MY Action Plan” is described as a series of disjointed initiatives rather than a
8 collective and cohesive strategy that depicts a new innovative education for New
9 Mexico. This fragmentation can hinder efforts to address the systematic issues faced by
10 at-risk students, including other student populations outlined in the Martinez/Yazzie
11 lawsuit.

12 I. The “MY Action Plan” fails to establish transparent connections between its proposed
13 initiatives and the specific constitutional deprivations the Court identified regarding at-
14 risk students' educational rights. Rather than systematically addressing documented
15 disparities affecting Native American students, ELL, students with disabilities, and
16 economically disadvantaged populations, the Plan addresses these populations in
17 fragments, leaving substantial legal vulnerabilities unresolved. For instance, the New
18 Mexico Indian Education Act or the Individuals with Disabilities Education Act.

19 J. Despite being given 7-months to draft a plan, the proposed plan only reflects less than
20 15 community meetings hosted within one month, and was drafted within weeks, only
21 to allow 10 days for feedback and recommendations before proceeding to an additional
22 few weeks to furnish a final plan that was officially submitted to the New Mexico Court.

23
24 **SECTION FOUR. THE NAVAJO NATION HEREBY RECOMMENDS THE**
25 **FOLLOWING**

26 A. The Naabik'íyáti' Committee hereby recommends that the NMPED revisit tribal
27 communities for further input, including hosting a tribal leader's plenary session rather
28 than informal roundtable discussions. The Naabik'íyáti' Committee invites NMPED
29 and its partners to visit the Navajo Nation to thoroughly discuss the “My Action Plan”.

- 1 B. The Naabik'íyáti' Committee hereby recommends that the NMPED identify and
2 engage with subject area experts from within tribal communities to contribute to the
3 development of educational strategies. This collaboration should be presented as a
4 necessary component for creating a comprehensive and effective educational plan.
5 Those subject areas are, but not limited to, language and culture, funding, safe schools,
6 relevant community-based curricula, social and mental health services, special
7 education, and other specific student population needs.
- 8 C. The Naabik'íyáti' Committee hereby recommends that the NMPED undertake a
9 comprehensive reconsideration and substantive revision of their "MY Action Plan".
10 The current iteration fails to satisfy the Court's expectations and serves neither the
11 educational interests of disadvantaged students nor the state's legal obligations. Those
12 five core areas are: Equitable access to high-quality instruction; Access to well-
13 prepared, culturally and linguistically responsive educators; Academic, social, and
14 behavioral support services; Fair and effective funding to meet student needs; lastly,
15 data and accountability systems to drive continuous improvement.
- 16 D. The Naabik'íyáti' Committee of the 25th Navajo Nation Council respectfully requests
17 a submission of a substantially revised plan that demonstrates clear connections
18 between proposed actions and constitutional remedies, including specific performance
19 metrics and implementation timelines. This is especially important for schools in
20 distinct regions and demographics across New Mexico to be familiar and in
21 conjunction.
- 22 E. The Naabik'íyáti' Committee hereby recommends that the NMPED produce a
23 comprehensive cost analysis to ensure the full implementation of the proposed plan is
24 done. A comprehensive remedial plan should require a detailed fiscal analysis that
25 includes itemized cost projections, funding source identification, or implementation
26 budgets. A plan that includes these specific components will declare its feasibility and
27 sustainability.
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