

Educational Adequacy & Disparities for Native American Students in New Mexico



New Mexico Advisory Committee
to the U.S. Commission on Civil Rights

June 2024

Advisory Committees to the U.S. Commission on Civil Rights

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states, the District of Columbia, and the five U.S. territories. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. They are authorized to advise the Commission in writing of any knowledge or information they have of any alleged deprivation of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice; advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

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Executive Summary

In July 2018, a New Mexico state district judge ruled in the consolidated lawsuit *Martinez v. State of New Mexico*,¹ commonly called “*Yazzie/Martinez* or sometimes just *Yazzie*,” that the state has failed to adequately invest in public education, violating its constitutional duty to provide a “uniform system of free public schools sufficient for the education of and open to all children of school age.” Indeed, New Mexico ranks at the bottom nationally for educational achievement and has one of the lowest high school graduation rates, fluctuating between 54% and 70%, with many graduates requiring remedial courses in college.

And it is even worse for Native American students in New Mexico, who make up 10.6% of the student population and have a literacy proficiency rate of only 27%. The *Yazzie* court found significant deficiencies in both educational inputs, such as instructional materials, curricula, and qualified teachers, and outputs, where at-risk students frequently lack basic literacy and math skills necessary for post-secondary education or career readiness.

The New Mexico Advisory Committee (hereafter “Committee”), comprised of all first-time members, tackled this notable problem.

The Committee heard testimony from education leaders throughout the state, including many that work with the Native American student population. The committee heard testimony that significant funding directed to education in Indian Country was made but produced only limited improved outcomes. The problem requires a more comprehensive and targeted approach.

The Committee provides the U.S. Commission on Civil Rights (hereafter “Commission”) with several recommendations for the New Mexico Legislature, the Governor of New Mexico, the New Mexico Public Education Department, and the respective school districts that the Committee believes would address many of these problems and vastly improve the outcomes for the Native American youth in New Mexico.

The Committee recommends expanding early childhood programs, ensuring equitable internet access, and enhancing recruitment and support for Native American teachers in New Mexico. There is also a need for improved accountability and effectiveness in education funding, the timely appointment of the Indian Education Division Director, and prioritizing culturally relevant educational materials such as the Tribal Remedy Framework. The Committee additionally recommends fostering collaboration with tribal leaders, maximizing funding resources, and strengthening cultural competency and curriculum regarding Native American history and culture in schools.

Christopher Saucedo
Chair of the New Mexico Advisory Committee

¹ *Martinez v. State of New Mexico*, No. D-101-CV-2014-00793, 2019 WL 4120213 (N.M. 1st Jud. Dist. Ct. Feb. 14, 2019) (Final Judgment and Order). *See also* *Martinez v. State of New Mexico*, 2018 WL 9489382 (N.M. 1st Jud. Dist. Ct. Dec. 20, 2018 (Court’s Findings of Fact and Conclusions of Law And Order re Final Judgment).

Introduction

In June 2022, the New Mexico Advisory Committee (Committee) to the U.S. Commission on Civil Rights (Commission) adopted a proposal to evaluate the extent to which public education in New Mexico is adequate, uniform, and sufficient as required by the state constitution,² and interpreted by the state judiciary in the landmark state educational adequacy litigation, popularly known as, *Yazzie/Martínez*.³ The Committee examined disparities within the state education system and its impact on Native American students. While other important topics may have surfaced throughout the Committee’s inquiry, matters that are outside the scope of this specific civil rights mandate are left for another discussion.

As part of this inquiry, the Committee heard testimony via videoconferences held from September 2022 to March 2023.⁴ The following report results from a review of testimony provided at these meetings, combined with written testimony submitted during the related timeframe. It begins with a brief background of the issues the Committee considered and then identifies primary findings as they emerged from this testimony. Finally, it makes recommendations for addressing related civil rights concerns. This report and the recommendations included within it were adopted unanimously by the Committee on May 14, 2024.

² N.M. Const. art. XII, § 1.

³ See *Martinez v. State of New Mexico*, 2019 WL 4120213 (N.M. 1st Jud. Dist. Ct. Feb. 14, 2019) (Final Judgment and Order).

⁴ See Appendix A.

Background

Yazzie/Martinez v. State of New Mexico

In July 2018, a state district court ruled in a consolidated lawsuit, popularly known as *Yazzie/Martinez*, that the state had not adequately invested in public education in violation of its duty to provide a “uniform system of free public schools sufficient for the education of and open to all children of school age in the state[.]”⁵ In the court’s lengthy and detailed findings of fact and conclusions of law of December 2018, it found in particular that the state had violated the rights of four categories of at-risk students (i.e. students who are English learners, disabled, Native American, or socioeconomically disadvantaged).⁶ Finally, the court’s final judgment and order of February 2019 was that the state had violated the New Mexico Constitution by failing to provide at-risk students in New Mexico with: a uniform statewide system of free public schools sufficient for their education, programs and services necessary to make them college or career ready, and a system that ensures that the money that the state provides is spent efficiently to fulfill their needs.⁷

The court also found that although the New Mexico Indian Education Act of 2003 outlines best practices in meeting the academic needs of Native American students, the New Mexico Public Education Department (PED) has failed to monitor how school districts and charter schools implement the Act.⁸ To address the achievement gap for Native American students, the PED has noted the importance of offering extended learning time programs, after-school and summer enrichment, community school grants, equitable instructional materials, targeted and comprehensive support for struggling schools, breakfast for elementary school students, and teen pregnancy support.⁹

The district court found that both educational inputs and outputs must be “considered when determining whether the education provided is constitutionally adequate.”¹⁰ The court found further that the state failed to provide sufficient inputs, including adequate instructional materials,

⁵ *Yazzie/Martinez v. New Mexico*, No. D-101-CV-2014-00793, February 2019. <https://www.documentcloud.org/documents/5740628-D-101-CV-2014-00793-Final-Judgment-and-Order-NCJ-1>; See also *Yazzie Lawsuit & Court Ruling*, New Mexico Center on Law and Poverty.

<https://www.nmpovertylaw.org/wp-content/uploads/2023/08/factsheet-Yazzie-summary-2023-08-22.pdf>
⁶ *Yazzie/Martinez*, Decision & Order. <https://www.documentcloud.org/documents/5740628-D-101-CV-2014-00793-Final-Judgment-and-Order-NCJ-1>

⁷ *Yazzie/Martinez*, Decision & Order. <https://www.documentcloud.org/documents/5740628-D-101-CV-2014-00793-Final-Judgment-and-Order-NCJ-1>

⁸ Compare *Martinez v. State of New Mexico*, 2018 WL 9489378, at 10, 13 (N.M. 1st Jud. Dist. July 20, 2018) (Decision and Order), with *Martinez v. State of New Mexico*, 2018 WL 9489382, at 46–62 (N.M. 1st Jud. Dist. Ct. Dec. 20, 2018) (Court’s Findings of Fact and Conclusions of Law And Order re Final Judgment). See also Ochoa, A. & Alexander, C. “Policies and Practices for Native American Education in New Mexico.” *Legislative Education Study Committee*, August 21, 2019.

<https://www.nmlegis.gov/handouts/ALESC%20082119%20Item%203%20.1%20-%20Brief%20on%20Indian%20Education.pdf>; *Yazzie/Martinez*, Decision & Order. <https://www.documentcloud.org/documents/5740628-D-101-CV-2014-00793-Final-Judgment-and-Order-NCJ-1>

⁹ *Ibid.* at 3.

¹⁰ *Yazzie/Martinez*, Decision & Order, pp. 26. <https://www.documentcloud.org/documents/5740628-D-101-CV-2014-00793-Final-Judgment-and-Order-NCJ-1>.

reasonable curricula, or qualified teachers who were proficient in educating at-risk students. For educational outputs, the court found that most of New Mexico’s at-risk students finish each school year without the basic literacy and math skills needed to pursue post-secondary education or a career. Overall, New Mexico’s children rank at the very bottom of the country for educational achievement.¹¹ New Mexico continues to have one of the country's lowest high school graduation rates and has consistently had low graduation rates, ranging from 54 to 70 percent.¹² About half of the students who graduate from high school and go to college need remedial courses.¹³

Native American Students in New Mexico

Native American students are 10.6 percent of the student population in New Mexico.¹⁴ There are more than 33,000 Native American students in the state.¹⁵ Not all Native American students attend PED schools. Thousands of Native American students are enrolled in federally funded Bureau of Indian Education (BIE) operated- and tribally-controlled schools. Schools run by the BIE are not eligible for state funds and are not required to implement state initiatives. It is not uncommon for students to switch enrollment between state public schools and BIE schools, which can create barriers to improving education outcomes.¹⁶

Internet Access

According to a 2016 report by the Federal Communications Commission (FCC), 41 percent of Americans living on tribal lands lacked access to internet speeds necessary to do things such as video conferencing. More than 430,000 people in the state of New Mexico – roughly 20 percent of the overall population and more than half of the state’s rural population, including most of the people living on tribal lands – lacked access to this level of advanced telecommunications capability or good internet service.¹⁷ Specifically, 80 percent of people who live in Indian Country

¹¹ Yazzie/Martinez. Decision & Order, pp. 37. <https://www.documentcloud.org/documents/5740628-D-101-CV-2014-00793-Final-Judgment-and-Order-NCJ-1>.

¹² Yazzie/Martinez. Decision & Order, pp. 41. <https://www.documentcloud.org/documents/5740628-D-101-CV-2014-00793-Final-Judgment-and-Order-NCJ-1>.

¹³ Yazzie/Martinez. Decision & Order, pp. 43. <https://www.documentcloud.org/documents/5740628-D-101-CV-2014-00793-Final-Judgment-and-Order-NCJ-1>.

¹⁴ U.S. Census, 2010.

¹⁵ Ochoa, A. & Alexander, C. “Policies and Practices for Native American Education in New Mexico.” *Legislative Education Study Committee*, August 21, 2019.

<https://www.nmlegis.gov/handouts/ALESC%20082119%20Item%203%20.1%20-%20Brief%20on%20Indian%20Education.pdf>

¹⁶ Ochoa, A. Alexander, C. “Policies and Practices for Native American Education in New Mexico.” *Legislative Education Study Committee*, August 21, 2019.

<https://www.nmlegis.gov/handouts/ALESC%20082119%20Item%203%20.1%20-%20Brief%20on%20Indian%20Education.pdf>

¹⁷ “2016 Broadband Progress Report. *Federal Communications Commission*. January 29, 2016.

<https://www.fcc.gov/reports-research/reports/broadband-progress-reports/2016-broadband-progress-report> (Accessed April 20, 2022).

in New Mexico do not have consistent access to high-speed broadband internet.¹⁸ Nearly half of all tribal libraries are their community's only source of free public internet access, according to the Association of Tribal Archives, Libraries, and Museums.¹⁹

Student Literacy Rates

In 2016 only 37 percent of New Mexico students K-12 were proficient or above in reading. The rate of proficiency is even lower for students who are American Indian (27%) and/or English Language Learners (20%).²⁰ As measured by the Dynamic Indicators of Basic Early Literacy Skills - Next (DIBELS Next), by the end of second grade, more than a third of New Mexico students are at risk (14%) or substantially at risk (21%) for not reaching subsequent benchmarks or grade-level goals without highly effective and systematic instruction and interventions.²¹

According to the 2019 National Assessment of Educational Progress (NAEP), which tests the literacy of fourth graders across the country, New Mexican students have an average score lower than the national average, and there has been no significant change in the state's score since 1998.²²

Relevant Laws

Several federal authorities prohibit discrimination in educational institutions, including:

- Section 1 of the 14th Amendment to the U.S. Constitution prohibits any state from denying “to any person within its jurisdiction the equal protection of the laws.”²³
- Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, sex, religion, or national origin, including in institutions of public education.²⁴
- Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity.²⁵

¹⁸ “Heinrich Hosts Tribal Broadband Listening Session in Santa Fe.” *Martin Heinrich for United States Senator for New Mexico*. August 10, 2017. <https://www.heinrich.senate.gov/press-releases/heinrich-hosts-tribal-broadband-listening-session-in-santa-fe>.

¹⁹ *Association of Tribal Archives, Libraries, and Museums*. “The Disconnect between the FCC’s Schools and Libraries Universal Service Program (E-Rate) and Tribal Libraries.” <http://www.atalm.org/sites/default/files/ATALM%20E-Rate%20Brief.pdf>.

²⁰ New Mexico Statewide Literacy Framework. New Mexico Public Education Department. https://webnew.ped.state.nm.us/wp-content/uploads/2018/03/NM_Literacy_Framework.pdf

²¹ *Ibid.*

²² New Mexico Statewide Literacy Framework: Summer 2022. New Mexico Public Education Department. <https://webnew.ped.state.nm.us/wp-content/uploads/2020/07/NMPED-NM-Statewide-Literacy-Framework-Summer-2020.pdf>.

²³ U.S. Const. amend. XIV, § 1, *available at* Cornell University Law Institute, 14th Amendment, <https://www.law.cornell.edu/constitution/amendmentxiv>

²⁴ 42 U.S.C. § 2000d *et seq.*; *see also* U.S. Department of Justice, Types of Educational Opportunities Discrimination. Civil Rights Division, Educational Opportunities Section. <http://www.justice.gov/crt/about/edu/types.php>.

²⁵ 20 U.S.C. § 1681 *et. seq.*

- The Equal Educational Opportunity Act of 1974 prohibits deliberate segregation in schools on the basis of race, color, and national origin,²⁶ and requires education agencies to take appropriate action to overcome language barriers that impede participation.²⁷
- The Every Student Succeeds Act of 2015 (ESSA) requires states to support the cultural and academic needs of Native American students by ensuring students have an understanding of tribal culture and language and have access to school personnel and programming that are culturally responsive.²⁸

Similarly, several New Mexico authorities prohibit discrimination in educational institutions, including:

- The New Mexico State Constitution requires, “A uniform system of free public schools sufficient for the education of and open to all children of school age in the state shall be established and maintained.”²⁹
- The New Mexico Human Rights Act of 1969, aims to prevent and address discrimination in various areas, including education, employment, housing, public accommodations, and credit. In 2023, the Human Rights Act was amended to add more protections for broader groups of people, defending them against various kinds of discrimination by the government. It clarifies the Act applies to all New Mexico government agencies and adds definitions for sex, gender, gender identity, disabilities, and sexual orientation.³⁰
- The New Mexico Indian Education Act of 2003 ensures equitable and culturally relevant learning environments, educational opportunities, and culturally relevant instructional materials for American Indian students enrolled in public schools.³¹
- The New Mexico Bilingual Multicultural Education Act of 2004 ensures equal education opportunities for students in New Mexico and encourages their cognitive and affective development by using the cultural and linguistic backgrounds of the students, providing opportunities to expand conceptual and linguistic abilities and potentials, and teaching students to appreciate the value and beauty of different languages and cultures.³²
- The New Mexico CROWN (Creating a Respectful and Open World for Natural Hair Act) Act of 2021, prohibits discrimination, discipline or disparate treatment of New Mexico students based on their hair style or cultural or religious headdress. It adds a new section to the Public School Code and Charter School Act preventing school districts and charters from discriminating against any student based on their race or culture with respect to their hairstyle or headdress.³³

²⁶ U.S. Department of Justice, Types of Educational Opportunities Discrimination: Civil Rights Division, Educational Opportunities Section. <http://www.justice.gov/crt/about/edu/types.php>.

²⁷ 20 U.S.C. § 1703(f).

²⁸ 20 U.S.C. § 6001 (2015).

²⁹ N.M. Const. art. XII, § 1.

³⁰ N.M. Stat. Ann. §§ 28-1-1 to 28-1-14 (1969).

³¹ N.M. Stat. Ann. § 22-23A-1 et seq. (2005).

³² N.M. Stat. Ann. § 22-23-1.1(L) (2004).

³³ S.B. 80, 2021, 55th Leg., 1st Sess. (N.M. 2021),

<https://www.nmlegis.gov/Sessions/21%20Regular/bills/senate/SB0080.pdf>.

- The New Mexico Civil Rights Act of 2022, protects the rights, privileges and immunities as provided for in the bill of rights of the state constitution. The measure allows a person to litigate any deprivation of those rights, privileges or immunities and prohibits the use of qualified immunity as a defense for depriving a person of those constitutional civil rights.³⁴

Resources & Funding

In the 1970s New Mexico adopted a funding formula to finance public education. The current formula³⁵ ensures that the amount of money distributed is at least equal to the school district's program cost.³⁶ The current formula awards additional funds for the number of at-risk and bilingual students, but not the number of Native American students.³⁷

In February 2022, the New Mexico legislature approved allocating millions of dollars in the state budget to raise teacher pay. These investments help fulfill the *Yazzie/Martinez* holding requiring the state to adequately fund public schools to ensure sufficient education for at-risk students.³⁸ Also included was funding for:

- \$15.5 million to expand paid residency programs for people training to be teachers.
- \$1.25 million in pay parity for Indigenous language and culture teachers.
- \$11.5 million for teacher literacy training.
- \$3 million to boost community school programs.
- \$45 million for a pilot K-12 Plus program, which includes \$2 million specifically allocated for tribal education departments.

Culturally Competent Curriculum

The Indian Pueblo Cultural Center provides teachers with educational plans for K-12 students in New Mexico to learn about Pueblo culture and history. This curriculum “aims to strengthen the identity of Native American children in New Mexico by providing comprehensive K–12 unit plans on the complex political, social, cultural, and economic history of the Pueblo nations of New Mexico between 1912 and 2012.”³⁹ While schools and teachers can freely access and adopt this curriculum, it has not been included in the New Mexico PED’s curriculum standards.

³⁴ H.B. 4, 2021, 55th Leg., 1st Sess. (N.M. 2021), <https://www.nmlegis.gov/Sessions/21%20Regular/bills/house/HB0004JCS.pdf>.

³⁵ N.M. Stat. Ann. § 22-8-25(A) (2017).

³⁶ *Id.*

³⁷ *Id.*

³⁸ Pollard, Jessica. “Yazzie/Martinez attorneys praise Legislature’s moves but still await state’s plan.” *Santa Fe New Mexican*. February 26, 2022. https://www.santafenewmexican.com/news/education/yazzie-martinez-attorneys-praise-legislatures-moves-but-still-await-states-plan/article_845065f0-9402-11ec-b4ed-af2405d8d127.html

³⁹ “Indigenous Wisdom Curriculum Project.” *Indian Pueblo Cultural Center*. <https://indianpueblo.org/indigenous-wisdom-curriculum-project/> (accessed April 20, 2022).

In February 2022 the PED issued new standards for the academic content and performance evaluation of K-12 social studies.⁴⁰ The new social studies standards include six strands: (1) civics, (2) economics and personal financial literacy, (3) geography, (4) history, (5) ethnic, cultural, and identity studies, and (6) inquiry. In developing these new standards, the NM PED lists guiding principles, including “diverging from a singular Eurocentric cultural script, ensuring equitable inclusion of accurate historical stories” and “[e]mpowering students to develop pride in their identity, history, culture, and region.”⁴¹

Educational Adequacy

The *Yazzie/Martinez* court declined to adopt a new definition of educational adequacy and instead recognized the authority of the legislature in defining uniform and sufficient free public education under the state constitution. The court did note, however, the legislature’s finding that “no education system can be sufficient for the education of all children unless it is founded on the sound principle that every child can learn and succeed.”⁴²

The PED has a duty to prescribe courses of instruction and requirements for graduation and standards for all public schools.⁴³ This includes prescribing standards for “curriculum, including academic content and performance standards.”⁴⁴ The PED through the rule-making process established by the Legislature is charged with creating content standards.

Tribal Remedy Framework

The Tribal Remedy Framework (hereafter “Framework”) is a comprehensive plan for meeting the educational needs of Native students and their tribal communities.⁴⁵ It was created collectively by tribal community members and Indigenous education experts, following a series of tribal Community Education Institutes and Pueblo Convocations. The Framework is a response to the *Yazzie/Martínez* decision, represents the needs and desires of tribal individuals and the state, and is a comprehensive plan which is meant to be used as a guide by PED and other education administrators.⁴⁶

⁴⁰ NMAC 6.29.11 Primary and Secondary Education. https://webnew.ped.state.nm.us/wp-content/uploads/2022/02/6.29.11-NMAC_Social-Studies.pdf

⁴¹ New Mexico Social Studies Standards. *New Mexico Public Education Department*. February 2022. <https://webnew.ped.state.nm.us/wp-content/uploads/2022/02/NM-Standards-508.pdf>

⁴² N.M. Stat. Ann. § 22-1-1.2 (2015).

⁴³ N.M. Stat. Ann. §22-2-2(D) (2004).

⁴⁴ N.M. Stat. Ann. 22-2-8(A) (2003).

⁴⁵ New Mexico Tribal Yazzie/Martinez Remedy Framework: Working Government-to-Government, 2019-2020. <https://nabpi.unm.edu/assets/documents/2020-tea-tribal-remedy-framework.pdf>. See also Anja Rudiger. “Pathways to Education Sovereignty: Taking a Stand for Native Children.” *Tribal Education Alliance*. December 2020. Found here: https://tribaleducationalalliance.org/wp-content/uploads/2023/01/tea-full-report_12-14-20.pdf. See generally “Tribal Remedy Framework.” *Tribal Education Alliance*. <https://tribaleducationalalliance.org>.

⁴⁶ *Ibid*.

Methodology

As a matter of historical precedent, and in order to achieve transparency, Committee studies involve a collection of public, testimonial evidence and written comments from individuals directly impacted by the civil rights topic at hand; researchers and experts that have rigorously studied and reported on the topic; community organizations and advocates representing a broad range of backgrounds and perspectives related to the topic; and government officials tasked with related policy decisions and the administration of those policies.

Committee studies require Committee members to utilize their expertise in selecting a sample of panelists that is the most useful for the purposes of the study and will result in a broad and diverse understanding of the issue. This method of sampling requires Committee members to draw from their own experiences, knowledge, opinions and views to gain an understanding of the issue and possible policy solutions. Committees are composed of volunteer professionals that are familiar with civil rights issues in their state or territory. Members represent a variety of political viewpoints, occupations, races, ages, and gender identities, as well as a variety of backgrounds, skills, and experiences. The intentional diversity of each Committee promotes vigorous debate and full exploration of the issues. It also serves to assist in offsetting biases that can result in the oversight of nuances in the testimony.

In fulfillment of the Committee's responsibility to advise the Commission of civil rights matters in their locales, Committees conduct an in-depth review and thematic analysis of the testimony received and other data gathered throughout the course of their inquiry. Committee members use this publicly collected information, often from those directly impacted by the civil rights topic of study, or others with direct expert knowledge of such matters, to identify findings and recommendations to report to the Commission. Drafts of the Committee's report are publicly available and shared with panelists and other contributors to ensure that their testimony was accurately captured. Reports are also shared with affected agencies to request for clarification regarding allegations noted in the testimony.

For the purposes of this study, *Findings* are defined as what the testimony and other data suggested, revealed, or indicated based on the information collected by the Committee. Findings refer to a synthesis of observations confirmed by majority vote of members, rather than conclusions drawn by any one member. *Recommendations* are specific actions or proposed policy interventions intended to address or alleviate the civil rights concerns raised in the related finding(s). Where findings indicate a lack of sufficient knowledge or available data to fully understand the civil rights issues at hand, recommendations may also target specific directed areas in need of further, more rigorous study. Recommendations are directed to the Commission; they request that the Commission itself take a specific action, or that the Commission forward recommendations to other federal or state agencies, policymakers, or stakeholders.

Findings

The section below communicates the observations and conclusions of the Committee based on the testimony received during its investigation. While the Committee has not independently verified each assertion and Committee members are not experts on the topic at hand, a diverse and balanced selection of panelists was chosen to testify due to their professional experience, academic credentials, subject matter expertise, and/or firsthand experience with the topics at hand.

In keeping with their duty to inform the Commission of: (1) matters related to discrimination or a denial of equal protection of the laws; and (2) matters of mutual concern in the preparation of reports of the Commission to the President and the Congress,⁴⁷ the New Mexico Advisory Committee submits the following findings to the Commission.

Finding I: Decades of trauma inflicted on the Native American community, including forced assimilation into federal boarding schools, have resulted in harm to Native American youth and their families. Within this context, public education must include tribal consultation to recognize and address the unique history and culture of Native American students in order to provide an adequate education.

- a) Federal boarding schools were created in the late 1800s, and continued until the 1970s, with the intent to destroy the cultural identity of Native American students and force Native people to assimilate into Westernized culture.⁴⁸ This history has led generations of Native students to associate formal education with rejection of their culture, languages, and identity.⁴⁹
- b) Schools have not embraced Native American culture or history in their curriculum. The current public school system maintains a Westernized view of education and many times fails to incorporate and represent Indigenous cultures, languages, and teachings in the classroom.⁵⁰ It is essential that Native American history and culture is taught from different perspectives.⁵¹
- c) Tribal consultation is essential in addressing this history and building trust between tribes, schools, and students.⁵² Nevertheless, the PED Strategic Plan does not mention the Tribal Remedy Framework.

⁴⁷ 45 C.F.R. § 703.2 (2018).

⁴⁸ Sanchez Testimony, *New Mexico Briefing*, transcript 1, pp. 3–4; Regis Testimony, *New Mexico Briefing*, transcript 2, p. 5

⁴⁹ Sanchez Testimony, *New Mexico Briefing*, transcript 1, pp. 3–4; Regis Testimony, *New Mexico Briefing*, transcript 2, p. 5; Pinto Testimony, *New Mexico Briefing*, transcript 3, p. 11

⁵⁰ Sanchez Testimony, *New Mexico Briefing*, transcript 1, pp. 3–4; Regis Testimony, *New Mexico Briefing*, transcript 2, p. 5; Yazzie, *New Mexico Briefing*, transcript 2, p. 28

⁵¹ Gessing Written Testimony, *The Rio Grande Foundation*, Letter to New Mexico Advisory Committee, p. 3

⁵² Sanchez Testimony, *New Mexico Briefing*, transcript 1, pp. 3–4; Dowe Testimony, *New Mexico Briefing*, transcript 3, p. 24; Duta Testimony, *New Mexico Briefing*, transcript 4, p. 9.

Finding II: The historic and ongoing lack of infrastructure investment in tribal communities and education infrastructure has contributed to inadequate education for Native American youth in the state.

- a) Despite recent substantial increases in state funding, inadequate educational and material infrastructure continues to hinder education for Native American youth. Specifically, it is common for residents of tribal reservations to lack access to important resources such as the internet, phone service, electricity, and water.⁵³
- b) When funding is made available, some barriers often impede Tribes and school administrators from accessing it.⁵⁴ Issues around funding persist, including barriers in the ability to utilize available funding due to lack of appropriate or available resources, including staff shortages, which hinder the improvements and limit students' participation in school-based, off-hour programs or additional tutoring.⁵⁵
- c) Transportation to and from school is a major burden for many Native American students. They frequently must travel long distances, and, in many reservations, there is a need for better-paved roads.⁵⁶ There is a historic lack of funding for transportation, which limits students' ability to participate in school-based off-hour programs and/or receive additional tutoring.⁵⁷ Recent increases in funding still pose barriers that often impede tribes and school administrators from accessing it.⁵⁸
- d) The lack of infrastructure and resources was especially apparent in the COVID-19 pandemic when some Native American students could not access the internet and thus could not participate in online classes.⁵⁹ As a result, they were unable to access educational opportunities that could support their academic success.⁶⁰
- e) Early childhood education provides the foundation for Native American youth educational adequacy.⁶¹ More early childhood programs in Native American communities are needed

⁵³ Candelaria Testimony, *New Mexico Briefing*, transcript 1, pp. 7; Yazzie Testimony, *New Mexico Briefing*, transcript 2, p. 3; Reyes Testimony, *New Mexico Briefing*, transcript 3, p. 27; Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 3.

⁵⁴ Hillock Testimony, *New Mexico Briefing*, transcript 4, pp 4; Pinto Testimony, *New Mexico Briefing*, transcript 3, p. 26.

⁵⁵ Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 4.

⁵⁶ Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 3.

⁵⁷ Candelaria Testimony, *New Mexico Briefing*, transcript 1, p. 7; Yazzie Testimony, *New Mexico Briefing*, transcript 2, p. 3; Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 3.

⁵⁸ Sanchez Testimony, *New Mexico Briefing*, transcript 1, pp. 29; Candelaria Testimony, *New Mexico Briefing*, transcript 1, p. 28.

⁵⁹ Candelaria Testimony, *New Mexico Briefing*, transcript 1, p. 7.

⁶⁰ Candelaria Testimony, *New Mexico Briefing*, transcript 1, p. 7; Yazzie Testimony, *New Mexico Briefing*, transcript 2, p. 3; Reyes Testimony, *New Mexico Briefing*, transcript 3, p. 27; Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 3.

⁶¹ Pinto Testimony, *New Mexico Briefing*, transcript 3, p. 13.

and would immediately prepare young students for educational success and have long-term benefits throughout a student's school career.⁶²

Finding III: There is a lack of Native American teachers in New Mexico, and this can negatively impact students, particularly in their access to culturally relevant curricula and perspectives.

- a) Although 10.6% of the student population in New Mexico public schools is Native American, only 2.5% of teachers are Native American.⁶³
- b) Increasing the number of Native American teachers and administrators who understand the cultural and linguistic needs of Native American students could support a more culturally relevant education.⁶⁴ Staff diversity is important for students from historically underrepresented backgrounds because they can serve as role models for students, often live in the same community, and often have a shared cultural experience.⁶⁵
- c) There are currently programs in place in New Mexico universities that train Native American teachers to teach in Native American schools, but progress is slow; six teachers graduated in 2022 and nine are projected to graduate in 2023.⁶⁶ These programs have only recently been supported with funding from the state of New Mexico.⁶⁷
- d) Recruiting and retaining more Native American teachers will likely require greater collaboration and partnership between the PED, New Mexico Higher Education Department (HED), and the state's various institutions for higher education.⁶⁸ New programs and incentives should be developed to increase the number of newly graduated Native American teachers hired by the state.⁶⁹ PED and HED can also engage Native faculty to assist school districts by providing their expertise and training on how to be more responsive to Native students.⁷⁰
- e) A recruitment campaign targeted at encouraging more Native American students to pursue teaching as their professional career can increase Native American staff in New Mexico schools.

⁶² Candelaria Testimony, *New Mexico Briefing*, transcript 1, p. 7; Yazzie Testimony, *New Mexico Briefing*, transcript 2, p. 3; Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 3.

⁶³ Candelaria Testimony, *New Mexico Briefing*, transcript 1, p. 6.

⁶⁴ Sims Testimony, *New Mexico Briefing*, transcript 2, p. 24; Martinez Testimony, *New Mexico Briefing*, transcript 4, p. 22.

⁶⁵ Candelaria Testimony, *New Mexico Briefing*, transcript 1, p. 6&7; Taylor Rahn, *New Mexico Briefing*, transcript 1, p. 13.

⁶⁶ Sims Testimony, *New Mexico Briefing*, transcript 2, p. 10; Martinez Testimony, *New Mexico Briefing*, transcript 4, p. 22.

⁶⁷ Sims Testimony, *New Mexico Briefing*, transcript 2, p. 10.

⁶⁸ Candelaria Testimony, *New Mexico Briefing*, transcript 1, pp. 6–7.

⁶⁹ Rahn Testimony, *New Mexico Briefing*, transcript 1, p. 21.

⁷⁰ Candelaria Testimony, *New Mexico Briefing*, transcript 1, pp. 6–7; Sims Testimony, *New Mexico Briefing*, transcript 2, pp. 9–10; Pinto Testimony, *New Mexico Briefing*, transcript 2, p. 21.

Finding IV: There is a need for a more culturally relevant curriculum that demonstrates respect for the integrity of Indigenous peoples, their culture, their language, and their historical traditions. It is an ongoing debate within the state on how culturally relevant curriculum should be included and assessed.

- a) To develop a culturally relevant curriculum, it is necessary for the PED’s Indian Education Department to consult and collaborate with tribal governments and tribal communities in the development of these materials.⁷¹ There are already some resources developed by tribal leaders within the state that could be consulted and incorporated into the required curriculum, such as the Indigenous Wisdom Curriculum Project and the resources developed by the Tribal Education Alliance, known as the Tribal Remedy Framework.⁷²
- b) Testimony suggested that instead of keeping the traditional Western civilization curriculum in which Native American culture is on the periphery, a more robust curriculum embeds Native American culture and history and focuses on critical thinking and personal reflection.⁷³ Several schools are already doing this, such as the NACA Inspired Schools network and the Hozho Academy Charter School.⁷⁴
- c) While culturally relevant curriculum has been required for some time by the Indian Education Act, it has never been incorporated into the statewide assessment students take annually.⁷⁵ This creates tension for teachers who want to incorporate different perspectives but also must prepare their students adequately for the exams.⁷⁶
- d) Another challenge is how to prioritize different cultures. New Mexico is a diverse state with many different cultures and perspectives.⁷⁷ Within Native American populations alone, there are 23 tribes and pueblos and 8 unique Native languages.⁷⁸ Teachers and administrators struggle to determine how to develop a curriculum that can be inclusive for all students.⁷⁹

⁷¹ Candelaria Testimony, *New Mexico Briefing*, transcript 1, p. 29.

⁷² Pinto Testimony, *New Mexico Briefing*, transcript 3, p. 18; *See also* Anja Rudiger, *Pathways to Education Sovereignty: Taking a Stand for Native Children*, Tribal Education Alliance, New Mexico (Dec. 14, 2020), https://nabpi.unm.edu/assets/documents/tea-full-report_12-14-20.pdf.

⁷³ Martinez Testimony, *New Mexico Briefing*, transcript 4, p. 5; Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 12; Randall Written Testimony, *National Association of Scholars*, Letter to New Mexico Advisory Committee, p. 5.

⁷⁴ Hillock Testimony, *New Mexico Briefing*, transcript 4, pp. 3-4; Duta Testimony, *New Mexico Briefing*, transcript 4, p. 10.

⁷⁵ Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 4.

⁷⁶ Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 13.

⁷⁷ Yazzie Testimony, *New Mexico Briefing*, transcript 2, p. 3.

⁷⁸ Candelaria Testimony, *New Mexico Briefing*, transcript 1, pp. 5–6.

⁷⁹ Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 12.

- e) The state of Montana can provide a useful example and model. In 1972, it developed a statewide education curriculum, in consultation with tribal leaders, that requires all students in the state to learn about Native American culture and history.⁸⁰

Finding V: While there has been an increase in funding, there is still inadequate accountability, guidance, and assessment of how funding helps to achieve expected educational adequacy. Inadequacies and shortages throughout the state hinder the improvements.

- a) In 2018, the PED’s Indian Education Division only received \$1.5 million in funding. As of 2022, it now receives \$15 million.⁸¹ Similarly, the Indigenous Multicultural and Special Education Initiative has seen an increase from \$1 million annually to \$5.1 million.⁸²
- b) In past years when funding was available, it was hard for school districts to access it due to a variety of barriers such as burdensome application requirements, disbursement delays, and administrative limitations.⁸³ In Fiscal Year 2017, there was a quarter of a billion dollars in unspent funding from the state of New Mexico that could have been spent on special programs for Native American students.⁸⁴ Unused operational funds revert to the state.
- c) PED is hesitant to put too many limitations on funding and how it should be used by specific schools and communities.⁸⁵ The state is balancing the need for accountability for funding, while allowing districts to spend funds in a way that is specific to their needs (e.g. allowances for tribal feast days and maintaining their languages).⁸⁶
- d) An increase in funding alone is not likely to address the many needs highlighted in the *Yazzie/Martinez* lawsuit. Targeted funding supports specific programs and/or activities is necessary to ensure funding truly meets the educational needs of Native American youth.⁸⁷ For instance, testimony suggested that permanent investments in Native language programs and Native language teachers are essential.⁸⁸

⁸⁰ Sims Testimony, *New Mexico Briefing*, transcript 2, p. 18; Martinez Testimony, *New Mexico Briefing*, transcript 4, p. 19; *citing* Mont. Const. art. X, § 1.

⁸¹ Reyes Testimony, *New Mexico Briefing*, transcript 3, p. 5; Rahn Testimony, *New Mexico Briefing*, transcript 1, p. 13.

⁸² Reyes Testimony, *New Mexico Briefing*, transcript 3, p. 5; Rahn Testimony, *New Mexico Briefing*, transcript 1, p. 14.

⁸³ Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 12.

⁸⁴ Weschler Testimony, *New Mexico Briefing*, transcript 1, p. 10.

⁸⁵ Rahn Testimony, *New Mexico Briefing*, transcript 1, p. 27; Regis Testimony, *New Mexico Briefing*, transcript 2, p. 28

⁸⁶ Rahn Testimony, *New Mexico Briefing*, transcript 1, p. 27

⁸⁷ Sanchez Testimony, *New Mexico Briefing*, transcript 1, p. 30; Candelaria Testimony, *New Mexico Briefing*, transcript 1, p. 31.

⁸⁸ Candelaria Testimony, *New Mexico Briefing*, transcript 1, p. 6.

- e) Clarity is still needed on how PED measures funding adequacy and what accountability mechanisms are in place to ensure that disbursed funds meet the needs of Native American students directly.⁸⁹
- f) The funding structure for public schools does not respond to real time student population shifts during the school year, which makes it difficult for growing schools that cannot anticipate larger than expected growth.⁹⁰
- g) New Mexico prohibits charter schools from running their own bus programs, unless otherwise approved by PED.⁹¹ Operating independent transportation places a great financial burden on charter schools, which must pay their local school districts to provide bussing.

Finding VI: The Tribal Remedy Framework is a key piece of statewide collaborative work that has not been incorporated or addressed in the PED’s strategic plan. PED should include this framework and participate in further consultation with tribes to improve education for Native American students.

- a) While PED frequently emphasizes the importance of local input and control of education,⁹² these efforts have seemingly failed. For example, the strategic plan released by PED in 2022 did not mention the Framework and has not incorporated its recommendations.⁹³ It is important to incorporate a clearly outlined and agreed-upon map for educational reform and how the tribes and communities would like to be supported by the state.⁹⁴
- b) The Framework is a comprehensive plan created collectively by tribal community members and Indigenous education experts specifically to address the shortcomings defined in the *Yazzie/Martinez* decision and advise the state on how to increase educational adequacy for Native students.⁹⁵
- c) A key element of the Framework recommends more tribal control of funding for extended learning programs tailored for Native American students such as afterschool and summer cultural programming.⁹⁶ The state has increased general education funding, but there has

⁸⁹ Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 16; Reyes Testimony, *New Mexico Briefing*, transcript 3, pp. 5–6; Sims Testimony, *New Mexico Briefing*, transcript 2, p. 11.

⁹⁰ Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 4.

⁹¹ For example, Hohzo Academy started their own program in the 2023-2024 school year by raising additional funds. Hillock Testimony, *New Mexico Briefing*, transcript 4, p. 4.

⁹² Reyes Testimony, *New Mexico Briefing*, transcript 3, pp. 34–35; Rahn Testimony, *New Mexico Briefing*, transcript 1, p. 27; Weschler Testimony, *New Mexico Briefing*, transcript 1, pp. 11 & 27.

⁹³ Pecos Testimony, *New Mexico Briefing*, transcript 2, p. 8.

⁹⁴ Pecos Testimony, *New Mexico Briefing*, transcript 2, p. 9.

⁹⁵ Anja Rudiger, *Pathways to Education Sovereignty: Taking a Stand for Native Children*, Tribal Education Alliance, New Mexico (Dec. 14, 2020), https://nabpi.unm.edu/assets/documents/tea-full-report_12-14-20.pdf; Pecos Testimony, *New Mexico Briefing*, transcript 2, p. 5.

⁹⁶ Reyes Testimony, *New Mexico Briefing*, transcript 3, pp. 5–6.

not been an increase in funding for many of the suggested Native American-focused needs and programs.⁹⁷

⁹⁷ Pecos Testimony, *New Mexico Briefing*, transcript 2, p. 14

Recommendations

Among their duties, advisory committees are authorized to advise the Commission: (1) concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws, and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.⁹⁸ In keeping with these responsibilities, and given the testimony heard on this topic, the Committee submits the following recommendations to the Commission:

The U.S. Commission on Civil Rights should issue the following recommendations to the Department of Education and the U.S. Department of the Interior Bureau of Indian Affairs:

- 1) Continue your research on the ongoing negative repercussions of the Indian boarding schools. Hear testimony specifically within New Mexico about its history of boarding schools and their lingering impact on educational adequacy in the state.
- 2) Explore the creation of a Truth and Healing process for the history of boarding schools for Native American students.
- 3) Create an initiative with the Department of Education to assess educational adequacy for Native American students nationally.

The U.S. Commission on Civil Rights should issue the following recommendations to the U.S. Congress:

- 1) Establish dedicated funding streams to enhance educational adequacy for Native American students.
- 2) Create a Truth and Healing Commission on Indian boarding school policies in the U.S., similar to the legislation introduced in 2023.⁹⁹

⁹⁸ 45 C.F.R. § 703.2 (2018).

⁹⁹ Committees - S.1723 - 118th Congress (2023-2024): Truth and Healing Commission on Indian Boarding School Policies Act, S.1723, 118th Cong. (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/1723/committees>.

The U.S. Commission on Civil Rights should issue the following recommendations to the Governor of New Mexico and the New Mexico State Legislature:

- 1) Expand and establish additional early childhood centers and home-based programs within Native American communities to enhance educational opportunities from an early age.
- 2) Ensure equitable access to broadband internet and devices for students residing in tribal communities, thereby bridging the digital divide and facilitating remote learning and educational resources.
- 3) Enhance recruitment efforts for Native American teachers through comprehensive strategies, including:
 - a) Implementing outreach campaigns and community engagement initiatives to attract more Native American individuals to the teaching profession. Earmark funding specifically for a public campaign and task the PED and New Mexico Indian Affairs Department to implement the campaign.
 - b) Targeting recruitment efforts in regions outside of the state with significant Native American populations.
 - c) Improving compensation packages and offering incentives such as wage increases and bonuses to attract and retain new Native American educators, and additional incentives and bonuses for teachers who can speak and teach in a Native language.
 - d) Establishing partnerships with high schools and vocational programs, similar to the Communities to Careers program, to encourage Native American students to pursue teaching careers.
 - e) Collaborating with the HED to develop specialized programs aimed at nurturing and training future Native American teachers and supporting their professional development and career advancement.
- 4) Enhance accountability and effectiveness in education funding for Native American students through:
 - a) Directing the Legislative Finance Committee to have a dedicated review and assess the allocation and utilization of funds within Native American education initiatives.
 - b) Preserving school districts and tribal communities' autonomy in expenditure decisions, while implementing robust monitoring mechanisms to ensure accountability, expediency, and effectiveness.
 - c) Continuously investing in proven initiatives and targeted funding strategies that have demonstrated positive outcomes in advancing educational goals within Native American communities.
- 5) Ensure the timely appointment of the Director of the PED's Indian Education Division by prioritizing input from tribal communities in the selection process and investing in Native American staff working in the PED.
- 6) Require transparent and publicly accessible explanations for any decisions made regarding the adoption or modification of specific elements of the Framework, promoting accountability and understanding.

The U.S. Commission on Civil Rights should issue the following recommendations to the New Mexico Public Education Department:

- 1) Prioritize the selection of culturally relevant textbooks to better serve the educational needs of Native American students, ensuring that the materials adopted reflect their cultural identities and perspectives. Ensure that the curriculum for all students includes a more accurate and comprehensive history of Native American communities and focuses on the strength and resilience of Indigenous peoples historically and currently.
- 2) Fully consider the implementation of the Tribal Remedy Framework, including:
 - a) Facilitating formal meetings with the authors of the Framework to address any concerns or inquiries, fostering open dialogue and collaboration.
 - b) Providing transparent and publicly accessible explanations for any decisions made regarding the adoption or modification of specific elements of the Framework, promoting accountability and understanding.
- 3) Increase equitable access to the internet and devices for students residing in tribal communities, to bridge the digital divide and facilitate access to remote learning and educational resources.
 - a) Exploring satellite internet options at community centers and other points of common access to immediately expand internet accessibility.
 - b) Continuing the process of expanding broadband internet to more communities in the state.
- 4) Enhance access and expediency to funding tailored to the educational requirements of Native American students by:
 - a) Assisting school districts and charter schools in navigating the application process for additional funding dedicated to supporting Native American students.
 - b) Supporting the funding accountability process by helping school districts assess if their resources are effectively allocated.
 - c) Streamlining both the application process for funding and the reporting requirements to enhance efficiency and reduce administrative burdens, enabling schools to focus more on meeting the educational needs of Native American students.

The U.S. Commission on Civil Rights should issue the following recommendations to New Mexico school districts and schools:

- 1) Engage in collaborative discussions with tribal leaders from the community to gain deeper insights into the distinctive challenges confronting Native American students. By fostering dialogue and understanding, educators can better tailor support systems to address the specific needs of these students.
- 2) Maximize utilization of available funding resources, including targeted allocations aimed at supporting Native American student populations. By leveraging all available financial

avenues, educational institutions can enhance the quality and accessibility of educational programs and services for Native American students.

- 3) Engage in the recruitment and cultivation of Native American educators, initiating the process as early as high school. Support and create incentives for Native American students pursuing careers in education.
- 4) Strengthen the curriculum concerning Native American history and culture, focusing on fostering critical thinking skills.
- 5) Provide all teachers with professional development and training opportunities on cultural competency.

Appendices

- A. Panel Agendas, Minutes, and Presentation Slides
 - a. September 22, 2022, Online Panel
 - b. December 8, 2023, Online Panel
 - c. December 15, 2023, Online Panel
 - d. March 15, 2023, Online Panel
- B. Hearing Transcripts
 - a. September 22, 2022, Online Panel (AKA Transcript 1)
 - b. December 8, 2023, Online Panel (AKA Transcript 2)
 - c. December 15, 2023, Online Panel (AKA Transcript 3)
 - d. March 15, 2023, Online Panel (AKA Transcript 4)
- C. Written Testimony
- D. List of Individuals and Organizations Invited, but Declined to Participate

Appendix A – Panel Agendas, Minutes, and Presentation Slides

Meeting Minutes & Presentation Slides can be accessed at:

https://securisync.intermedia.net/us2/s/folder?public_share=409J0xbKeIQ2vuMJBvQond0011ef58&id=L1dBL0V4Y2Vzc2l2ZSBVc2Ugb2YgRm9yY2UvQXBwZW5kaXggQQ%3D%3D

Panel 1 Agenda

Thursday, September 22, 2022, at 10:00am

- I. Welcome & Opening Remarks
- II. Panelist Statements
 - a. Preston Sanchez, ACLU of New Mexico
 - b. Melissa Candelaria, New Mexico Center on Law and Poverty
 - c. Jeff Wechsler, Montgomery & Andrews Law Firm
 - d. Taylor Rahn, Robles Rael & Anaya Law
- III. Q & A
- IV. Public Comment
- V. Adjournment

Panel 2 Agenda

Thursday, December 8, 2022, at 10:00am

- VI. Welcome & Opening Remarks
- VII. Panelist Statements
 - a. Wilhelmina Yazzie, Advocate and Lead Plaintiff in the *Yazzie/Martinez* lawsuit
 - b. Regis Pecos, Leadership Institute at Santa Fe Indian School
 - c. Christine Sims, University of New Mexico
- VIII. Q & A
- IX. Public Comment
- X. Adjournment

Panel 3 Agenda

Thursday, December 15, 2022, at 10:00am

- I. Welcome & Opening Remarks
- II. Panelist Remarks
 - a. Rebecca Reyes, Interim Assistant Secretary, Indian Education Division
 - b. Shannon Pinto, State Senator
 - c. Rebecca Dow, State Representative
- III. Q & A
- IV. Public Comment
- V. Adjournment

Panel 4 Agenda

Wednesday, March 15, 2023, at 10:00am

- I. Welcome & Opening Remarks
- II. Panelist Remarks
 - a. Juliane Hillock, Principal, Hozho Academy Charter School
 - b. Glenabah Martinez, Associate Professor and Associate, Dean University of New Mexico
 - c. Anpao Duta Flying Earth, Executive Director, NACA Inspired Schools Network, Lakota, Dakota, Ojibwe, Akimel O’odham
- III. Q & A
- IV. Public Comment
- V. Adjournment

Appendix B – Hearing Transcripts

September 22, 2022, Online Panel Transcript (AKA Transcript I)

December 8, 2022, Online Panel Transcript (AKA Transcript II)

December 15, 2022, Online Panel Transcript (AKA Transcript III)

March 15, 2023, Online Panel Transcript (AKA Transcript IV)

Documents found at:

https://securisync.intermedia.net/us2/s/folder?public_share=409J0xbKeIQ2vuMJBvQond0011ef58&id=L05NL05hdG12ZSBBbWVyaWNhbiBFZHVjYXRpb24%3D

Appendix C – Written Testimony

All written testimony can be found at:

https://securisync.intermedia.net/us2/s/folder?public_share=409J0xbKeIQ2vuMJBvQond0011ef58&id=L05NL05hdGI2ZSBBbWVyaWNhbiBFZHVjYXRpb24vV3JpdHRlbiBUZXN0aW1vbnk%3D

Testimony submitted by:

Tribal Education Alliance

David Randall

Michael Gonzalez

Paul Gessing

Appendix D – List of Individuals and Organizations Invited, but Declined to Participate

This is a list of all the participants that were invited to participate in the project either through testimony at one of the public panels or through written testimony. Invitations were declined for a variety of reasons. If you would like additional information about any of these individuals or organizations you can email the Committee’s Designated Federal Officer, Brooke Peery, at bpeery@usccr.gov.

Brianna Fragua, Indian Pueblo Cultural Center

Derrick Lente, State of New Mexico Representative

Gay Kernan, State of New Mexico Senator

Lynn Trujillo, New Mexico Indian Affairs Department

Kara Bobroff, New Mexico Public Education Department

Hankie P. Ortiz, U.S. Department of the Interior Bureau of Indian Education

Scott Elder, Albuquerque Public Schools

Rebecca Sanchez, University of New Mexico