

**MESCALERO APACHE TRIBE
MESCALERO, NEW MEXICO**

RESOLUTION 26-20

WHEREAS, the Mescalero Apache Tribe (“Tribe”), an Indian Tribe organized under the Indian Reorganization Act of June 18, 1934, (25 U.S.C. § 5123) and under its Revised Constitution has full power to act for the Tribe; and

WHEREAS, the Mescalero Apache Tribal Council (“Tribal Council”) has the power to represent the Tribe and to act in all matters that concern the welfare of the Tribe, pursuant to Article XI, Section 1(i) of the Revised Constitution; and

WHEREAS, a significant number of Tribal youth attend state-funded public schools, including Ruidoso Municipal Schools and Tularosa Municipal Schools; and

WHEREAS, the Tribal Council believes that education is vital to equip the next generation of Tribal leaders to protect and defend tribal sovereignty and preserve the Apache way of life; and

WHEREAS, therefore, the Tribal Council is committed to ensuring that Tribal youth receive an education that empowers these students to excel at the college-level and in their future careers and encourages connections to Apache culture and language; and

WHEREAS, accordingly, the Tribe has been involved in the *Yazzie/Martinez v. State of New Mexico* lawsuit (“*Yazzie/Martinez*”), which was filed in State court on behalf of Native American and at-risk students; and

WHEREAS, in 2018, the State court in *Yazzie/Martinez* issued an order finding that the State of New Mexico failed to meet its obligation under the New Mexico Constitution to provide a sufficient, equitable, and culturally responsive education to Native American and at-risk students and requiring that the State develop a comprehensive remedial action plan (the “plan”) outlining the steps to be taken by the State in order for the State to achieve compliance with the New Mexico Constitution; and

WHEREAS, in 2025, the State court determined that the State had not complied with the 2018 order and issued a new order requiring the State to develop a draft plan with the participation of stakeholders, including tribes, and submit a final plan to the State court by November 3, 2025; and

WHEREAS, the Tribe submitted a letter to Governor Michelle Lujan Grisham dated October 17, 2025 expressing the numerous ways that the draft plan did not adequately address the findings in the 2018 order or the State’s obligation under the New Mexico Constitution; and

WHEREAS, the final plan submitted by the State to the State court did not address any of the Tribe’s concerns and the Tribal Council believes that it is necessary to enact a formal Resolution detailing how the final plan is inadequate and requesting that the final plan be revised accordingly.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council hereby finds that the final plan is inadequate because the final plan:

- Fails to include specific benchmarks, timelines, measurable goals, or progress indicators or to identify who is responsible for certain remedial actions;
- Lacks mechanisms to hold public schools accountable for failing to address the needs of Native American students;
- Fails to require consultation or partnerships between public schools and tribes;
- Does not account for the special needs of and unique barriers faced by Native American students and instead, lumps Native American students with other at-risk students, whose needs and circumstances may be vastly different;
- Does not require financial transparency, which allows local schools to repurpose funding that is designated for remedial actions to other purposes;
- Fails to describe how instructional materials will be vetted to ensure cultural appropriateness and accuracy and does not require that these instructional materials be created with the input of tribes;
- Fails to describe how Native American language programs will be expanded or improved or otherwise provide a clear strategy for strengthening language preservation;
- Lacks clear methods by which Native American behavioral health and socio-emotional wellness disparities will be addressed and ignores tribal and other culturally-relevant resources that might be available to address these issues;
- Does not provide a framework to increase Native American teachers or indigenous-led teacher training; and
- Ignores the fact that standardized testing does not capture the strengths and weaknesses of Native American students.

BE IT FURTHER RESOLVED that the Tribal Council requests that the State collaborate with tribes and the local public schools who educate Native American students to revise the final plan to address the above-listed concerns.

BE IT FINALLY RESOLVED that the Tribal President is authorized and directed to disseminate this Resolution as deemed appropriate and take such other and further action needed to effectuate the intent of this Resolution.

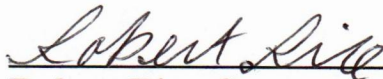
CERTIFICATION

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The foregoing enactment of the Mescalero Apache Tribal Council is duly adopted and approved on the 17th day of February 2026, at a legally called session of the Mescalero Apache Tribal Council, by a vote of 8 in favor, 0 opposed, 0 abstained and 0 absent at which a quorum was present and at which a majority of the members voted in favor thereof. This enactment is approved by the President of the Mescalero Apache Tribe under authority of Article XII, Section 1, of the Revised Constitution.



Thora Padilla, President



Robert Rice, Secretary