

RESOLUTION OF THE  
NAABIK'ÍYÁTI' STANDING COMMITTEE  
25<sup>th</sup> NAVAJO NATION COUNCIL -- Fourth Year, 2026

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'íyáti' 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'íyáti' 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 - especially for Native American students, English Language Learners, students with disabilities, and students from low-income families.
- B. The State of New Mexico Constitution provides a fundamental obligation of "[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." N.M. Const. Art. XII, §1.
- C. A purpose of the 2003 State of New Mexico Indian Education Act ("NMIEA") is to "ensure equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for American Indian students enrolled in public schools; 1978 NMSA, ss §§22-23A-1, et seq. (2005).

- D. Other purposes of the NMIEA include ensuring the "maintenance of native languages" and providing "for the study, development and implementation of educational systems that positively affect the educational success of American Indian students." *Id.*, at subsections (B) and (C).
- E. In 2018, *Yazzie/Martinez vs. State of New Mexico*, D-101-CV-2014-00793 ("Yazzie"), was filed in New Mexico District Court, County of Santa Fe, First Judicial District ("NM Court"). The consolidated lawsuit concerns whether the state of New Mexico was "living up to [its] constitutional obligation to provide a sufficient education for those children characterized as at-risk." *Yazzie*, at 2. Children "at-risk" included "those children who come from economically disadvantaged homes, those children who are English Language Learners, those children who are Native American, and those children with a disability." *Id.* The Court explained, "[t]his case raises a challenge as to the adequacy of the education being provided public school students who are Native American, English Language Learners, economically disadvantaged, or who have a disability. The Plaintiffs challenge as inadequate both the public school funding formula and the implementation of programs to meet statutory mandates which are designed to achieve the constitutional requirement." *Yazzie*, at 5.
- F. The NM Court ruled that the State of New Mexico failed in meeting its constitutional obligations in providing a sufficient and uniform system of education to all New Mexico students, including Native American children. The NM Court found that the state failed to provide the necessary programs and services for "at-risk" students, violating state and federal laws. The schools in the case failed to provide the necessary programs and services in preparing students for college and careers. Further, the Court did not see lack of funding as a defense, ruling that the state's Public Education Program failed to meet its oversight functions. It stated, "as a legal matter, lack of funds is not a defense in providing constitutional rights." *Yazzie*, at 54. "[T]he remedy for lack of funds is not to deny public school children a sufficient education, but rather the answer is to fund more funds," the court ruled. *Id.*, at 56. Based on its findings, the court correctly ordered the state of New Mexico to "create a funding system that will meet the constitutional requirement."
- G. Of those school districts on and near the Navajo Nation, the Gallup McKinley County School District ("GMCS D") and Central Consolidated School District ("CCSD") serve the most Native American students, especially Navajo students. Other school

districts include; Aztec Municipal School District, Bloomfield School District, Cuba Independent School District, Farmington Municipal Schools, Grants-Cibola School District, and Magdalena Municipal School District. There are also other larger school districts in New Mexico with a large Native American (and Navajo) student population, such as Albuquerque Public Schools and Santa Fe Public Schools.

- H. According to School Year 2024 ("SY 2024"), the Office of Educational Research and Statistics within the Department of Diné Education gathered from their tribal consultation that GMCS D has 7,581 of their 12,882 enrolled students as Navajo (59%) and CCSD has 4,246 of their 4,686 students being Navajo (91%).
- I. For SY 2024 tribal consultation, those "at-risk" Navajo students classified as English Language Learners ("ELL") and Special Education ("SPED"), GMCS D reported nearly 20% for ELL and 10% for SPED. CCSD reported 30% for ELL. There is no reported data for SPED.
- J. According to the 2024-2025 New Mexico Tribal Education Status Report an 80-day count illustrated that there are 25,784 Navajo students attending public schools across New Mexico, including 5,476 who are classified as Special Needs (21%).
- K. On April 29, 2025, an NM Court order was issued and provided to the NMPED to create a community-driven action plan. The court ordered the state to develop a Martinez/Yazzie Action Plan ("MY Action Plan"), with input from important stakeholders, such as students, families, educators, and tribal leaders. The "MY Action Plan" would be an enforceable 5-year plan to address all systemic failures.
- L. The "MY Action Plan" responds to five core areas presented by NMPED: (1) Equitable access to high-quality instruction, (2) Access to well-prepared, culturally and linguistically responsive educators, (3) Academic, social, and behavioral support services, (4) Fair and effective funding to meet student needs, (5) data and accountability systems to drive continuous improvement.
- M. On July 31, 2025, the NMPED released a media advisory notice regarding a series of thirteen (13) community input meetings concerning the "MY Action Plan", which were scheduled to occur only in August 2025. Of the thirteen (13) initially scheduled community input meetings, two were held virtually and the remaining meetings were held throughout New Mexico,

unfortunately none of the meetings were conducted on the Navajo Nation.

- N. In September 2025, after the conclusion of the community input meetings, the "MY Action Plan" Team, which was comprised of NMPED, the Los Alamos National Laboratories, the NM Legislative Education Study Committee and WestEd, drafted an 85-page "MY Action Plan".
- O. On October 7, 2025, the initial draft of the "MY Action Plan" was shared with the public and there was a 10-day comment period, to obtain input and/or recommendations. Any input and/or recommendations were encouraged to be sent via email rather than in person community meetings with all affected stakeholders. Exhibit A is the October 7, 2025, "MY Action Plan" Draft.
- P. On October 16, 2025, the NMPED Office of Indian Education hosted their bi-annual Government-to-Government Indian Education Summit. That afternoon, there was a Martinez/Yazzie Draft Action Plan Review and Feedback Session with Tribal Leaders and Tribal Educators (Invitation Only) for invited tribal leaders and tribal education departments to discuss the draft action plan for merely an hour and a half.
- Q. October 17, 2025, was the deadline to accept public comments and feedback, and the Speaker of the Navajo Nation Council and the New Mexico Caucus of the 25th Navajo Nation Council issued a joint letter to New Mexico Cabinet Secretary of Education, Mariana Padilla, requesting an extension to submit public comments due to the short window and quick turnaround following the public input meetings. Exhibit B is the October 16, 2025, joint letter.
- R. On November 3, 2025, seventeen (17) days after the public comment deadline, NMPED revised and resubmitted the final "MY Action Plan" draft to the New Mexico District court. The New Mexico District court had fifteen (15) days to make a ruling on any next steps or declarations. Exhibit C is the November 3, 2025 "MY Action Plan" Draft.
- S. Prior to the New Mexico District court ruling on the "MY Action Plan", the Speaker of the Navajo Nation Council and the New Mexico Caucus of the 25th Navajo Nation Council sent a second joint letter on November 3, 2025, requesting Judge Matthew J. Wilson to extend the public comment period. Exhibit D is the November 3, 2025, joint letter.

- T. On December 3, 2025, the Health, Education, and Human Services Committee (HEHSC) of the 25th Navajo Nation Council sent a letter to NMPED and New Mexico Governor Michelle Lujan Grisham officially opposing the "MY Action Plan", stating that the Plan exhibits critical deficiencies that fundamentally undermine its capacity to remedy the constitutional violations identified in the Martinez-Yazzie decision. Exhibit E is the HEHSC letter sent on December 3, 2025.
- U. On December 4, 2025, the Navajo Nation Board of Education supported the HEHSC letter in Resolution NNBEDE-1110-2025: Relating to Education; Supporting the Health, Education, and Human Services Committee Memorandum Opposing the New Mexico Public Education Department's Martinez/Yazzie Action Plan. Exhibit F is the Navajo Nation Board of Education Resolution-1110-2025.
- V. Also on December 4, 2025, the Office of Navajo Nation Human Rights Commission expressed their position and sent a letter to NMPED to oppose the "MY Action Plan", calling it "incomplete and insufficient in addressing the core concerns raised by the Martinez-Yazzie lawsuit". EXHIBIT G is the Office of Navajo Nation Human Rights Commission letter opposing the "MY Action Plan".

**SECTION THREE. OPPOSING THE NEW MEXICO PUBLIC EDUCATION DEPARTMENT'S "MY ACTION PLAN"**

- A. The "MY Action Plan" does not adequately connect specific actions to the violations identified by the court regarding the constitutional rights of at-risk students. It also lacks precise proposals that would address the educational disparities for Native Americans, disadvantaged students, English Language Learners, and students with disabilities, especially with the varying demographics across New Mexico.
- B. The "MY Action Plan" especially lacks meaningful engagement with stakeholders and tribal communities in its development. Effective consultation is essential to ensure the plan meets the needs of diverse student populations. These must be in-person and community-based, not virtual or with all tribal nations at once.
- C. August 2025 was the only period where the "MY Action Plan" public input meetings were held by the NMPED, Los Alamos National Laboratories and WestEd. There were no meetings hosted on the Navajo Nation. And of their initial community meetings,

the closest to the Navajo Nation was Farmington, New Mexico; and later, Gallup, New Mexico was added.

- D. The Navajo Nation agrees that the State of New Mexico and the NMPED failed to meet its constitutional responsibilities in the education of at-risk children, especially for Native American students.
- E. The "MY Action Plan" uses vague language that does not provide clear and actionable items and lacks specificity, making it difficult to evaluate the effectiveness of the proposed measures. For example, the "MY Action Plan" discusses high-quality instruction and curricula without specifying what timelines they will follow to achieve a new and revised assessments that aligns with grade-level or how such materials would be enforced for the benefit of Native American students.
- F. The "MY Action Plan" also fails to include a comprehensive cost analysis to implement the proposed actions. If there is no clear financial planning, it is uncertain how the initiatives will be funded and executed (i.e., materials, training, timelines, etc.). Thus, any comprehensive remedial plan should require a detailed fiscal analysis.
- G. Further, the "MY Action Plan" neglects to include itemized cost projections, funding source identification, or implementation budgets. This omission only reveals uncertainty to both the feasibility and sustainability of any proposed educational interventions.
- H. The "MY Action Plan" is described as a series of disjointed initiatives rather than a collective and cohesive strategy that depicts a new innovative education for New Mexico. This fragmentation can hinder efforts to address the systematic issues faced by at-risk students, including other student populations outlined in the Martinez/Yazzie lawsuit.
- I. The "MY Action Plan" fails to establish transparent connections between its proposed initiatives and the specific constitutional deprivations the Court identified regarding at-risk students' educational rights. Rather than systematically addressing documented disparities affecting Native American students, ELL, students with disabilities, and economically disadvantaged populations, the Plan addresses these populations in fragments, leaving substantial legal vulnerabilities unresolved. For instance, the New Mexico Indian Education Act or the Individuals with Disabilities Education Act.

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

**SECTION FOUR. THE NAVAJO NATION HEREBY RECOMMENDS THE FOLLOWING**

- A. The Naabik'íyáti' Committee hereby recommends that the NMPED revisit tribal communities for further input, including hosting a tribal leader's plenary session rather than informal roundtable discussions. The Naabik'íyáti' Committee invites NMPED and its partners to visit the Navajo Nation to thoroughly discuss the "My Action Plan".
- B. The Naabik'íyáti' Committee hereby recommends that the NMPED identify and engage with subject area experts from within tribal communities to contribute to the development of educational strategies. This collaboration should be presented as a necessary component for creating a comprehensive and effective educational plan. Those subject areas are, but not limited to, language and culture, funding, safe schools, relevant community-based curricula, social and mental health services, special education, and other specific student population needs.
- C. The Naabik'íyáti' Committee hereby recommends that the NMPED undertake a comprehensive reconsideration and substantive revision of their "MY Action Plan". The current iteration fails to satisfy the Court's expectations and serves neither the educational interests of disadvantaged students nor the state's legal obligations. Those five core areas are: Equitable access to high-quality instruction; Access to well-prepared, culturally and linguistically responsive educators; Academic, social, and behavioral support services; Fair and effective funding to meet student needs; lastly, data and accountability systems to drive continuous improvement.
- D. The Naabik'íyáti' Committee of the 25th Navajo Nation Council respectfully requests a submission of a substantially revised plan that demonstrates clear connections between proposed actions and constitutional remedies, including specific performance metrics and implementation timelines. This is especially important for schools in distinct regions and demographics across New Mexico to be familiar and in conjunction.

- E. The Naabik'íyáti' Committee hereby recommends that the NMPED produce a comprehensive cost analysis to ensure the full implementation of the proposed plan is done. A comprehensive remedial plan should require a detailed fiscal analysis that includes itemized cost projections, funding source identification, or implementation budgets. A plan that includes these specific components will declare its feasibility and sustainability.

**CERTIFICATION**

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 25<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 19 in Favor, and 00 Opposed, on this 22<sup>nd</sup> day of January 2026.



Honorable Crystalyne Curley, Chairwoman  
Naabik'íyáti' Committee

1/27/2026

Date

Motion: Honorable Cherilyn Yazzie  
Second: Honorable Andy Nez

Chairwoman Crystalyne Curley not voting



25TH NAVAJO NATION COUNCIL

November 3, 2025



Honorable Judge Matthew J. Wilson  
First Judicial District Court  
225 Montezuma Ave.  
P.O. Box 2268  
Santa Fe, New Mexico 87504-2268

Dear Judge Wilson,

On behalf of the 25th Navajo Nation Council, we respectfully request that the New Mexico Public Education Department extend the public comment period regarding the proposed draft Yazzie/Martinez Action Plan. This extension will provide additional time for community members and tribal members to review and respond. Despite being given seven months to draft a plan, the proposed draft plan only reflects less than 15 community meetings hosted within one month, then a drafted NNPED was developed within a month, and only allowed 10 days for feedback.

On Wednesday, October 15, there was an update meeting regarding the draft plan that was held in Shiprock, NM. Several members of the Navajo Nation Council attended and witnessed many participants express the need for the public comment timeline to be extended to allow more opportunity for meaningful community engagement. There are over 27,000 Navajo students across the state of New Mexico, and many reside on the Navajo Nation. Therefore, a significant portion of students and families are directly impacted by the Yazzie/Martinez decision. Their voices are essential to ensuring an equitable plan moves forward.

An extension would also allow the Navajo Nation Council's Naabik'iyáti' Committee to establish a formal Navajo Nation position regarding the draft Action Plan. Pursuant to 2 N.N.C. of the Navajo Nation Code, the Naabik'iyáti' Committee is authorized to establish the Navajo Nation's official positions related to federal and state issues.

Thank you for your consideration of this request and for your continued commitment to addressing the educational inequities identified in the Yazzie/Martinez decision. The Navajo Nation looks forward to working in partnership with the State of New Mexico to advance the educational rights of all Native students.

Sincerely,

Crystalyne Curley, *Speaker*  
25<sup>th</sup> Navajo Nation Council

Amber Kanazbah Crotty, *Chair*  
New Mexico Caucus, 25<sup>th</sup> Navajo Nation Council



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NNBEDE-1110-2025

## RESOLUTION OF THE NAVAJO NATION BOARD OF EDUCATION

### Relating to Education; Supporting the Health, Education, and Human Services Committee Memorandum Opposing the New Mexico Public Education Department’s Martinez-Yazzie Action Plan (MY Action Plan)

#### WHEREAS:

1. The Navajo Nation Board of Education (hereinafter the “Board”) is the education agent in the Executive Branch for the purposes of overseeing the operation of all schools serving the Navajo Nation. 10 N.N.C. § 106 (A). The Board carries out its duties and responsibilities through the Department of Diné Education (hereinafter the “Department”). 10 N.N.C. §106 (G)(3).
2. The Department is the administrative agency within the Navajo Nation with responsibility and authority for implementing and enforcing the educational laws of the Navajo Nation. 2 N.N.C. §1801(B); 10 N.N.C. §107(A). The Department is under the immediate direction of the Navajo Nation Superintendent of Schools, subject to the overall direction of the Board. 10 N.N.C. §107(B).
3. The Health, Education, and Human Services Committee is the oversight committee for the Department of Diné Education and Navajo Nation Board of Education. 2 N.N.C. § 401 (C)(1); 10 N.N.C. § 1(B).
4. The Navajo Nation also established the Naabik’iyáti’ Committee as a Navajo Nation Council standing committee and is empowered to coordinate all state program and position statements, including those to the federal government. 2 N.N.C §§164(A)(9), 700(A), 701(A)(4), 701(A)(6); CO-45-12. The Navajo Nation also has a government-to-government relationship with the states of Arizona, New Mexico, Utah, and federal government.
5. The Board has reviewed and supports the Health, Education, and Human Services Committee memorandum opposing the New Mexico Public Education Department’s Martinez-Yazzie Action Plan (MY Action Plan), attached hereto as “EXHIBIT A”. The Board supports continued collaboration with the State of New Mexico and appropriate agencies in the best interests of Navajo education.

#### DEPARTMENT OF DINÉ EDUCATION

Post Office Box 670 · Window Rock, Arizona, 86515 · Phone (928)871-7475

#### NAVAJO NATION BOARD OF EDUCATION

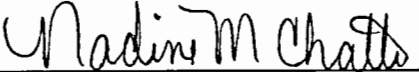
Nadine M. Chatto, **President** · Freda Nellis, **Vice President** · Andrea K. Thomas, **Secretary**  
**Members:** Dr. Henry Fowler · Joan A. Gray · Emerson John  
Spencer W. Willie · Sharon A Toadecheenie · Dr. Pauletta White  
Claudia Edgewater-Russell, **(A) Superintendent of Schools**

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Navajo Nation Board of Education hereby supports the Health, Education, and Human Services Committee Memorandum opposing the New Mexico Public Education Department's Martinez-Yazzie Action Plan (MY Action Plan) (Attached as "EXHIBIT A").
2. The Navajo Nation Board of Education further recommends that the Navajo Nation Superintendent of Schools or her designee(s) to advocate on behalf of the Navajo Nation consistent with the position stated in this resolution.
3. The Navajo Nation Board of Education hereby directs and empowers the Superintendent of Schools to take any action deemed as necessary and proper to carry out the purposes of this resolution.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Board of Education of the Navajo Nation at a duly called meeting at Window Rock, Arizona (Navajo Nation) at which a quorum was present, motioned by Joan A. Gray and seconded by Dr. Henry Fowler and that the same was passed by a vote of 10 in favor; 0 opposed; 0 abstained, this 4<sup>th</sup> day of December 2025.

  
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**Nadine Chatto, President**  
**Navajo Nation Board of Education**

NAVAJO NATION

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1/22/2026  
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Naa'bik'iyati' Committee Regular Meeting

	<b>Amd# to Amd#</b>	<b>New Business: Item A. (CONSENT)</b>	
MOT Yazzie, C		0008-26/0013-26/0015-26/0017-26/	<b>PASSED</b>
SEC Nez, A			

<b>Yeas : 19</b>	<b>Nays : 0</b>	<b>Excused : 2</b>	<b>Not Voting : 1</b>
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**Yea : 19**

Begay, H	Jesus, B	Notah, N	Tso, O
Begay, N	Johnson, C	Parrish, S	Yanito, C
Claw, S	Mitchell, A	Simonson, G	Yazzie, C
Crotty, A	Nez, A	Slater, C	Yazzie, L
James, V	Nez, R	Tolth, G	

**Nay : 0**

**Excused : 2**

Daniels, H	Charles-Newton, E
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**Not Voting : 1**

Simpson, D

**Presiding Speaker: Curley, C**