

Navajo Nation says Impact Aid dollars not for Yazzie/Martinez court case

Written by Staff Reports

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WINDOW ROCK, Ariz. — Navajo Nation President Jonathan Nez and Vice President Myron Lizer issued a letter on Sept. 2 to New Mexico Gov. Michelle Lujan Grisham and Public Education Secretary Ryan Stewart, reaffirming the Navajo Nation’s position that federal Impact Aid dollars should not be used to address the mandates set forth by the 2018 Yazzie/Martinez court decision that found that the state of New Mexico had failed to comply with its constitutional mandate to provide sufficient education for “at risk” students including Navajo students.

In July 2018, Judge Sarah Singleton ruled that all New Mexico students have a right to be college and career-ready and that the state failed to meet that obligation. The state was unable to comply with the state and federal laws regarding the education of Native American and English Language Learner students. The state failed to provide Native American and ELL students’ programs and services to prepare for college or a career, such as extended learning, dual language, culturally and linguistically relevant education, social services, and others.

“The Navajo Nation remains concerned that the New Mexico Public Education Department may utilize federal Impact Aid funding to replace state funding for Native students in an effort to meet the requirements set forth by the Yazzie/Martinez court ruling. The Nation opposes any plan that proposes to use federal Impact Aid funding to fulfill the Yazzie/Martinez mandate requiring state funds be utilized to support Native students in New Mexico,” Nez said.

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The letter states that federal Impact Aid is intended to assist local school districts that have lost property tax revenue due to the presence of tax-exempt federal property, including tribal lands, or that have experienced increased expenditures due to the enrollment of federally connected children, including children living on tribal lands. A state receiving Impact Aid is not allowed to reduce state funding for education based upon the district's receipt of Impact Aid.

However, New Mexico's school funding formula allows the state to reduce the amount it gives to local districts receiving this federal help by an amount equal to 75-percent of the Impact Aid amount — as long as the state first receives approval from the U.S. Education Department. For fiscal year 2020, the U.S. Department of Education determined that the State of New Mexico is not eligible to consider a portion of Impact Aid payments as local resources in determining the State aid entitlements – a decision favorable to New Mexico's Native students – which means schools serving Native students will receive all of their Impact Aid funding. This decision was challenged by the state of New Mexico, but was recently withdrawn.

On Aug. 28, Stewart informed the New Mexico Legislative Finance Committee that the state is developing a plan to address the Yazzie/Martinez decision. The Navajo Nation reiterates that the plan must be developed in consultation with the Navajo Nation and New Mexico tribes, pueblos, and nations, in accordance with the State-Tribal Collaborations Act, the Indian Education Act, and the Public Education Department's Communication and Collaboration Policy. The letter from Nez and Lizer called on the state of New Mexico to work together with the Navajo Nation to develop the plan.

“The Navajo Nation Office of the President and Vice President, the Department of Diné Education, and the Navajo Nation Board of Education look forward to working with the New Mexico Public Education Department in the development of this plan to ensure the court ordered mandates in the Yazzie/Martinez decision are addressed, separate and apart from the U.S. Department of Education's decision on the State Equalization Guarantee funding formula and Impact Aid,” Lizer said.

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