



The Navajo Nation  
Office of the President and Vice President

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**FOR IMMEDIATE RELEASE**

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**Nez-Lizer applaud “huge win” for Navajo students as  
federal Impact Aid Program rules on equalization formula**

**WINDOW ROCK, Ariz.** — Navajo Nation President Jonathan Nez and Vice President Myron Lizer called a recent ruling by the U.S. Department of Education a “huge win” for Navajo students in the state of New Mexico. The ruling, issued by Impact Aid Director Marilyn Hall on April 15, states that New Mexico’s State Equalization Guarantee (SEG) funding formula does not equalize educational spending. The ruling means that the state of New Mexico did not include all funding used for education, but only used a narrow range of revenues or expenditures for the purpose of equalization, leaving a vast amount of revenue out of the funding formula.

The state’s education funding formula that was reviewed through protest filings by three school districts for FY2020 is, according to the federal Impact Aid Program, “disequalizing.” As a result, the state of New Mexico did not pass a disparity test with the additional revenue considered in the equation, therefore the state cannot redirect Federal Impact Aid funding to non-Federal Impact Aid school districts. The disparity test is the state school with the highest per/student expenditure compared with the school with the lowest per/student expenditure cannot exceed 25-percent.

“The Office of the President and Vice President, along with the Navajo Nation Board of Education and the Navajo Nation Department of Diné Education, has continuously made the argument to the state of New Mexico’s legislature, to the Governor of New Mexico, and the New Mexico Public Education Department that 100-percent of federal Impact Aid must go to schools within the Navajo Nation, and schools that have a high population of Navajo students. Additionally, we have advocated this same message in meetings with Secretary Betsy Devos at the U.S. Department of Education in Washington, D.C.” said President Nez.

The Nez-Lizer Administration is thankful for the filings by Central Consolidated School District, Gallup-McKinley County School District, and the Zuni Public School District challenging the state of New Mexico’s equalization funding request to the federal Impact Aid Program. The favorable ruling by the Office of Impact Aid Program corrects a decades-long injustice that saw federal education monies being sent to New Mexico school districts that were not impacted by the loss of tax revenues because of federal lands.

“In fact, it can be argued that Native American school children bank rolled the state of New Mexico’s educational system for over four decades while simultaneously receiving the short end of the stick when it came to education resources and opportunities for our children in the state,” President Nez added.

The Nez-Lizer Administration strongly advocated for 100-percent of federal Impact Aid funding to be directed to school districts within the Navajo Nation, and has held that the “equalization” formula utilized by the state of New Mexico perpetuated a historical injustice that ran afoul of the intent of Title VII of the Elementary and Secondary Education Act of 1965, Public Laws 815 and 874, and Federal Impact Aid’s first iteration in 1940 with the Lanham Act.

“We look forward to working with the state of New Mexico and with Local Education Agencies to ensure that Navajo and Native American students receive the full amount of federal Impact Aid funding that the law intended. Quality education is a critical component for Nation building for tribal communities, especially for the Navajo Nation,” Vice President Lizer said.

The Federal Impact Aid Program ruling is consistent with the Yazzie/Martinez ruling recognizing the disparity in education resources and funding within the state of New Mexico. The Nez-Lizer Administration opposes the state of New Mexico’s Motion to Dismiss Yazzie/Martinez.

“New Mexico has not satisfactorily addressed the judge’s findings in Yazzie/Martinez, and we will continue to advocate for our students on that issue as well,” said President Nez.

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