



State of New Mexico House of Representatives Santa Fe

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June 19, 2021

The Honorable Wilfred Herrera Jr.
Chairman
All Pueblo Council of Governors
2401 12th St. NW
Suite 201N
Albuquerque, NM 87104
sent via email

Dear Chairman Herrera,

Thank you for your letter outlining your concerns and the concerns of the All Pueblo Council of Governors regarding the continued employment of Ms. Rachel Gudgel.

I acknowledge and respect your statements of concern, particularly regarding the expectation that staff and elected leaders should affirm that Native people have the ability and sophistication to craft effective educational plans for Native American children.

I stand with you in that regard, and would like to affirm that the voice of Native American communities is essential in designing effective educational programs for Native American children. I have worked closely with you and my Legislative colleagues to advance the Tribal Remedy Framework for several years. I have also fought hard for the return of Federal Impact Aid dollars to districts that primarily serve Native American children, and in particular, a requirement that Impact Aid districts provide detailed reporting on how these districts undertake tribal consultation and the results of that consultation. That legislation's success is a long-sought achievement, and it resulted directly from our collaborative work together, along with several Legislative colleagues.

I also acknowledge your expressions of a lack of confidence in the ability of the Legislature to resolve the systemic problems outlined in the Yazzie/Martinez lawsuit, but I would cite the landmark progress made on Impact Aid during the past legislative session to reaffirm that the Legislature can and will move forward on critical issues around the education of Native American students.

Given my commitment to improving education for Native American students, it should come as no surprise that I would share your concerns regarding any allegations of racist comments against Native Americans, Native schools, or Native children. Any such comments or behavior must be investigated, addressed, and prevented. It is also my duty as one of the two Presiding Officers of the New Mexico

Legislature to ensure that the Legislative Anti-Harassment Policy and the Legislature's personnel policies are followed carefully and diligently.

The Legislative Education Study Committee (LESC) was created and described in law, §2-10-1 *NMSA 1978*. It is comprised of four Senators and six Representatives, and as you note, is charged with the continuing study of all education in New Mexico, and making recommendations regarding changes in law regarding education. Further, the Director of the LESC is hired by the committee and serves at its pleasure, §2-10-2 *NMSA 1978*. The Legislature must also follow the law regarding disclosures of personnel files and discussion of personnel matters.


Once the allegations regarding Ms. Gudgel were made, the procedures outlined in the Anti-Harassment Policy regarding complaints against staff were followed and advanced by then-LESC Chair Representative Christine Trujillo. I have not reviewed the report or received access to it simply because the Director of LESC reports to the LESC and not to Legislative leadership.

I share your concerns about Ms. Gudgel's ability to have a productive working relationship with Native American members of the Legislature, leaders of Pueblos and Tribal Nations, and leaders of school districts that serve student populations of predominantly Native population. I understand that you lack confidence in Ms. Gudgel's ability to lead going forward, and I cannot disagree with your views. Comments like those attributed to Ms. Gudgel have no place in the Legislature or anywhere else. The comments are shocking, deeply offensive, and extremely troubling. While I was, and still am, deeply concerned about Ms. Gudgel's alleged conduct, the fact remains that the policy in place to handle comments and actions by staff of the Legislature was followed in Ms. Gudgel's case. It is my understanding that no further personnel action regarding the past allegations against Ms. Gudgel can be taken.

I am planning to ask the Chair of the LESC to initiate, with the voting members of the LESC, a process of conducting a thorough and immediate evaluation of the LESC Director's job performance and ability to continue in her position. I will request that the form of the evaluation process would ultimately be decided by the ten voting members of the LESC.

I am committed to working with you to ensure that the Legislature is a place where all New Mexicans are valued and respected, regardless of their background or identity.

Sincerely,



Brian Egolf

cc: Governor Michelle Lujan Grisham
All Pueblo Council of Governors
Navajo Nation President Jonathan Nez
Jicarilla Apache Nation President Edward Velarde
Mescalero Apache Tribe President Gabe Aguilar
Senate President Pro Tempore Mimi Stewart
Senate Majority Floor Leader Peter Wirth
House Majority Floor Leader Sheryl Williams Stapleton
Senator William Soules, Chair, Legislative Education Study Committee
LESC Voting Members