



STATEMENT OF PLAINTIFFS ON *STEPHEN C. V. BIE* MOTION TO DIMISS RULING

On March 26, Plaintiffs won their first major court victory in *Stephen C. v BIE*, a landmark lawsuit asserting the educational rights of Native American students. In a historic ruling, a federal court in Arizona denied the federal government’s motion to dismiss claims brought by Havasupai students and the Native American Disability Law Center.

The court ruled, for the first time in the nation, that the federal government must meet the educational needs of Native American students attending schools run by the federal Bureau of Indian Education (BIE) by affirmatively addressing the mental health and wellness needs of students impacted by trauma and childhood adversity. “This is a huge victory for Native students and their families because for the first time ever a federal court supports the idea that the federal government has an obligation to meet the mental health and wellness needs of students attending its schools,” said **Alexis DeLaCruz, staff attorney at Native American Disability Law Center.**

The Court’s ruling recognizes the right of Havasupai students to have a school with sufficient teachers, staff, and services to provide support that students need to learn. **Billie P., mother of Plaintiffs Durrel P. and Taylor P,** said, “It means so much to me and my community that a federal judge has heard our voices. I am hopeful that, at long last, current and future Havasupai students will get the support and resources they need to learn in school.”

The ruling addresses the consequences of historical oppression that have for generations adversely impacted Native peoples, depriving them of both educational opportunities and basic resources necessary for health and well-being. As the **Society of Indian Psychologists** wrote in an [amicus brief](#) submitted to the court, “The marginalization of Native populations by federal and state governments lingers and harms the generations of Native people,” subjecting Native children to “both traumatic events on an individual basis and chronic, historical traumatic experience shared by the community.”

“This landmark ruling amplifies and adds power to the national movement of students, parents, educators, and scientists all across the country who know that we cannot provide true

equal access to education until we recognize and address the impact of trauma and childhood adversity in our schools,” said **Kathryn Eidmann, attorney at Public Counsel.**

“Each day the federal government continues to fight this lawsuit, Havasupai children lose another day of school that they will never get back,” said **Tara Ford, Clinical Supervising Attorney at Stanford Law School Youth and Education Law Project.** “We are hopeful that the government will move expeditiously to resolve this matter and fulfil their obligation to provide the basic education and special education to which all children are entitled.”

“As this ruling recognizes, the federal government is on notice and has long been aware of the urgent need to address the impact that trauma and adversity have on Havasupai students,” said **Emily Curran-Huberty, attorney at Munger, Tolles & Olson LLP.** “The federal government has the legal obligation to ensure that all Havasupai children have meaningful access to public education.”

“This matter will have profound significance for Native American tribes in Arizona who are working to secure a decent education for their children, and we look forward to moving forward in the litigation and presenting evidence before the Court,” said **Judith Dworkin, partner at Sacks Tierney P.A.** “This ruling will also have a powerful impact in states such as New Mexico where large numbers of Native students reside,” said **Kristin Greer Love, staff attorney at ACLU of New Mexico.** “We stand by the students and families who are fighting to vindicate their rights.”

The Court’s order is available [here](#).

The case is pending before Judge Steven Logan in the District of Arizona. More information about the case, including key court filings, are available [here](#).