

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0057-25_

SPONSOR: Dr. Andy Nez

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Opposing Any School Choice System and Any Subsequent Education Polices Including the Proposed School Voucher Program in Executive Order 14191, that Negatively Impacts the Navajo Nation or Navajo Students

Date posted: April 18, 2025 at 12:32PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0057-25

DATE: April 16, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; OPPOSING ANY SCHOOL CHOICE SYSTEM AND ANY SUBSEQUENT EDUCATION POLICIES INCLUDING THE PROPOSED SCHOOL VOUCHER PROGRAM IN EXECUTIVE ORDER 14191, THAT NEGATIVELY IMPACTS THE NAVAJO NATION OR NAVAJO STUDENTS

PURPOSE: This proposed resolution will provide the Nation's position regarding Executive Order 14191 by opposing school choice systems that negatively impact the Navajo Nation and Navajo students.

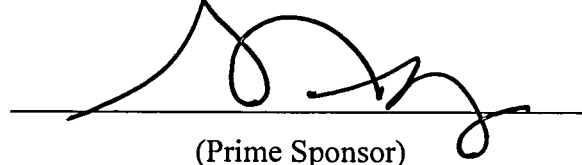
FINAL AUTHORITY: Navajo Nation Council

VOTING REQUIREMENT: Simple Majority

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL – Third Year, 2025

3 INTRODUCED BY

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5
6 (Prime Sponsor)

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8 TRACKING NO. 0057-25

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10 AN ACTION
11 RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
12 OPPOSING ANY SCHOOL CHOICE SYSTEM AND ANY SUBSEQUENT
13 EDUCATION POLICIES INCLUDING THE PROPOSED SCHOOL VOUCHER
14 PROGRAM IN EXECUTIVE ORDER 14191, THAT NEGATIVELY IMPACTS THE
15 NAVAJO NATION OR NAVAJO STUDENTS

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17 WHEREAS:

- 18 A. The Navajo Nation Council is the governing body of the Navajo Nation and as such
19 determines the determines the position of the Navajo Nation. 2 N.N.C. § 102(A).
- 20 B. Matters constituting an emergency shall be limited to cessations of direct services
21 required as an entitlement under Navajo Nation or Federal law, or which directly threaten
22 the sovereignty of the Navajo Nation. Such emergency matters must arise due to the
23 pressing public need for such resolution(s) and must be a matter requiring final action by
24 the Council. 2 N.N.C. § 164(A) (16).
- 25 C. This resolution is offered as an emergency due to the ninety (90) day timeline in which
26 the Secretary of the Interior is required to complete various actions ordered in Executive
27 Order 14191. Such actions have the potential to create a direct threat to the sovereignty
28 of the Navajo Nation and education services to Navajo students.
- 29 D. The Navajo Nation has existed and occupied its territorial areas within the southwest
30 portion of the United States for centuries prior to the formation of the United States.

- 1 E. The United States government has trust and treaty obligations to the Navajo Nation and
2 other Indian Nations as memorialized in treaties between the United States and Indian
3 Nations, congressional acts, United States Supreme Court opinions, federal regulations,
4 executive orders, and government-to-government consultation procedures.
- 5 F. Today, the territorial jurisdiction of the Navajo Nation encompasses over 27,000 square
6 miles and spans across portions of Arizona, New Mexico, and Utah. The Navajo Nation
7 is geographically larger than 10 states of the Union and is the largest Indian reservation
8 in the country.
- 9 G. In the Navajo Treaty of 1849, the Navajo were “lawfully placed under the exclusive
10 jurisdiction and protection of the Government of the said United States, and that they are
11 now, and will forever remain, under the aforesaid jurisdiction and protection” and the
12 United States agreed to “legislate and act as to secure the permanent prosperity and
13 happiness of said Indians.” 9 Stat. 974.
- 14 H. In the Treaty of 1868, the Navajo were also promised the education of their children,
15 agricultural resources, and the initial boundaries of the Navajo Reservation. 15 Stat. 667.
- 16 I. From the Treaty Era to present, the Navajo Nation has maintained its government-to-
17 government relations with the United States.
- 18 J. Congress has passed numerous acts such as the Indian Self-Determination and Education
19 Assistance Act of 1975 and Tribally Controlled Schools Act of 1988, which have
20 maintained the federal government’s trust and treaty responsibilities while promoting
21 tribal self-determination and sovereignty.
- 22 K. Under these acts, the Navajo Nation has received federal funds and assumed federal
23 responsibility to deliver services that would otherwise be provided directly from the
24 federal government. These services include law enforcement, detention, judicial,
25 education, environmental protection, leasing authorities, housing, utilities, road
26 transportation and other federal authorities within the Navajo Nation.
- 27 L. On January 29, 2025, United States President Donald J. Trump issued Executive Order
28 14191 titled *Expanding Educational Freedom and Opportunity for Families* (“EO
29 14191”) and is attached as **Exhibit A**.
- 30

- 1 M. EO 14191 purports to “improve the education, well-being, and future success of
2 America’s most prized resource, her young citizens” by enacting a “universal K-12
3 scholarship program[,]” that allows “families — rather than the government — to choose
4 the best educational setting for their children.”
- 5 N. Section 7 of EO 14191 states, “Within 90 days of the date of this order, the Secretary of
6 the Interior shall review any available mechanisms under which families of students
7 eligible to attend BIE schools may use their Federal funding for educational options of
8 their choice, including private, faith-based, or public charter schools, and submit a plan
9 to the President describing such mechanisms and the steps that would be necessary to
10 implement them for the 2025-26 school year. The Secretary shall report on the current
11 performance of BIE schools and identify educational options in nearby areas.”
- 12 O. The Navajo Nation is deeply concerned that EO 14191 was issued without prior tribal
13 consultation thereby hampering the Navajo Nation and other American Indian/Alaska
14 Native tribes’ opportunity to inform the federal government of our respective solutions
15 that we believe will “improve the education, well-being, and future success” of our most
16 precious resource, our Navajo and Native American/Alaska Native children including
17 those attending BIE-funded schools. The lack of prior tribal consultation on this matter
18 is paternalistic and contradicts decades of federal Indian policy and government-to-
19 government relations.
- 20 P. Although EO 14191 appears to promote the educational autonomy of parents and
21 families, a system of school choice will only benefit students who have access to multiple
22 educational options.
- 23 Q. Any policies resulting from EO 14191 that are made without tribal consultation will very
24 likely negatively impact BIE-funded schools because EO 14191 demonstrates a lack of
25 integral understanding of K-12 education in tribal communities where educational
26 options are severely limited, underdeveloped, understaffed, and underfunded.
- 27 R. The National Indian Education Association (NIEA) states that 168 out of 183 BIE-funded
28 schools are in remote locations with no alternative schools, many students travel long
29 distances on poor or inaccessible roads, and many tribal communities lack broadband,
30 making online alternatives unfeasible.

- 1 S. For example, Seba Dalkai Community School, Na'neelzhiin Ji Olta' (Torreon
2 Community School), all located on the Navajo Nation, requires students and parents to
3 travel over an hour round trip for education services. Destabilizing and closing schools
4 would be traumatic for the students and families in these communities.
- 5 T. Of the 55 BIE-operated schools across the country, 31 are located within the Navajo
6 Nation, along with dozens of tribally controlled schools under P.L. 100-297 and P.L. 93-
7 638 contracts.
- 8 U. Any form of school choice system in which federal funds for BIE-funded schools are
9 redistributed and/or will have profound impacts on Navajo students, families, and
10 communities as it would violate tribal sovereignty, weaken tribal schools and systems,
11 introduce unnecessary complexity, likely cause the closure of many tribal schools thereby
12 reducing the Navajo workforce, and decrease the quality of education that tribal schools
13 are able to offer.
- 14 V. Navajo Nation President Dr. Buu Nygren provided written comments as part of the
15 Bureau of Indian Education's "expedited" formal tribal consultation to meet the deadline
16 requirements outlined in EO 14191. *See* Dear Tribal Leader Letter dated February 28,
17 2025 attached as **Exhibit B**. *See* Navajo Nation President Buu Nygren's Written
18 Comments on the Executive Order to Expand Educational Freedom and Opportunity for
19 Families attached as **Exhibit C**.
- 20 W. The Navajo Nation seeks to partner with the Trump Administration and Congress to
21 address the many critical issues faced by the Navajo Nation and Indian Country. As that
22 process unfolds, the Navajo Nation urges President Trump and his Cabinet to take care
23 to protect the unique government-to-government relations and the trust relationship
24 between the Navajo Nation and the United States, which is based on the political and
25 legal status of all Indian Nations.
- 26 X. The Navajo Nation commits to assisting the Trump Administration and Congress in
27 furthering our government-to-government relationship, the United States trust
28 responsibility, and the federal obligations outlined in the Treaties of 1849 and 1868.
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1 Y. The Navajo Nation calls on the Trump Administration and Congress to consult with the
2 Navajo Nation and other American Indian /Alaska Native tribes before implementing
3 executive orders and policies that impact the Navajo Nation and Indian Country.
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5 **NOW, THEREFORE, BE IT RESOLVED:**

6 A. The Navajo Nation hereby reaffirms its government-to-government relationship with the
7 United States, the United States' trust obligation to the Navajo Nation, and the Treaties
8 of 1849 and 1868 between the Navajo Nation and the United States.

9 B. The Navajo Nation hereby opposes any school choice system resulting from EO 14191
10 that are made without tribal consultation and/or which negatively impacts the Navajo
11 Nation or Navajo students including those that undercut funding to BIE funding.

12 C. The Navajo Nation hereby requests additional tribal consultation from the Department of
13 Education and the Bureau of Indian Education, founded on a government-to-government
14 relations, trust obligations, and the Treaties of 1849 and 1868, in addressing EO 14191
15 and any subsequent policies that impact the education of Navajo and other American
16 Indian/Alaska Native students.

17 D. The Navajo Nation hereby authorizes the Navajo Nation President, Navajo Nation Vice-
18 President and the Speaker of the Navajo Nation Council to take all steps necessary to
19 advocate for the Navajo Nation's position consistent with the above positions.
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