

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0027-26

SPONSOR: Dr. Andy Nez

**TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Opposing United States Executive Order 14242; Opposing the Closure of the United States Department of Education; Requesting Formal Tribal Consultation Between the United States Department of Education and the Navajo Nation**

***Date posted: January 29, 2026 at 12:33PM***

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Executive Director  
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P.O. Box 3390  
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## **LEGISLATIVE SUMMARY SHEET**

**Tracking No. 0027-26**

**DATE:** January 29, 2026

**TITLE OF RESOLUTION:** AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; OPPOSING UNITED STATES EXECUTIVE ORDER 14242; OPPOSING THE CLOSURE OF THE UNITED STATES DEPARTMENT OF EDUCATION; REQUESTING FORMAL TRIBAL CONSULTATION BETWEEN THE UNITED STATES DEPARTMENT OF EDUCATION AND THE NAVAJO NATION

**PURPOSE:** This resolution, if approved, opposes the closure of the United States Department of Education as explained in Executive Order 14242 and request tribal consultation between the Navajo Nation and the United States Department of Education.

**FINAL AUTHORITY:** Navajo Nation Council

**VOTE REQUIRED:** 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 25<sup>th</sup> NAVAJO NATION COUNCIL - Fourth Year, 2026

3 Introduced by:

4   
5 \_\_\_\_\_  
6 (Prime Sponsor)

7 Tracking No. 0027-26  
8

9  
10 **AN ACTION**

11 **RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;**  
12 **OPPOSING UNITED STATES EXECUTIVE ORDER 14242; OPPOSING THE**  
13 **CLOSURE OF THE UNITED STATES DEPARTMENT OF EDUCATION;**  
14 **REQUESTING FORMAL TRIBAL CONSULTATION BETWEEN THE UNITED**  
15 **STATES DEPARTMENT OF EDUCATION AND THE NAVAJO NATION**

16  
17 **WHEREAS:**

18 A. The Navajo Nation Council is the governing body of the Navajo Nation, and as such  
19 may consider proposed legislation regarding an emergency matter. 2 N.N.C. §§ 102(A)  
20 and 164(A)(16).

21 B. "[M]atters constituting an emergency shall be limited to the cessation of law  
22 enforcement services, and disaster relief services, fire protection services or other direct  
23 services required as an entitlement under Navajo Nation or Federal law, or which  
24 directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must  
25 arise due to the pressing public need for such resolution(s) and must be a matter  
26 requiring final action by the Council." 2 N. N. C. § 164 (A)(16).

27 C. This legislation is offered as an emergency due to the March 12, 2026, comment  
28 deadline to the January 9, 2026, United States Department of Education ("USDOE")  
29 "Dear Tribal Leaders" letter. More importantly, the first tribal consultation regarding  
30 the interagency agreement between USDOE, U.S. Department of Interior ("DOI"), and

1 the U.S. Department of Labor (“DOL”), is scheduled for February 10, 2026. Further, in  
2 order for the Navajo Nation to properly prepare the Nation’s comments to the “Dear  
3 Tribal Leaders” letter requires consultation between USDOE and Tribal leaders,  
4 including further inquiry to the educational impacts that the closure of USDOE has on  
5 the Navajo Nation for Navajo students as it directly relates to the sovereignty of the  
6 Navajo Nation.

7 D. The Navajo Nation asserts its inherent sovereign right to government-to-government  
8 consultation on all federal actions that may affect its citizens and educational programs.

9 E. Resolution NABIAP-14-25, attached as **Exhibit A**, emphasized the Navajo Nation’s  
10 position on its government-to-government relationship and reaffirmed its political  
11 relationship with the United States. Resolution NABIAP-14-25 calls on the U.S.  
12 government to maintain this relationship. This political relationship includes  
13 educational services and resources that are provided and available to Navajo Students  
14 that should not be interpreted by “Diversity, Equity, and Inclusion” (“DEI”) laws which  
15 are applied on a racial basis not political basis.

16 F. The USDOE holds a federal fiduciary and trust responsibility to Tribal Nations and must  
17 ensure the continued administration of grants, contracts, and cooperative agreements  
18 that support the educational rights of Navajo students.

19 G. The USDOE’s Office of Indian Education administers approximately \$195 million  
20 annually in Title VI and discretionary grants that serve over 500+ Tribes, Tribal  
21 Education Agencies, and Native-serving school districts. Recent staff reductions have  
22 made it nearly impossible to process awarded grants or provide technical assistance.  
23 These delays threaten to stall or lapse nearly \$200 million in funding vital to Native and  
24 Navajo students.

25 H. USDOE houses many important offices that support Navajo students, such as the Office  
26 of Indian Education, the Office of Formula Grants, the Office of Civil Rights, School  
27 Infrastructure Programs, K-12 Congressionally Funded Projects, among others.

28 I. On March 20, 2025, President Donald J. Trump signed Executive Order 14242  
29 (“EO14242”), Improving Education Outcomes by Empowering Parents, States, and  
30 Communities. EO14242, attached as **Exhibit B**, aims to dismantle the USDOE and

1 return authority over education to states and local communities, citing failures in federal  
2 education programs. EO14242 claims that each year the government engaged in  
3 administrative and financial overreach into student learning while schools still produced  
4 a lack of academic achievement. EO14242 advocates that parents, states, and  
5 communities be placed back at the forefront to decide and determine the education of  
6 their students while still complying with federal laws and policies. EO14242 is  
7 problematic and detrimental to Navajo students, families, and communities.

8 J. Although EO14242 does not immediately close the USDOE, it plans to transfer many  
9 programs and oversight to the states and local communities, while initiating a process  
10 that would eventually close the USDOE. However, since the USDOE was created by  
11 Congress, USDOE functions and closure can only occur by an act of Congress.

12 K. Transferring programs and oversight while adhering to federal laws and policies without  
13 a fundamental comprehensive plan and without formal tribal consultation compromises  
14 over millions of dollars of federal aid to tribal communities for public education. This  
15 transfer of responsibilities can lead to significant financial losses and undermine the  
16 effectiveness of federal funding aimed at improving education for tribal populations and  
17 Navajo students.

18 L. Several notable educational concerns have already been experienced by the Navajo  
19 which threaten programs that collectively represent the federal government's trust and  
20 treaty obligations to the Navajo Nation.

21 M. The Navajo Nation is situated in the states of New Mexico, Arizona, and Utah and  
22 comprised of over 27,000 square miles. There are 14 public school districts across the  
23 Navajo Nation, including at least 12 public school districts near the Navajo Nation who  
24 serve a significant number of Navajo students. Navajo students comprise the majority  
25 of Native American/American Indian student enrollment for many urban school  
26 districts; in these districts include New Mexico-Albuquerque Public Schools and Santa  
27 Fe Public Schools, in these districts include Arizona-Mesa Public Schools and Tempe  
28 Public Union Schools, in these districts include Utah-Granite School District, and in  
29 Nevada-Clark County School District.

1 N. For School Year 2025, data shows large Navajo student populations in the states of New  
2 Mexico and Arizona. In New Mexico, the New Mexico's Tribal Education Status Report  
3 indicated 25,784 Navajo students attending public schools in New Mexico. In Arizona,  
4 the Office of Indian Education reported 27,950 Navajo students in Arizona public and  
5 charter schools.

6 O. School districts on the Navajo Nation receive federal grants and benefit from federal  
7 programs. Navajo students qualify for many federal programs, such as Title VI, Indian  
8 Education, Title VII, Impact Aid, Individuals with Disabilities Education Act, among  
9 others, will be compromised if the USDOE is shuttered.

10 P. Additionally, the USDOE administers the federally subsidized student loan program,  
11 and undergraduates with those loans are planned to be eliminated starting July 1, 2026,  
12 and deferring to initiating unsubsidized loans. Higher education is also pertinent to this  
13 discussion.

14 Q. Furthermore, moving the Office of Civil Rights to the U.S. Department of Justice  
15 (“DOJ”). This move will limit the attention to educational issues and become more  
16 centered on DOJ’s priorities.

17 R. Executive Order 13175 (“EO13175”) mandates federal agencies to consult with Indian  
18 tribal governments on policies that impact tribal communities. The gradual closure of  
19 the USDOE and potential short- and long-term goals of transferring key programs to  
20 other departments triggers an immediate tribal consultation with the Navajo Nation, in  
21 accordance with EO13175.

22 S. On Wednesday, January 9, 2026, Education Secretary Linda McMahon sent a “Dear  
23 Tribal Leader” letter, proposing Tribal Consultation on the Interagency Partnerships  
24 between the USDOE, DOI, and DOL, which is scheduled as a hybrid meeting on  
25 February 10, 2026. The Navajo Nation will submit its comments by the deadline of  
26 March 12, 2026.

27  
28 **NOW, THEREFORE, BE IT RESOLVED:**

29 A. The Navajo Nation requests the United States Department of Education, Secretary  
30 McMahon, and other pertinent agents to conduct meaningful tribal consultation with

1 Navajo leadership on the Navajo Nation regarding the short and long-term plans of the  
2 United States Department of Education and Executive Order 14242.

3 B. The Navajo Nation, in accordance with Executive Order 13175, requests that tribal  
4 consultation regarding the short- and long-term education goals s require the United  
5 States and its various agencies to meet with all levels of tribal leaders on tribal land.  
6 Talking things through and listening to various viewpoints leads to mutually shared  
7 decisions that benefit all education shareholders, rather than a select few.

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