

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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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.

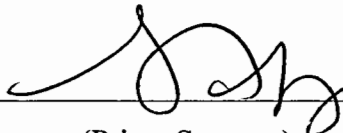
FINAL AUTHORITY: Navajo Nation Council

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.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL - Fourth Year, 2026

Introduced by:


(Prime Sponsor)

Tracking No. 0027-26

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**

WHEREAS:

- A. The Navajo Nation Council is the governing body of the Navajo Nation, and as such may consider proposed legislation regarding an emergency matter. 2 N.N.C. §§ 102(A) and 164(A)(16).
- B. "[M]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council." 2 N. N. C. § 164 (A)(16).
- C. This legislation is offered as an emergency due to the March 12, 2026, comment deadline to the January 9, 2026, United States Department of Education ("USDOE") "Dear Tribal Leaders" letter. More importantly, the first tribal consultation regarding 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.
30

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.