

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0043-26_

SPONSOR: Dr. Andy Nez

TITLE: An Action Relating to the Naabik'iyáti' Committee; Responding to the United States Department of Education's "Dear Tribal Leader Letter" Letter Dated January 9, 2026; Providing the Navajo Nation's Position on the Interagency Agreement Between the U.S. Department of Education, U.S. Department of Labor and the U.S. Department of the Interior

Date posted: February 20, 2026 at 7:59PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0043-26

DATE: February 19, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; RESPONDING TO THE UNITED STATES DEPARTMENT OF EDUCATION'S "DEAR TRIBAL LEADER" LETTER DATED JANUARY 9, 2026; PROVIDING THE NAVAJO NATION'S POSITION ON THE INTERAGENCY AGREEMENT BETWEEN THE U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF LABOR AND THE U.S. DEPARTMENT OF THE INTERIOR

PURPOSE: This resolution, if approved, would provide the Navajo Nation's position on the interagency agreement between the U.S. Department of Education, U.S. Department of Labor and the U.S. Department of the Interior.

FINAL AUTHORITY: Naabik'iyáti' Committee

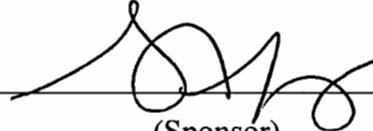
VOTE REQUIRED: Simple Majority

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.

5-DAY BILL HOLD PERIOD: Al Nuk. H
Website Posting Time/Date: _____
Posting End Date: 2/25/26
Eligible for Action: 2/26/26

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL – Fourth Year, 2026

3 Introduced by:

4 
5 _____
6 (Sponsor)

7
8 Tracking No. 0043-26

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10 AN ACTION
11 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; RESPONDING TO THE
12 UNITED STATES DEPARTMENT OF EDUCATION'S "DEAR TRIBAL
13 LEADER" LETTER DATED JANUARY 9, 2026; PROVIDING THE NAVAJO
14 NATION'S POSITION ON THE INTERAGENCY AGREEMENT BETWEEN
15 THE U.S. DEPARTMENT OF EDUCATION, U.S. DEPARTMENT OF LABOR
16 AND THE U.S. DEPARTMENT OF THE INTERIOR

17
18 WHEREAS:

- 19 A. The Navajo Nation (or the "Nation") established the Naabik'iyáti' Committee as a Navajo
20 Nation Council standing committee and as such empowered the Naabik'iyáti' Committee
21 to coordinate all requests for information, appearances and testimony relating to proposed
22 county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 700(A)
23 and 701(A)(6).
- 24 B. Navajo Nation statements of policy are written statements submitted to federal, state, or
25 local governments by a Navajo Nation official stating the official position of the Navajo
26 Nation on proposed legislation or other action by that government. 2 N.N.C. § 110(W).
- 27 C. The Treaty of 1868 between the Navajo Nation and the United States of America is a
28 foundational document that establishes a government-to-government relationship,
29 affirms Navajo sovereignty, and defines the Nation's territorial boundaries and rights.
30

1 D. The U.S. Department of Education (“USDOE”) is the agency of the federal government
2 that establishes policy for, administers and coordinates most federal assistance to
3 education. Their mission is to serve America's students – to promote student achievement
4 and preparation for global competitiveness by fostering educational excellence and
5 ensuring equal access.

6 E. When Congress created the USDOE in 1979, it declared the following: to strengthen the
7 federal commitment to ensuring access to equal educational opportunity for every
8 individual; to supplement and complement the efforts of States, the local school systems
9 and other instrumentalities of the States, the private sector, public and private educational
10 institutions, public and private nonprofit educational research institutions, community-
11 based organizations, parents, and students to improve the quality of education; to
12 encourage the increased involvement of the public, parents, and students in federal
13 education programs; to promote improvements in the quality and usefulness of education
14 through federally supported research, evaluation, and sharing of information; to improve
15 the coordination of federal education programs; to improve the management and
16 efficiency of federal education activities, especially with respect to the process,
17 procedures, and administrative structures for the dispersal of federal funds, as well as the
18 reduction of unnecessary and duplicative burdens and constraints, including unnecessary
19 paperwork, on the recipients of federal funds; and to increase the accountability of federal
20 education programs to the President, the Congress and the public. (Section 102, Public
21 Law 96-88)

22 F. On November 6, 2000, the President of the United States issued Executive Order 13175,
23 which established regular and meaningful consultation and collaboration with tribal
24 officials in the development of federal policies that have tribal implications, to strengthen
25 the United States government-to-government relationships with Indian tribes, and to
26 reduce the imposition of unfunded mandates upon Indian tribes.

27 G. During the establishments of Bureau of Indian Education schools and Tribally Controlled
28 Grant schools with the U.S. Department of the Interior (“DOI”), in the Improving
29 America's School Act of 1994, Congress further recognized that "active consultation"
30

1 between the DOI and tribal leaders was necessary and integral to achieving Indian
2 education. 25 U.S.C. section 2011(b).

3 H. Further, in the No Child Left Behind Act of 2002, 20 U.S.C. 6319, Congress cemented
4 the "active consultation" requirements by setting standards that the DOI "work in a
5 government-to-government relationship to ensure quality education for all Tribal
6 members".

7 I. In 25 U.S.C. § 1901(2) Congressional findings it states that "Congress, ... through
8 treaties ... has assumed the responsibility for the protection and preservation of Indian
9 tribes and their resources;" and in 25 U.S.C. § 1901(3) it states "that there is no resource
10 that is more vital to the continued existence and integrity of Indian tribes than their
11 children and that the United States has direct interest, as trustee, in protecting Indian
12 children... ."

13 J. Pursuant to NABIAP-14-25 and NABIMA-13-25, the Navajo Nation urges the United
14 States to honor and uphold its treaty and trust obligations to the Navajo Nation by
15 maintaining government-to-government relations with the Navajo Nation.

16 K. On March 20, 2025, President Donald J. Trump signed Executive Order 14242
17 ("EO14242"), Improving Education Outcomes by Empowering Parents, States, and
18 Communities. EO14242, attached as **Exhibit A**, aims to dismantle the USDOE and return
19 authority over education to States and local communities, citing failures in federal
20 education programs. EO14242 claims that each year the government engaged in
21 administrative and financial overreach into student learning while schools still produced
22 a lack of academic achievement. EO14242 advocates that parents, States, and
23 communities be placed back at the forefront to decide and determine the education of
24 their students while still complying with federal laws and policies. These effects from
25 EO14242 are problematic for and detrimental to Navajo students, families, and
26 communities.

27 L. On January 9, 2026, the USDOE issued a "Dear Tribal Leader" letter, attached as **Exhibit**
28 **B**, to inform Tribes of a tribal consultation regarding the Interagency Agreement between
29 the USDOE, DOI and U.S. Department of Labor on the transitions of numerous
30 educational programs being transferred to the other federal departments.

1 M. Although EO14242 does not immediately close the USDOE, EO14242 plans to transfer
2 many programs and oversight to the States and local communities, while initiating a
3 process that would eventually close the USDOE. However, since the USDOE was created
4 by Congress, USDOE functions and closure can only occur by an act of Congress.

5 N. Transferring education programs and oversight while adhering to federal laws and
6 policies without a fundamental comprehensive plan and without formal tribal
7 consultation compromises over millions of dollars of federal aid to tribal communities
8 for public education. This transfer of responsibilities can lead to significant financial
9 losses and undermine the effectiveness of federal funding aimed at improving education
10 for tribal populations.

11 O. The Navajo Nation seeks to ensure that all federal directives impacting its citizens,
12 particularly in education and workforce restructuring, be subject to formal tribal review,
13 coordination with the Navajo Nation Office of the President and Vice President, as well
14 as having transparency with the Navajo Nation Council and the Navajo People.

15
16 **NOW THEREFORE, BE IT RESOLVED:**

17 A. The Navajo Nation hereby submits a position statement that is a collaborative effort
18 between the Department of Diné Education, the Diné Bi Olta' School Board Association,
19 Inc. and Local Educational Agencies to the United States Department of the Education
20 concerning the January 9, 2026 "Dear Tribal Leader Letter." The Navajo Nation position
21 statement is attached as **Exhibit C**.

22 B. The Navajo Nation hereby requests the United States Departments of Education, Interior
23 and Labor, including other pertinent agents to conduct meaningful tribal consultation
24 with Navajo leadership on the Navajo Nation regarding the short and long-term plans of
25 the United States Department of Education and Executive Order 14242. Talking things
26 through and listening to various viewpoints leads to mutually shared decisions that
27 benefit all education shareholders, rather than a select few.
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