THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0276-26 **SPONSOR: Andy Nez**

TITLE: **An Action Relating to the Health, Education and Human Services Committee; Adopting the Navajo Nation Tribal Consultation Guide for the Department of Diné Education**

Date posted: **November 13, 2026 at 8:03 PM**

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0276-26

DATE: November 6, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; ADOPTING THE NAVAJO NATION TRIBAL CONSULTATION GUIDE FOR THE DEPARTMENT OF DINÉ EDUCATION

PURPOSE: This legislation, if approved, would adopt the Navajo Nation Tribal Consultation Guide for the Department of Diné Education.

FINAL AUTHORITY: Health, Education and Human Services 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 Pg
Website Posting Time/Date: _____
Posting End Date: 11-18-26
Eligible for Action: 11-19-26

PROPOSED STANDING COMMITTEE RESOLUTION

25th NAVAJO NATION COUNCIL—Fourth Year, 2026

Introduced by:

Primary Sponsor

Tracking No. 0276-26

AN ACTION

RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; ADOPTING THE NAVAJO NATION TRIBAL CONSULTATION GUIDE FOR THE DEPARTMENT OF DINÉ EDUCATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

The Health, Education and Human Services Committee (HEHSC) is a standing committee of the Navajo Nation Council with the purpose of promulgating regulations, promoting accountability to policies, and providing legislative oversight on matters involving health, social service, education, and general governmental services and human services. HEHSC oversees the Nation's efforts in implementing and ensuring compliance with polices of the Navajo Nation and establish Navajo Nation policy, promulgate rules and regulations governing social services, education, human services and general government services of the Navajo Nation and its tribal organizations and entities. HEHSC reviews and recommends resolutions relating to social services, health, and education. 2 N.N.C. §§ 400(A), (C)(1), (C)(3), 401(B)(1), (B)(6)(a).

SECTION TWO. FINDINGS

A. The Treaty of 1868 between the Navajo Nation and the United States of America is a foundational document that establishes a government-to-government relationship, affirms Navajo sovereignty, and defines the Nation's territorial boundaries and rights.

B. The Navajo Nation is situated primarily in the states of New Mexico, Arizona, and Utah and comprised of over 27,000 square miles. There are 14 public school districts across the Navajo Nation, including at least 12 public school districts near the Navajo Nation who serve a significant number of Navajo students. Navajo students also comprise the majority of American Indian/Native American ("AI/NA") student enrollment for many urban school districts, such as Albuquerque Public Schools and Santa Fe Public Schools in New Mexico, Mesa Public Schools and Tempe Public Union Schools in Arizona, Granite School District in Utah, and Clark County School District in Nevada.

C. The United States Department of Education ("US ED") is the agency of the federal government that establishes policy for, administers and coordinates most federal assistance to education. The US ED mission is to serve America's students - to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

D. Public Law 96-88, Section 102 states the mission of the US ED is to strengthen the federal commitment to ensuring access to equal educational opportunity for every individual; to supplement and complement the efforts of States, the local school systems and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community-based organizations, parents, and students to improve the quality of education; to encourage the increased involvement of the public, parents, and students in federal education programs; to promote improvements in the quality and usefulness of education through federally supported research, evaluation, and sharing of information; to improve the coordination of federal education programs; to improve the management and efficiency of federal education activities, especially with respect to the process, procedures, and administrative structures for the dispersal

of federal funds, as well as the reduction of unnecessary and duplicative burdens and constraints, including unnecessary paperwork, on the recipients of federal funds; and to increase the accountability of federal education programs to the President, the Congress and the public.

E. In 20 U.S.C 7918, Congress replaced the No Child Left Behind Act with the Every Student Succeeds Act ("ESSA"), Public Law 114-95, which included Section 8538, requiring formal and meaningful tribal consultation with affected local educational agencies.

F. Conducting formal and meaningful tribal consultation is an official procedure between tribal representatives and the affected local educational agency ("LEA") who serve AI/NA students, including Alaska Natives.

G. Per the ESSA Section 8538, the law defines that an affected LEA is based on two criteria: 1. 50 percent or more of the total school enrollment is AI/NA students and 2. the LEA, for fiscal year 2017, received a grant in the previous year under subpart 1 of part A of title VII (as such subpart was in effect on the day before December 10, 2015) that exceeded $40,000; or for any fiscal year following fiscal year 2017, received a grant in the previous fiscal year under subpart 1 of part A of subchapter VI that exceeded $40,000.

H. Tribal consultation must cover the following programs: 1. Title I, Improving the Academic Achievement of the Disadvantaged, 2. Part A: Improving Basic Programs Operated by State and Local Educational Agencies, Part C: Education of Migratory Children, and Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk, 3. Title II, Part A: Supporting Effective Instruction, 4. Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act, 5., Title IV, 21st Century Schools, Part A: Student Support and Academic Enrichment Grants - Part B: 21st Century Community Learning Centers, 6., Title V, Part B, Subpart 2: Rural and Low-Income School Programs, and 7. Title VI, Part A, Subpart 1, Indian, Native Hawaiian, and Alaska Native Education. However, formal and meaningful consultation may and

should include other areas of funding that Navajo students qualify for, such as federal and state grants, Johnson O'Malley, Impact Aid, and others.

I. In New Mexico, the Navajo Nation is one of twenty-three federally recognized tribes and works closely with the New Mexico Public Education Department and the Indian Education Division on behalf of over 25,700 Navajo students attending its public schools (2025 New Mexico Tribal Education Status Report).

J. This formal consultation process aligns with federal and state legal requirements, including the New Mexico Indian Education Act, which require consultation on issues affecting NA/AI students, 22-23A-9 and 22-8-6.

K. In Arizona, the Navajo Nation is one of twenty-two federally recognized tribes and works closely with the Arizona Department of Education and the Office of Indian Education ("OIE") on behalf of over 27,900 students reported by OIE to have been enrolled in 2025 through Arizona's public and charter schools.

L. The Arizona Department of Education recognizes that their OIE are in consultation with tribes, and further shares that consultation takes place within 50-mile radius of the affected school district and encourages Arizona LEAs to further consult with LEAs if their enrollment includes at least 30 Native American students from a tribe, regardless of distance from the tribe (November 2022, Arizona Tribal Consultation Guide).

M. In Utah, the Navajo Nation is one of eight federally recognized tribes and works closely with the Utah State Board of Education and the Title VI Office: American Indian Education on behalf of majority of its Navajo students who attend the San Juan County School District.

N. The Title VI Indian Education Coordinators, through the Utah State Board of Education, is noted to meet monthly during each academic year with the American Indian Education Specialist and provide consultation recommendations to Utah leaders regarding educational updates and progress.

SECTION THREE. DEPARTMENT OF DINÉ EDUCATION ROLES AND RESPONSIBILITIES

A. The Navajo Nation Department of Diné Education (DODE) shall consult with all affected LEAs at least twice in one academic year and are encouraged to meet more than twice and with other LEAs as needed, and upon request. All consultations shall meet the expectations of ESSA Section 8538.

B. DODE shall provide an annual written and oral report to the Health, Education and Human Services Committee no later than the third quarter of each year, describing all requirements met or unmet within ESSA Section 8538, including outcomes, deliverables, recommendations, legislative concerns, and other relevant information pertinent to the education of students.

C. Consultation(s) shall include a member from the following programs:

   a. A representative from the Department of Diné Education Administration
   b. A representative from the Office of Educational Research and Statistics
   c. A representative from the Johnson O'Malley Office
   d. A representative from the Office of Special Education and Rehabilitation Services
   e. A representative from the Office of Diné School Improvement
   f. A representative from the Office of Standards, Curriculum, and Assessment Development
   g. A representative from the Office of the Navajo Nation President and Vice President

   Other members from other Department of Diné Education offices, the Navajo Nation Board of Education, other Navajo Nation programs or departments, are encouraged to attend, but a consistent representative from each of the above offices are crucial to meeting the federal expectations of tribal consultation.

D. DODE must identify and designate no more than three (3) individuals to sign an LEAs Affirmation of Consultation form, and that list shall be given to the Health, Education and Human Services Committee before the start of the first consultation in each academic year.

SECTION FOUR. APPROVAL

A. The Health, Education and Human Services Committee of the Navajo Nation Council hereby approves and adopts the Navajo Nation Department of Diné Education Tribal Consultation Guide, attached hereto as **Exhibit A.**

B. The Navajo Nation hereby approves the submission of the Navajo Nation Department of Diné Education Tribal Consultation Guide to the New Mexico Public Education Department, the Arizona Department of Education, the Utah State Board of Education, and other educational entities/agents upon request.