



25TH NAVAJO NATION COUNCIL

25TH NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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FOR IMMEDIATE RELEASE

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Health, Education, and Human Services Committee reviews U.S. Department of Education Memorandum on Title VI and its impact on Navajo Nation



The Health, Education, and Human Services Committee will move forward in working with NNDOJ to formulate a response letter to the U.S. Department of Education.

WINDOW ROCK, Ariz. – On Wednesday, the Health, Education, and Human Services Committee held a special meeting to receive a report from the Navajo Nation Department of Justice regarding a recent memorandum issued by the U.S. Department of Education. The memorandum provides the Department’s interpretation of Title VI of the Civil Rights Act of 1964 and the Equal Protection Clause of the United States Constitution and their implications for anti-discrimination policies.

The letter issued on Feb. 14 by Acting Assistant Secretary for Civil Rights Craig Trainor warns that the U.S. Department of Education “will no longer tolerate the overt and covert racial discrimination that has become widespread in this Nation’s educational institution” and cites “diversity, equity, and inclusion” programs. It further states that the Department’s interpretation applies to “all preschool, elementary, secondary, and postsecondary education institutions, as well as state educational agencies” who receive federal funding.

Speaker Crystalyne Curley and HEHSC Chair Vince James issued a memo last week, calling on the Navajo Nation Department of Justice (NNDOJ), Department of Diné Education, and other entities to come before the HEHSC with their analysis and recommendations in response to the Feb. 14 letter.

“We understand that the letter issued by the U.S. Department of Education is very concerning

and brings about many questions from educational institutions on and off the Navajo Nation, so it is important that we bring everyone to the table so that we have a unified stance in response to the federal government," said HEHSC Chair Vince James. "Their interpretation of the Civil Rights Act appears to contradict many longstanding interpretations."

In a written response provided by the Department of Diné Education, it states that the U.S. Department of Education "misinterprets the language of the Civil Rights Act of 1964."

Navajo Nation Acting Attorney General Heather Clah presented the committee with a memorandum that emphasized that the Navajo Nation's relationship with the federal government is not founded on race, color, or national origin. Instead, it is a government-to-government relationship based on political classification and supported by trust and treaty obligations.

The NNDOJ memorandum explains that educational programs serving Navajo students are not categorized by race, color, or national origin. It also asserts that negatively impacting these programs, which are based on trust and treaty obligations, undermines tribal sovereignty and the unique legal relationship between Indian tribes and the U.S. government.

The memorandum also addressed potential impacts to admission practices, educational programming, and standardized testing that could be implemented by institutions to avoid retaliation by the ED.

During the discussion, Council Delegate Dr. Andy Nez questioned the potential impacts on Navajo students attending colleges and universities outside the Navajo Nation, as well as Navajo employees living off the Nation, and recommended that the Nation address their needs in any correspondence or consultation with the federal government regarding the White House's Executive Orders.

The committee will move forward in working with NNDOJ to formulate a response letter to the U.S. Department of Education by Feb. 28.

Council Delegate George Tolth stated that he would sponsor legislation to reflect the Navajo Nation's position that the federal government should maintain its trust and treaty obligations.

HEHSC voted unanimously, with four in favor and none opposed, in accepting the report from the Navajo Department of Justice.

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