



The Navajo Nation DR. BUU NYGREN **PRESIDENT**

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**AMENDED RESOLUTION
NNBEMA-1039-2025**

Relating to Education, Directs the Superintendent of Schools of the Department of Diné Education to assume control of the Flagstaff Bordertown Dormitory Inc. pursuant to 2 N.N.C. §1803(H), and 10 N.N.C. §§ 106(G)(1)(a), §107 (B)(8).

WHEREAS:

1. The Navajo Nation Board of Education (hereinafter referred to as the “Board”) operates as the principal educational authority within the Executive Branch, entrusted with the supervision of all educational institutions serving the Navajo Nation. The Board discharges its duties and responsibilities through the Department of Diné Education (hereinafter referred to as the “Department”). 10 N.N.C. 106 et seq.
2. The Department serves as the administrative authority within the Navajo Nation, tasked with the implementation and enforcement of the Navajo Nation's educational statutes. It functions under the direct oversight of the Navajo Nation Superintendent of Schools and operates under the guidance of the Navajo Nation Board of Education. 10 N.N.C. §107 et seq.
3. The Navajo Nation Board of Education is responsible for “monitor[ing] the activities of all Bureau of Indian Affairs funded schools and local community school boards serving the Navajo Nation.” 10 N.N.C §106(G)(1). Furthermore, pursuant to 10 N.N.C. § 106(G)(1)(a)(iii), the Board has the authority to:

“assume control of local community-controlled schools where the Board has provided the local school board with written notice and an opportunity for a due process hearing held pursuant to regulations adopted by the Health, Education and Human Services Committee of Navajo Nation Council, at which the local community school board may appear and show cause why the programs ... should not be assumed by the Department of Diné Education.” (emphasis added)

The Health, Education & Human Services Committee of the Navajo Nation Council has adopted regulations under ECJY-11-08 and HEHSCAP-03-25 in line with the legal framework that governs the procedures and processes for any due process hearings conducted by the Navajo Nation Board of Education.

4. The Flagstaff Bordertown Dormitory, Inc. (FBDI) is a tribally controlled grant and contract school authorized and approved by the Navajo Nation Board of Education. It functions under Public Law 100-297 and Public Law 93-638 (as amended). The Flagstaff Bordertown Dormitory, Inc. (FBDI) is entirely under the jurisdiction and authority of the Navajo Nation.

DEPARTMENT OF DINÉ EDUCATION
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NAVAJO NATION BOARD OF EDUCATION
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Claudia Edgewater Russell, (A) Superintendent of Schools

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5. Following a directive from the Navajo Nation Board of Education, the Department may assume control of a school when problems arise that impede students' education and are considered beyond the school's capacity to resolve. 2 N.N.C. §1803 (H).
6. On February 20, 2025, a due process hearing notice was sent to the Flagstaff Bordertown Dormitory, Inc. (FBDI) and its designated school attorney, informing them that a hearing is being convened because the Department of Diné Education received official confirmation from the Navajo Election Administration that Flagstaff Bordertown Dormitory, Inc. lacks a quorum of governing board members. The lack of a quorum will significantly disrupt the school's operations, potentially jeopardize its financial, legal, and operational stability, and require immediate action by the Department of Diné Education and the Navajo Nation. The due process hearing was scheduled for Friday, March 7, 2025.
7. The Navajo Nation Board of Education received a letter from Flagstaff Bordertown Dormitory, Inc. (FBDI) dated February 24, 2025. The letter states that Flagstaff Bordertown Dormitory, Inc. (FBDI) waives its right to a due process hearing and permits the Department to assume control of the school and school board until a quorum can be reached. This letter is attached hereto as "EXHIBIT A."
8. The Navajo Nation Board of Education has determined that Flagstaff Bordertown Dormitory, Inc. (FBDI) has chosen to waive its right to a due process hearing and agrees to let the Department take control of the school. The Board believes that FBDI's decision best serves the interests of the school and its students.

NOW THEREFORE BE IT RESOLVED THAT:

- A. The Board of Education determines that the notice for the due process hearing complies with the requirements of 10 N.N.C. §106(G)(1)(a), ECJY-11-08, and HEHSCAP-03-25. The Navajo Nation Board of Education approves the waiver submitted by Flagstaff Bordertown Dormitory, Inc. (FBDI) for a due process hearing.
- B. The Navajo Nation Board of Education hereby directs the Superintendent of Schools to temporarily assume control of the Flagstaff Bordertown Dormitory, Inc. (FBDI) in accordance with 2 N.N.C. §1803(H), 10 N.N.C. §§ 106(G)(1)(a) and § 107(B)(8).
- C. The Navajo Nation Board of Education orders the Department, through the Superintendent or their designee, to work and coordinate with the Flagstaff Bordertown Dormitory, Inc. (FBDI) school officials and remaining Flagstaff Bordertown Dormitory, Inc. (FBDI) governing board members to ensure that daily operations continue smoothly and that the decisions of the governing board and schools are carried out. The Navajo Nation Board of Education also orders that the Superintendent of Schools of the Department of Diné Education

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and/or their designee shall assume and exercise the full legal authority of the Flagstaff Bordertown Dormitory, Inc. (FBDI) governing the Navajo Nation Board of Education until the reasons for the assumption of the governing board have been resolved.

D. The Department recognizes that the remaining school board members were vested with certain responsibilities by action of the full lawfully convened governing board before the loss of quorum. Board members will be allowed to provide input and consult on school and board matters, with the final decisions resting with the Superintendent of Schools of the Department of Diné Education and/or designee.

E. The assumption of Flagstaff Bordertown Dormitory, Inc. (FBDI) shall commence immediately, starting March 6, 2025. The Navajo Nation Board of Education will remove the Superintendent's control once the following conditions are satisfied.

1. A quorum of the Flagstaff Bordertown Dormitory, Inc. (FBDI) governing board has been reestablished;
2. Documentation of the reestablished quorum is provided to the Department and the Board.
3. The Flagstaff Bordertown Dormitory, Inc. (FBDI), through the Department, requests that the Navajo Nation Board of Education remove the assumption of control.

F. The Navajo Nation Board of Education hereby acknowledges and vacates the March 7, 2025, due process hearing.

G. The Navajo Nation Board of Education hereby recommends and authorizes the Superintendent of Schools to undertake any actions deemed necessary and appropriate to accomplish the objectives of this resolution.

C E R T I F I C A T I O N

I hereby certify that the above resolution was properly considered by the Board of Education of the Navajo Nation during a duly convened meeting in Window Rock, Arizona (Navajo Nation), at which a quorum was present. The motion was proposed by Eugene Badonie and seconded by Freda Nells, resulting in the resolution being adopted by a vote of 6 in favor, 0 opposed, and 0 abstension, this 8th day of December 2025.



Nadine Chatto, President
Navajo Nation Board of Education

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Claudia Edgewater-Russell, (A) Superintendent of Schools



The Navajo Nation DR. BUU NYGREN **PRESIDENT**

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NNBEMA-1039-2025

Relating to Education; Directing the Superintendent of Schools of the Department of Diné Education to Assume Control of the Flagstaff Bordertown Dormitory, Inc. Pursuant to 2 N.N.C. §1803(H), and 10 N.N.C. §§ 106(G)(1)(a), §107 (B)(8).

WHEREAS:

1. The Navajo Nation Board of Education (hereinafter the “Board”) is the education agent in the Executive Branch for the purposes of overseeing the operation of all schools serving the Navajo Nation. The Board carries out its duties and responsibilities through the Department of Diné Education (hereinafter the “Department”). 10 N.N.C. 106 et. seq.
2. The Department is the administrative agency within the Navajo Nation with responsibility and authority for implementing and enforcing the educational laws of the Navajo Nation. The Department is under the immediate direction of the Navajo Nation Superintendent of Schools, subject to the overall direction of the Board. 10 N.N.C. §107 et. seq.
3. The Board is charged with “monitor[ing] the activities of all Bureau of Indian Affairs funded schools and local community school boards serving the Navajo Nation.” 10 N.N.C §106(G)(1). Furthermore, pursuant to 10 N.N.C. § 106(G)(1)(a)(iii), the Board has the power to:

“assume control of local community controlled schools where the Board has provided the local school board with written notice and an opportunity for a due process hearing held pursuant to regulations adopted by the Education Committee of Navajo Nation Council, at which the local community school board may appear and show cause why the programs ... should not be assumed by the Department of Diné Education.”

The Health, Education & Human Services Committee of the Navajo Nation Council adopted regulations under ECJY-11-08 in accordance with the statute, which governs the processes and procedures guiding any due process hearings conducted by the Board.

4. The Flagstaff Bordertown Dormitory, Inc. (FBDI) is a tribally controlled grant/contract school that is sanctioned and authorized by the Navajo Nation and operating pursuant to Public Law 100-297 and Public Law 93-638 (as amended). The FBDI is subject to the full jurisdiction and authority of the Navajo Nation.
5. Upon a directive from the Board, the Department can assume control of a school in situations where problems have been identified which hamper the education of students in the school and the problems are determined to be beyond the school’s ability to resolve. 2 N.N.C. §1803 (H).

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Members: Dr. Henry Fowler • Joan A. Gray • Emerson John
Spencer W. Willie • Freda Nells • Sharon A. Toadecheenie
Roy Tracy, (A) Superintendent of Schools

6. On February 20, 2025, a due process hearing letter was sent to the Flagstaff Bordertown Dormitory, Inc. (FBDI) and designated school attorney stating that a hearing is being convened because the Department of Diné Education was *"provided official confirmation by the Navajo Election Administration that Flagstaff Bordertown Dormitory, Inc., does not have a quorum of governing board members. The lack of a quorum will seriously and substantially impair the operations of the Flagstaff Bordertown Dormitory, Inc., potentially placing the school at significant risk of loss (financially, legally, operationally, etc.), warranting immediate action by the Department of Diné Education and Navajo Nation."* The due process hearing was scheduled for Friday, March 7, 2025.
7. The Navajo Nation received a letter from Flagstaff Bordertown Dormitory, Inc. (FBDI) dated February 24, 2025. The letter stated that the Flagstaff Bordertown Dormitory, Inc. waives its right to a due process hearing and permits the Department to assume control of the school and school board until such time that the school board can achieve a quorum. This letter is attached hereto as **"EXHIBIT A."**
8. The Board finds the Flagstaff Bordertown Dormitory, Inc. has elected to waive its right to a due process hearing and agrees to allow the Department to assume control of the school. The Board finds FBSI's decision as being in the best interests of school, its students, parents, and the community.

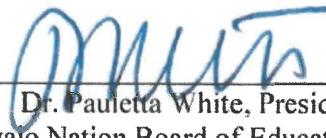
NOW THEREFORE BE IT RESOLVED THAT:

1. The Board of Education finds that the due process hearing notice fulfills the requirements of 10 N.N.C. §106(G)(1)(a) and ECJY-11-08. The Board accepts the Flagstaff Bordertown Dormitory, Inc. waiver to a due process hearing.
2. The Board of Education hereby directs the Superintendent of Schools to temporarily assume control of the Flagstaff Bordertown Dormitory, Inc. pursuant to 2 N.N.C. §1803(H), 10 N.N.C. §§ 106(G)(1)(a) and § 107(B)(8).
3. The Navajo Nation Board of Education orders the Department, through the Superintendent or his/her designee, to work and coordinate with the Flagstaff Bordertown Dormitory, Inc. school officials and remaining Flagstaff Bordertown Dormitory, Inc. governing board members to ensure that daily operations are not impaired and that the decisions of the governing board and schools go forward. The Navajo Nation Board of Education further orders that the Superintendent of Schools of Department of Diné Education and/or designee shall assume and execute the full legal authority of the Flagstaff Bordertown Dormitory, Inc. governing board, until such time as the cause(s) for the assumption of the governing board has been lifted.
4. The Department recognizes that the remaining school board members were vested with certain responsibilities by action of the full lawfully convened governing board prior to the loss of quorum. Board members will be allowed to provide input and consult on school and board matters, with the final decisions resting with the Superintendent of Schools of the Department of Diné Education and/or designee.

5. The assumption of Flagstaff Bordertown Dormitory, Inc. shall begin immediately, March 6, 2025. The Board of Education shall remove the Superintendent's control when the following conditions are met:
 - a. A quorum of the Flagstaff Bordertown Dormitory, Inc. governing board has been reestablished;
 - b. Documentation of the reestablished quorum is provided to the Department and the Board;
 - c. The Flagstaff Bordertown Dormitory, Inc. school board members provide a Navajo Nation, state, and federal criminal background check to the Department;
 - d. The Flagstaff Bordertown Dormitory, Inc., through the Department, requests the Board's removal of assumption of control.
6. The Navajo Nation Board of Education hereby vacates the March 7, 2025 due process hearing.
7. The Navajo Nation Board of Education hereby recommends and empowers the Superintendent of Schools to take any actions deemed as necessary and proper to carry out the purposes of this resolution.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Board of Education of the Navajo Nation at a duly called meeting at Rough Rock, Arizona (Navajo Nation) at which a quorum was present, motioned by Andrea Thomas and seconded by Dr. Henry Fowler and that the same was passed by a vote of 5 in favor; 0 opposed; 1 abstained, this 6th day of March 2025.



Dr. Paulette White, President
Navajo Nation Board of Education

GUST
ROSENFELD
ATTORNEYS SINCE 1921 P.L.C.

EXHIBIT

A

■ 125 E. RIM AVE., PO BOX 8 ■ FLAGSTAFF, ARIZONA 86001-1627 ■ TELEPHONE 928-226-0000 ■ FACSIMILE 928-779-3621 ■

CLAIRE DECHAMBRE
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Via Email Only

February 24, 2025

Brenda Anderson, Attorney
Navajo Nation Department of Justice
P.O. Box 2010
Window Rock, AZ 86515-2010
banderson@nndoj.org

**RE: Waiver of Due Process Hearing and Temporary Assumption Control of
Flagstaff Bordertown Dormitory, Inc.**

Dear Ms. Anderson:

Please be advised that I am Flagstaff Bordertown Dormitory, Inc.'s authorized attorney. Flagstaff Bordertown Dormitory, Inc. is in receipt of a due process hearing letter regarding the assumption of control of the Flagstaff Bordertown Dormitory, Inc. by the Navajo Nation. The Navajo Nation has deemed it necessary to assume control of Flagstaff Bordertown Dormitory, Inc. because the residential hall does not have a quorum of the school board. The lack of a quorum will seriously and substantially impair the operations of the residential hall, potentially placing it at significant risk of loss (financially, legally, etc.), warranting immediate action by the Department of Diné Education.

Pursuant to paragraph 4 of the due process hearing letter, the Flagstaff Bordertown Dormitory, Inc. agrees that a temporary assumption of control of the residential hall's school board by the Navajo Nation through the Department of Diné Education ("Department") and a waiver of the governing board's right to a due process hearing is in the best interest of the governing board and its students. Therefore, the Flagstaff Bordertown Dormitory, Inc. proposes and agrees to the assumption of control of the school board by the Navajo Nation until such time as a legal quorum of the governing board is re-established. The Flagstaff Bordertown Dormitory, Inc. acknowledges that temporary assumption of control would allow the Department to oversee the residential hall, provide technical assistance to sign documents on behalf of the governing board, keep the residential hall in operation, and ensure that daily operations at the residential hall are not impeded, among other matters. Finally, Flagstaff Bordertown Dormitory, Inc. agrees to waive its right to a due process hearing and requests that the due process hearing be vacated.

If you have any questions, please do not hesitate to contact the Flagstaff Bordertown Dormitory, Inc.'s authorized attorney (Claire DeChambre, Attorney) at (928) 213-8758. Thank you.

Sincerely,



Claire DeChambre, Attorney

CC: Roy Tracy, Acting Superintendent of Schools/Department of Diné Education