



Relating to Education, Directs the Superintendent of Schools of the Department of Diné Education to assume control of the Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) 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 Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) are tribally controlled grant and contract schools 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 Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) are entirely under the jurisdiction and authority of the Navajo Nation.

DEPARTMENT OF DINE EDUCATION

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Claudia Edgewater Russell, (A) Superintendent of Schools

**AMENDED RESOLUTION
NNBEMA-1046-2025**

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 Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) 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 Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) 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 Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) dated March 7, 2025. The letter states that Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) 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 Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) 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 PCSI and BMCSI'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 Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) for a due process hearing.

B. The Navajo Nation Board of Education hereby directs the Superintendent of Schools to temporarily assume control of the Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) 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 Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) school officials and remaining Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) governing

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Claudia Edgewater-Russell, (A) Superintendent of Schools

**AMENDED RESOLUTION
NNBEMA-1045-2025**

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 and/or their designee shall assume and exercise the full legal authority of Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) 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 Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) 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 Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) governing board has been reestablished;
2. Documentation of the reestablished quorum is provided to the Department and the Board.
3. The Pinon Community School, Inc. (PCSI) and Black Mesa Community School, Inc. (BMCSI) 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.

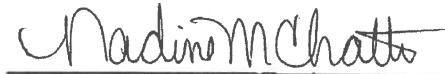
G. The Navajo Nation Board of Education hereby recommends and authorizes the Superintendent of Schools to undertake any actions deemed necessary and appropriate to accomplish the objectives of this resolution.

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Claudio Edgewater-Russell, (A) Superintendent of Schools

CERTIFICATION

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

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NNBEMA-1046-2025

Relating to Education; Directing the Superintendent of Schools of the Department of Diné Education to Assume Control of the Pinon Community School/Black Mesa Community School Board 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 Pinon Community School/Black Mesa Community School Board 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 schools are 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 Pinon Community School/Black Mesa Community School Board and designated school attorney stating that a hearing is being convened because the Department of Diné Education was *"provided confirmation by the Navajo Election Administration that Pinon Community School/Black Mesa Community School board does not have a quorum of governing board members. The lack of a quorum will seriously and substantially impair the operations of the Pinon Community School and Black Mesa Community School, potentially placing the schools 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 Pinon Community School/Black Mesa Community School Board (LCSI) dated March 7, 2025. The letter stated that the Pinon Community School/Black Mesa Community School Board 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 Pinon Community School/Black Mesa Community School Board 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 the Pinon Community School/Black Mesa Community School Board 's decision to be 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 Pinon Community School/Black Mesa Community School Board waiver to a due process hearing.
2. The Board of Education hereby directs the Superintendent of Schools to temporarily assume control of the Pinon Community School/Black Mesa Community School Board 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 Pinon Community School/Black Mesa Community School Board, school officials and remaining Pinon Community School/Black Mesa Community School Board 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 Pinon Community School/Black Mesa Community School Board 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 Pinon Community School/Black Mesa Community School Board shall begin immediately, March 7, 2025. The Board of Education shall remove the Superintendent's control when the following conditions are met:
 - a. A quorum of the Pinon Community School/Black Mesa Community School Board (LCSI) governing board has been reestablished;
 - b. Documentation of the reestablished quorum is provided to the Department and the Board;
 - c. The Pinon Community School/Black Mesa Community School Board school board members provide a Navajo Nation, state, and federal criminal background check to the Department;
 - d. The Pinon Community School/Black Mesa Community School Board, 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.

CERTIFICATION

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 Window Rock, Arizona (Navajo Nation) at which a quorum was present, motioned by Spencer W. Willie and seconded by Dr. Henry Fowler and that the same was passed by a vote of 6 in favor; 0 opposed; 0 abstained, this 7th day of March 2025.



Dr. Pauletta White, President
Navajo Nation Board of Education

GUST
ROSENFELD
ATTORNEYS SINCE 1921 P.L.C.

EXHIBIT

A

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Via Email Only

March 7, 2025

Brenda Anderson, Attorney
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P.O. Box 2010
Window Rock, AZ 86515-2010
banderson@nndoj.org

**RE: Waiver of Due Process Hearing and Temporary Assumption Control of
Pinon Community School, Inc. and Black Mesa Community School Board, Inc.**

Dear Ms. Anderson:

Please be advised that I am Pinon Community School, Inc. and Black Mesa Community School Board, Inc.'s authorized attorney. Each school is in receipt of a due process hearing letter regarding the assumption of control of the governing board of Pinon Community School, Inc. and Black Mesa Community School Board, Inc. by the Navajo Nation. The Navajo Nation has deemed it necessary to assume control of the governing board because it does not have a quorum. The lack of a quorum will seriously and substantially impair the operations of the Schools, potentially placing them 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 Pinon Community School, Inc. and Black Mesa Community School Board, Inc. agree that a temporary assumption of control of the school board by the Navajo Nation through the Department of Diné Education ("Department") and a waiver of each school's right to a due process hearing is in the best interest of the governing board and its students. Therefore, Pinon Community School, Inc. and Black Mesa Community School Board, Inc. propose and agree to the assumption of control of the school board by the Navajo Nation under the following conditions:

- A representative from DODE will be assigned as the "Board Designee" solely for the purpose of making decisions in collaboration with the elected/appointed board members. All decisions will be documented, dated and signed by the DODE representative as "Designee of the Pinon Community School, Inc. and Black Mesa Community School Board, Inc. Board." All decisions of the Board Designee must receive the written concurrence of any elected/appointed board members. Once a quorum of the board can be established by including the DODE representative with elected/appointed board members who have submitted favorable background check results to DODE, the representative will act solely as a board member with the voting rights of a regular board member. The DODE representative will have no greater rights than the other board members.
- The assumption will be lifted automatically without further action from NNBOE once a quorum of the board (i.e., three board members) is seated and has submitted favorable background check results to DODE. The Schools will send a letter to DODE confirming that this has occurred and releasing DODE from the assumption.

Pinon Community School, Inc. and Black Mesa Community School Board, Inc. acknowledge that temporary assumption of control would allow the Department to oversee the Schools, provide technical

assistance to sign documents on behalf of the governing board, keep the Schools in operation, and ensure that daily operations at the Schools are not impeded, among other matters. Finally, Pinon Community School, Inc. and Black Mesa Community School Board, Inc. agree to waive their right to a due process hearing and request that the due process hearing be vacated.

If you have any questions, please do not hesitate to contact me at (928) 213-8758. Thank you.

Sincerely,



Claire DeChambre, Attorney

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