

January 6, 2023

Board of Education motions for Department of Diné Education to assume control of Nazlini Community School

Board ruling comes in due process hearing

WINDOW ROCK – The Navajo Nation Board of Education called a due process hearing on January 6, 2023 to determine whether Nazlini Community School, Inc., located within the community of Nazlini, Arizona on the Navajo Nation, should turn control of its operations over to the Navajo Nation Department of Diné Education (DODE) pursuant to 10 N.N.C. §106(G)(1)(a)(ii)-(iii) and Resolution ECJY-11-08.

The hearing was called after DODE received documentation stating that the Nazlini Community School, Inc. school board is actively engaged in significant micromanagement of the school and interfering with the administrative affairs and day-to-day operations at the school.

In addition to bringing a negative impact upon the school's financial state and operational performance, the school's board actions also include inappropriate involvement by the school board in academic details of the school, undue influence on the school administration, and failure of the school board to limit activities to governance and policy.

Further documentation states the Nazlini Community School governing board twice violated Resolution ECJA-04-03 regarding the education credentials/licensure of Harrison Smith, identified as the current chief school administrator without the required administrative or principal's license from the State of Arizona, and Marleita Begay, who has acted in the capacity of chief school administrator without the required administrative or principal's license from the State of Arizona.

In addition, the documentation states Begay possesses high-level access, including CEO-level access to the school's bank account that allows her to have undue influence over the school's finances, daily school affairs, and is tantamount to micromanagement.

By appointing Smith and/or Begay as chief school administrator without the proper credentials, the school governing board's actions negatively impacts the school's operations and places the school at significant risk of loss by jeopardizing the school's accreditation through violation of 10 N.N.C §109 and 25 U.S.C § 2505(c)(1)(B).

The Nazlini Community School Inc. governing board was also deemed non-compliant in submitting two required timely documents:

1. A timely and complete grant reauthorization application by the required deadline of March 21, 2022, under the approved and applicable provisions of the Grant/Contract Conversion/Maintenance Handbook as approved by Resolution ECF-12-01.

2. A required audit to the federal government and DODE by the September 30, 2022 audit submission deadline as required by the Indian Self-Determination and Education Assistance Act. Failure to comply resulted in the P.L. 100-297 grant application being incomplete, delinquent, and in violation of applicable policies, and is another indicator of financial mismanagement on the governing board's behalf.

The notice to Nazlini Community School first went out to board members on December 22. Two Nazlini school board members, JoAnn Dedman and Marleita Begay, did not attend Nazlini's response meetings, so the school did not come to a consensus on how to respond to the allegations received by DODE as stated by Nazlini Board President Maybelle Kellywood.

Attorney Colin Bradley, representation for DODE in the hearing, advised the lack of a quorum and no official position from the school board should result in the default judgment, which is the assumption of control being granted to DODE. The Board of Education, acting as tribunal for the hearing, agreed with Mr. Bradley's position.

The motion to grant the default judgment due to no legal representation, no defense or official response authorized from Nazlini was made by Board Member Priscilla Benally and seconded by Board Member Joan Gray. The motion was passed with a 5-0-2 vote to have DODE assume Nazlini Community School, Inc. by default.

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