

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0273-22_

SPONSOR: Daniel E. Tso

**TITLE An Action Relating to Health Education and Human Services Committee;
Approving and Adopting the Navajo Nation's Policy for Mandatory Criminal
Background Checks for Local School Board Members**

Date posted: December 22, 2022 at 9:13 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0273-22

DATE: December 21, 2022

**TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH EDUCATION
AND HUMAN SERVICES COMMITTEE; APPROVING AND ADOPTING THE
NAVAJO NATION POLICY FOR MANDATORY CRIMINAL BACKGROUND
CHECKS FOR LOCAL SCHOOL BOARD MEMBERS**

PURPOSE: This resolution, if approved, will approve and enact the Navajo Nation's Policy for background checks.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 12/27/22
Eligible for Action: 12/28/22

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL – Fourth Year, 2022

Introduced by:

Primary Sponsor

Tracking No. 0273-22

AN ACTION

**RELATING TO HEALTH EDUCATION AND HUMAN SERVICES
COMMITTEE; APPROVING AND ADOPTING THE NAVAJO NATION'S
POLICY FOR MANDATORY CRIMINAL BACKGROUND CHECKS FOR
LOCAL SCHOOL BOARD MEMBERS**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council and has legislative oversight over the Navajo Nation Board of Education, Department of Dine Education, and over the implementation of education legislation, including Plans of Operation. 2 N.N.C. §§ 400(A), 401(C)(1), 10 N.N.C. § 1(B).
- B. The Health, Education and Human Services Committee is authorized to establish Navajo Nation policy, and promulgate rules and regulations governing human services, education, and general government services of the Navajo Nation. 2 N.N.C. § 401(B)(1).

1 **SECTION TWO. FINDINGS**

2 A. The Navajo Nation Election Code, 11 N.N.C. § 8 (D)(4), sets the qualifications for
3 School Board candidates. These mandatory qualification state in part that School
4 Board candidates:

5 g. Must not have been convicted of a felony;

6 h. Must not have been convicted of the following misdemeanor crimes:

7 (1) Any crimes involving elements of deceit, untruthfulness and dishonesty,
8 including but not limited to extortion, bribery, forgery, fraud, theft,
9 embezzlement, perjury, misrepresentation, false pretense, conversion, or
10 misuse of public funds or property;

11 (2) Any crimes involving the welfare of children, child abuse, or child neglect;

12 (3) Aggravated assault or aggravated battery;

13 (4) Any crimes involving the use of intoxicating alcohol or illegal substance abuse
14 including unlawful transport, sales or distribution of controlled substances.

15 B. The United States Bureau of Indian Affairs, has described minimum standards of
16 conduct for applicants, volunteers, or employees who are in regular contact with or
17 control over Indian children. *See* 23 C.F.R. § 63.12. The Navajo Nation Code for
18 qualifying School Board candidates expand these federal minimum standards of
19 conduct in 11 N.N.C. § 8 (D)(4).

20 C. The Department of Diné Education requests the Health, Education and Human
21 Services Committee approve the “Mandatory Criminal Background Checks and
22 Investigations for Local School Board Members” attached as **Exhibit A**.

23 D. The Navajo Nation Department of Justice has reviewed the proposed policy and
24 deemed the policy legally sufficient. Section 164 Review Form is attached as **Exhibit**
25 **B**.

26
27 **SECTION THREE. APPROVAL**

28 A. The Health, Education, and Human Services Committee of the Navajo Nation Council
29 hereby approves and adopts the Navajo Nation Department of Diné Education’s
30

1 Mandatory Criminal Background Checks and Investigations for Local School Board
2 Members policy attached as **Exhibit A**.

3
4 **SECTION FOUR. EFFECTIVE DATE**

5 The Navajo Nation Department of Diné Education's Mandatory Criminal Background
6 Checks and Investigations for Local School Board Members policy shall become effective
7 on the first day of the first month following the approval of the Health, Education, and
8 Human Services Committee.

9
10 **SECTION FIVE. SAVING CLAUSE**

11 If any provision of this policy is determined invalid by the Supreme Court of the Navajo
12 Nation, or by any Navajo Nation District Court without appeal to the Navajo Nation
13 Supreme Court, the remainder of this policy shall be the law of the Navajo Nation.