

LEGISLATIVE SUMMARY SHEET

Tracking No. 0219-20

DATE: September 3, 2020

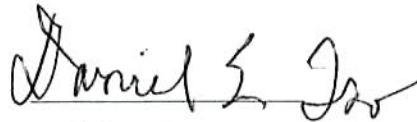
TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; OPPOSING ALL IN-PERSON INSTRUCTIONS AT ALL SCHOOLS INTENDING TO REOPEN WITHIN THE NAVAJO NATION AMIDST COVID-19; SUPPORTING THE NAVAJO NATION BOARD OF EDUCATION IN RECOMMENDING VIRTUAL LEARNING

PURPOSE: This resolution, if adopted, would oppose all in-person instructions at all schools intending to reopen within the Navajo Nation amidst Covid-19. It would further support the Navajo Nation Board of Education in recommending Virtual Learning.

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0219-20

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; OPPOSING ALL
IN-PERSON INSTRUCTION AT ALL SCHOOLS INTENDING TO REOPEN WITHIN
THE NAVAJO NATION AMIDST COVID-19; SUPPORTING THE NAVAJO NATION
BOARD OF EDUCATION IN RECOMMENDING VIRTUAL LEARNING

WHEREAS:

A. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.”

B. Schools reopening and decisions to resume in-class instruction directly threaten the sovereignty of the Navajo Nation in protection its children.

C. The Navajo Nation Board of Education on August 6, 2020 passed resolution “Approving and recommending that all Navajo Nation Schools Provide Virtual or Online Learning Options Only, With No Face-to-Face Instruction.” Exhibit A, NNBEAU-658-2020. Again, on September 3, 2020, the Board of Education passed resolution “Opposing Plans by the Bureau of Indian Education (BIE) to Reopen Schools on September 16, 2020 with Face-to-Face Instruction.” Exhibit B, NNBESE-666-2020. The Board directed “that

1 all BIE-Operated Schools on the Navajo Nation provide Virtual or Online Learning
2 Options with No Face-to-Face Instruction.” *Id.*

3 D. Due to the continuing coronavirus (COVID-19) pandemic, the Navajo Nation Council
4 fully supports the Navajo Nation Board of Education’s opposition to any in-class school
5 instruction, and instead to allow children to learn safely from home through virtual
6 learning.

7 E. COVID-19 is a virus causing serious respiratory illness. Many cases involving death
8 continue to be reported across the United States.

9 F. In March 2020, the Navajo Nation began taking measures to protect its people, issuing
10 emergency public health orders. *See, Emergency Management Commission resolution*
11 *CEM 20-03-11; Executive Orders Nos. 001-20, 002-20, 003-20, 004-20; Public Health*
12 *Emergency Orders 2020-001, 2020-002, 2020-003, 2020-004, 2020-005, 2020-006, 2020-*
13 *007, 2020-008* (incorporated herein by this reference). In spite of these measures, the
14 infection rate within the Navajo Nation increased tremendously. For a period of time, the
15 Navajo Nation had the highest per capita rate for COVID-19 positive tests in the United
16 States. Today, although the rates have come down, positive tests continue to be reported.
17 The serious health concerns posed by COVID-19 has not changed. The virus remains
18 extremely contagious, and presently there is no vaccine.

19 G. The Navajo Nation is a sovereign Nation, governing all matters within its territorial
20 jurisdiction. *See, Treaty of 1868.* This sovereign status, which is well-established, permits
21 the Navajo Nation to exercise authority over schools located within its boundaries,
22 including schools operated by or through the United States government. The Navajo
23 Nation has an inherent right to determine all aspects of education within its jurisdiction,
24 including decisions on the safety of Navajo school children. Parents of Navajo school
25 children, as well, have the right to determine under what conditions their children attend
26 schools operated and funded by the federal government.

NOW THEREFORE BE IT RESOLVED:

1. The Navajo Nation hereby supports the Navajo Nation Board of Education opposing in-class instruction for all schools operating within the Navajo Nation, particularly schools operated through the U.S. Government including Public Law 100-297 grant schools, Public Law 93-638 contract schools and Bureau of Indian Education-operated schools. The Navajo Nation further supports the Board of Education's opposition to the Bureau of Indian Education's plan to reopen schools September 16, 2020 with in-class instruction.

2. Until the complete safety of all Navajo children can be assured by the federal and state governments, the Navajo Nation supports virtual learning for all schools located on the Navajo Nation.

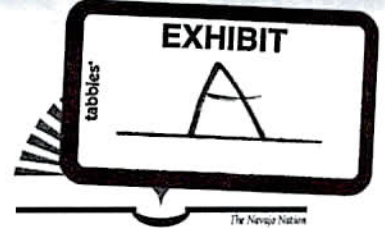
3. For any school currently providing in-person instruction, the Navajo Nation strongly recommends that schools cease such operations immediately.

4. The Navajo Nation expects the complete cooperation of all federal and state agencies to ensure that all schools located with the Navajo Nation provide virtual learning only, with no in-class instruction.



DEPARTMENT OF DINÉ EDUCATION
THE NAVAJO NATION

P.O. Box 670 · Window Rock, Arizona 86515
PHONE (928) 871 – 7475 · FAX (928) 871 – 7474



Jonathan Nez
President

Myron Lizer
Vice-President

NNBEAU-658-2020

RESOLUTION OF THE
NAVAJO NATION BOARD OF EDUCATION

Relating to Education; Approving and Recommending that all Navajo Nation Schools Provide Virtual or Online Learning Options Only, with No Face-to-Face Instruction.

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. 10 N.N.C. § 106 (A). The Board carries out its duties and responsibilities through the Department of Diné Education (hereinafter the “Department”). 10 N.N.C. §106 (G)(3).
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. 2 N.N.C. §1801(B); 10 N.N.C. §107(A). 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(B).
3. The Navajo Nation has substantial authority and broad jurisdiction to regulate all matters within its territorial boundaries pursuant to its inherent sovereignty and the Treaty of 1868. This authority and jurisdiction include the ability to oversee and regulate matters regarding state public schools, Public Law 100-297 grant, Public Law 93-638 contract, Bureau of Indian Education-operated schools, higher education institutions, and all FACE programs, early childhood education programs, and Navajo Head Start programs located on the Navajo Nation.
4. The Coronavirus disease (“COVID-19”) is a global pandemic infecting substantial numbers of people, which and has spread exponentially and increased globally, as indicated by the Centers for Disease Control (“CDC”), the and World Health Organization (“WHO”), and other public health organizations located within the United States and regionally.
5. The Board maintains that the COVID-19 pandemic ~~has~~ highlight~~ed~~ the importance of our multiple school systems (Bureau of Indian Education-funded, public, charter, private) and the need for a consistent, coherent, actionable and fully resourced plan to support every school and school district reopening during the 2020-21 academic year.

NAVAJO NATION BOARD OF EDUCATION

Priscilla B. Manuelito, **President** · Spencer W. Willie, **Vice President** · Dr. Victoria Yazzie, **Secretary**
Member: Sharon A. Toadecheenie · Marlene Burbank · Dr. Henry Fowler · Andrea K. Thomas
Freda Nells · Joan A. Gray · Emerson John · Dr. Pauletta White
Patricia Gonnig, Acting Superintendent of Schools

6. The Board contends that the reopening of schools should be a local or regional decision informed by applicable health, safety and disinfecting recommendations articulated by the Centers for Disease Control and Prevention, as well as Navajo Nation, state and local health agencies. The COVID-19 crisis has revealed the urgency of integrating strategies and processes to promote students' health, social and emotional learning, and well-being as essential components of their academic growth, development, and achievement.
7. The Navajo Nation's school reopening guidelines were developed in consultation with stakeholders from BIE-funded schools, school leaders, BIE officials, parents, and other stakeholders. The guidelines affirm the work and efforts to support local school superintendents, school leaders and administrators, parents, students, ~~et~~and other stakeholders, to ensure a smooth transition to reopen schools for the 2020-21 school year in a manner informed by health data, applicable and actionable CDC, Navajo Nation, state and local health agency guidance, while ~~and~~ prioritizing the health and safety of students and staff.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Board of Education hereby approves and recommends that all schools located on the Navajo Nation, including Public Law 100-297 grant schools, Public Law 93-638 contract schools, Bureau of Indian Education-operated schools, public schools (including charter schools)-located on the Navajo Nation, private schools, higher education institutions operating on the Navajo Nation, early childhood programs including CCDF, Head Start, FACE Programs, and all after-school programs provide virtual or online learning options only, without face-to-face instruction, until the Navajo Nation deems it safe to return to face-to-face instruction.
2. The Navajo Nation Board of Education hereby directs 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, AZ (Navajo Nation) at which a quorum was present, motion by Andrea K. Thomas and seconded by Spencer W. Willie and that the same was passed by a vote of 10 in favor; 0 opposed; 0 abstained, this 6th day of August 2020.



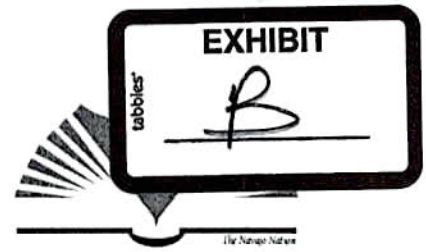
Priscilla B. Manuelito, President
Navajo Nation Board of Education



Jonathan Nez
President

**DEPARTMENT OF DINÉ EDUCATION
THE NAVAJO NATION**

P.O. Box 670 · Window Rock, Arizona 86515
PHONE (928) 871 – 7475 · FAX (928) 871 – 7474



Myron Lizer
Vice-President

NNBESE-666-2020

**RESOLUTION OF THE
NAVAJO NATION BOARD OF EDUCATION**

Relating to Education; Opposing Plans by the Bureau of Indian Education (BIE) to Reopen Schools on September 16, 2020 with Face-to-Face Instruction; Directing that all BIE-Operated Schools on the Navajo Nation Provide Virtual or Online Learning Options with No Face-to-Face Instruction.

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. 10 N.N.C. § 106 (A). The Board carries out its duties and responsibilities through the Department of Diné Education (hereinafter the “Department”). 10 N.N.C. §106 (G)(3).
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. 2 N.N.C. §1801(B); 10 N.N.C. §107(A). 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(B).
3. The Navajo Nation has substantial authority and broad jurisdiction to regulate all matters within its territorial boundaries pursuant to its inherent sovereignty and the Treaty of 1868. This authority and jurisdiction include the ability to oversee and regulate matters regarding state public schools, Public Law 100-297 grant, Public Law 93-638 contract, Bureau of Indian Education-operated schools, higher education institutions, and all FACE programs, early childhood education programs, and Navajo Head Start programs located on the Navajo Nation.
4. The Coronavirus disease (“COVID-19”) is a global pandemic infecting substantial numbers of people, which has spread exponentially and increased globally, as indicated by the Centers for Disease Control (“CDC”), the World Health Organization (“WHO”), and other public health organizations located within the United States and regionally.
5. The Board maintains that the COVID-19 pandemic highlights the importance of our multiple school systems (Bureau of Indian Education-funded, public, charter, private) and the need for a consistent, coherent, actionable and fully resourced plan to support every school and school district reopening during the 2020-21 academic year.

NAVAJO NATION BOARD OF EDUCATION

Priscilla B. Manuelito, President · Spencer W. Willie, Vice President · Dr. Victoria Yazzie, Secretary
Member: Sharon A. Toadecheenie · Marlene Burbank · Dr. Henry Fowler · Andrea K. Thomas
Freda Nells · Joan A. Gray · Emerson John · Dr. Pauletta White
Patricia Gonnig, Acting Superintendent of Schools

6. During a telephone conference on August 13, 2020, the BIE Acting Associate Director Charles Sherman assured the Navajo Nation President Jonathan Nez and the Department that BIE schools operating schools on the Navajo Nation would begin online learning with no in-person instruction. He has since changed his position.
7. The Navajo Nation's school reopening guidelines were developed in consultation with stakeholders from BIE-funded schools, school leaders, BIE officials, parents, and other stakeholders. The guidelines affirm the work and efforts to support local school superintendents, school leaders and administrators, parents, students, and other stakeholders to ensure a smooth transition to reopen schools for the 2020-21 school year in a manner informed by health data, applicable and actionable CDC, Navajo Nation, state and local health agency guidance, while prioritizing the health and safety of students and staff.
8. The Board and the Navajo Nation strongly request the BIE to honor the sovereignty of the Navajo Nation, the standing Navajo Nation health orders, and the Board's support for online learning only for the duration of first semester of the 2020-2021 school year.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Board of Education hereby opposes plans by the Bureau of Indian Education (BIE) to reopen schools on the Navajo Nation on September 16, 2020 with face-to-face and in-person instruction and directs all BIE-operated schools to provide virtual or online learning options only, with no face-to-face instruction, for the duration of first semester of the 2020-2021 school year or until the Navajo Nation deems it safe to return to face-to-face instruction.
2. The Navajo Nation Board of Education hereby directs 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 Window Rock, Arizona (Navajo Nation) at which a quorum was present, motion by Dr. Henry Fowler and seconded by Joan A. Gray and that the same was passed by a vote of 9 in favor; 0 opposed; 0 abstained, this 3rd day of September 2020.



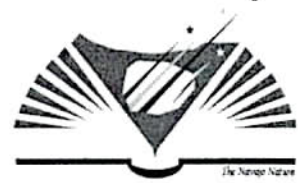
Priscilla B. Manuelito, President
Navajo Nation Board of Education



Jonathan Nez
President

**DEPARTMENT OF DINÉ EDUCATION
THE NAVAJO NATION**

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Myron Lizer
Vice-President

NNBESE-666-2020

**RESOLUTION OF THE
NAVAJO NATION BOARD OF EDUCATION**

Relating to Education; Opposing Plans by the Bureau of Indian Education (BIE) to Reopen Schools on September 16, 2020 with Face-to-Face Instruction; Directing that all BIE-Operated Schools on the Navajo Nation Provide Virtual or Online Learning Options with No Face-to-Face Instruction.

WHEREAS:

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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. 2 N.N.C. §1801(B); 10 N.N.C. §107(A). 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(B).
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5. The Board maintains that the COVID-19 pandemic highlights the importance of our multiple school systems (Bureau of Indian Education-funded, public, charter, private) and the need for a consistent, coherent, actionable and fully resourced plan to support every school and school district reopening during the 2020-21 academic year.

NAVAJO NATION BOARD OF EDUCATION

Priscilla B. Manuelito, President · Spencer W. Willie, Vice President · Dr. Victoria Yazzie, Secretary
Member: Sharon A. Toadecheenie · Marlene Burbank · Dr. Henry Fowler · Andrea K. Thomas
Freda Nells · Joan A. Gray · Emerson John · Dr. Pauletta White
Patricia Gonnig, Acting Superintendent of Schools

6. During a telephone conference on August 13, 2020, the BIE Acting Associate Director Charles Sherman assured the Navajo Nation President Jonathan Nez and the Department that BIE schools operating schools on the Navajo Nation would begin online learning with no in-person instruction. He has since changed his position.
7. The Navajo Nation's school reopening guidelines were developed in consultation with stakeholders from BIE-funded schools, school leaders, BIE officials, parents, and other stakeholders. The guidelines affirm the work and efforts to support local school superintendents, school leaders and administrators, parents, students, and other stakeholders to ensure a smooth transition to reopen schools for the 2020-21 school year in a manner informed by health data, applicable and actionable CDC, Navajo Nation, state and local health agency guidance, while prioritizing the health and safety of students and staff.
8. The Board and the Navajo Nation strongly request the BIE to honor the sovereignty of the Navajo Nation, the standing Navajo Nation health orders, and the Board's support for online learning only for the duration of first semester of the 2020-2021 school year.

NOW THEREFORE BE IT RESOLVED THAT:

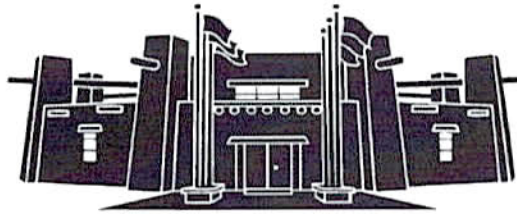
1. The Navajo Nation Board of Education hereby opposes plans by the Bureau of Indian Education (BIE) to reopen schools on the Navajo Nation on September 16, 2020 with face-to-face and in-person instruction and directs all BIE-operated schools to provide virtual or online learning options only, with no face-to-face instruction, for the duration of first semester of the 2020-2021 school year or until the Navajo Nation deems it safe to return to face-to-face instruction.
2. The Navajo Nation Board of Education hereby directs 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 Window Rock, Arizona (Navajo Nation) at which a quorum was present, motion by Dr. Henry Fowler and seconded by Joan A. Gray and that the same was passed by a vote of 9 in favor; 0 opposed; 0 abstained, this 3rd day of September 2020.



Priscilla B. Manuelito, President
Navajo Nation Board of Education



MEMORANDUM

To : Hon. Daniel Tso, Delegate
Navajo Nation Council

From : *Marianna Kahn for*
Ron Haven, Attorney
Office of Legislative Counsel

Date : September 3, 2020

Re : AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; OPPOSING ALL IN-PERSON INSTRUCTIONS AT ALL SCHOOLS INTENDING TO REOPEN WITHIN THE NAVAJO NATION AMIDST COVID-19; SUPPORTING THE NAVAJO NATION BOARD OF EDUCATION IN RECOMMENDING VIRTUAL LEARNING

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 20-357-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0219-20__

SPONSOR: Daniel E. Tso

TITLE: An Action Relating To An Emergency For The Navajo Nation; Opposing All In-Person Instruction At All Schools Intending To Reopen Within The Navajo Nation Amidst COVID-19; Supporting The Navajo Nation Board Of Education In Recommending Virtual Learning

Date posted: September 8, 2020 at 4:26 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0219-20

SPONSOR: Honorable Daniel E. Tso

TITLE: An Action Relating To An Emergency For The Navajo Nation; Opposing All In-Person Instruction At All Schools Intending To Reopen Within The Navajo Nation Amidst COVID-19; Supporting The Navajo Nation Board Of Education In Recommending Virtual Learning

Posted: September 8, 2020 at 4:26 PM

5 DAY Comment Period Ended: Not Subject to 5 Day Hold

Digital Comments received:

Comments Supporting	1) Duane Chili Yazzie
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



Legislative Tracking Secretary
Office of Legislative Services

09/09/20 3:50pm
Date/Time

0219-20

Duane Chili Yazzie <chili_yazzie@hotmail.com>

Wed 9/9/2020 8:44 AM

To: comments <comments@navajo-nsn.gov>;

i support this legislation, the physical and healthy survival of our Dine' people overrides all modern pressures including the perceived need to comply with compulsory formal education, particularly the state mandated colonializing curriculum.

i strongly recommend that in resolved no. 1 to include state public schools on the listing of school types. to not specifically include state public schools will signal to the state Boards of Education, the public-school districts that they have leeway, especially with the current wording that emphasizes non-public schools by saying "particularly" Federal funded contract, grant and BIE schools.

there will be push back from the public schools. it is a matter of the lives of our children, our families and our notion of sovereignty, we must stand against the continued intrusion by the state governments on our people and our lands.

chili yazzie

Shiprock, Navajo Nation

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THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0219-20

SPONSOR: Honorable Daniel E. Tso

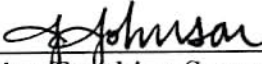
TITLE: An Action Relating To An Emergency For The Navajo Nation; Opposing All In-Person Instruction At All Schools Intending To Reopen Within The Navajo Nation Amidst COVID-19; Supporting The Navajo Nation Board Of Education In Recommending Virtual Learning

Posted: September 8, 2020 at 4:26 PM

5 DAY Comment Period Ended: Not Subject to 5 Day Hold

Digital Comments received:

Comments Supporting	1) Kin Dah Lichi'i Olta', Inc.
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



Legislative Tracking Secretary
Office of Legislative Services

09/11/20 4:05pm

Date/Time

KDLO Resolution Supporting NNC Legislation Tracking No. 0219-20

JR Tracey <nataniashkii@yahoo.com>

Fri 9/11/2020 10:59 AM

To: comments <comments@navajo-nsn.gov>;

Cc: Kara Brown <karabrown@kdlo.net>; Linda Youvella <layne414@yahoo.com>; Harriette Leuppe <hleuppe51@gmail.com>;
Christinewallace01 <christinewallace01@yahoo.com>;

 1 attachment

KDLO Brd Support NNC 0219-20.pdf;

Hon. Members of the 24th Navajo Nation Council,
Herewith attached is a Kin Dah Lichi'i Olta, Inc. supporting resolution for Legislation Tracking No. 0219-20 which was considered and enacted by the KDLO Governing Board on September 9, 2020.

Willie Tracey Jr.

WARNING: External email. Please verify sender before opening attachments or clicking on links.



KIN DAH LICHÍ'Í ÓLTA'

HOME OF THE WOLVERINES

Willie Tracey, Jr.
President

Harriette Leuppe
Vice President

Christine Wallace
Secretary/Treasurer

Linda Youvella
Board Member

George Waybenais
Principal

KIN DAH LICHÍ'Í ÓLTA' SCHOOL GOVERNING BOARD RESOLUTION SUPPORTING PROPOSED NAVAJO NATION COUNCIL RESOLUTION, TRACKING NO. 0219-20

WHEREAS, Kin Dah Lichi'i Olta', Inc. (hereinafter "KDLO") is a Navajo Nation non-profit corporation and tribal organization of the Navajo Nation which operates a school pursuant to a grant issued by the Bureau of Indian Education and to public law 100-297; and

WHEREAS, the KDLO Governing Board (hereinafter "Board") is the governing body of KDLO, duly elected to serve in the best interest of the school, community and people; and

WHEREAS, the Board is the entity legally authorized and empowered to act for and on behalf of KDLO and oversee, ensure and generally direct its operation and management; and

WHEREAS, on March 18, 2020 the Board authorized the closure of the School in order comply with resolutions of the Navajo Nation Board of Education and to assist in the containment of a potential outbreak of COVID-19. On July 17, 2020 the Board approved the Principal's recommendation to delay the start of school and have all students begin the 2020-2021 school year on August 31, 2020, with virtual learning through at least the first semester of school with a phased approach to eventually allowing in-person learning; and

WHEREAS, COVID-19 continues to be a serious and ongoing threat to the health and welfare of KDLO, its students, the community it serves, and the Navajo Nation; and

WHEREAS, the Board is informed that the Navajo Nation Board of Education passed a resolution on September 3, 2020 approving and requiring all schools located on the Navajo Nation to provide virtual and online learning options only and no face-to-face instruction until the Navajo Nation deems it safe to return to face-to-face instruction; and

WHEREAS, the Board supports the NNBOE resolution, specifically the following recitals:

1. The Coronavirus disease ("COVID-19") is a global pandemic infecting substantial numbers of people, which has spread exponentially and increased globally, as indicated by the Centers for Disease Control ("CDC"), the World Health Organization ("WHO"), and other public health organizations located within the United States and regionally.
2. ... the COVID-19 pandemic highlights the importance of our multiple school systems (Bureau of Indian Education-funded, public, charter, private) and the need for a consistent, coherent, actionable and fully resourced plan to support every school and school district reopening during the 2020-21 academic year.

3. ... the reopening of schools should be a local or regional decision informed by applicable health, safety and disinfecting recommendations articulated by the Centers for Disease Control and Prevention, as well as Navajo Nation, state and local health agencies. The COVID-19 crisis has revealed the urgency of integrating strategies and processes to promote students' health, social and emotional learning, and well-being as essential components of their academic growth, development, and achievement.
4. The Navajo Nation's school reopening guidelines were developed in consultation with stakeholders from BIE-funded schools, school leaders, BIE officials, parents, and other stakeholders. The guidelines affirm the work and efforts to support local school superintendents, school leaders and administrators, parents, students, and other stakeholders to ensure a smooth transition to reopen schools for the 2020-21 school year in a manner informed by health data, applicable and actionable CDC, Navajo Nation, state and local health agency guidance, while prioritizing the health and safety of students and staff.

WHEREAS, due to the pandemic, the Board fully supports any opposition in-person instruction; and

WHEREAS, until the safety of our community can be assured, the Board believes that in-person instruction should not occur at schools within the Navajo Nation.

NOW, THEREFORE be it resolved by KDLO Governing Board that:

Section 1. The School supports NNBESE-666-2020, Resolution of the Navajo Nation Board of Education, relating to Education; Approving and Requiring that all Navajo Nation Schools Provide Virtual or Online Learning Options Only, with No Face-to-Face Instruction for the First Semester of the 2020-2021 School Year.

Section 2. The School supports the proposed Navajo Nation Council Legislation 0219-20, Relating to an Emergency for the Navajo Nation; Opposing all In-Person Instruction at all Schools Intending to Reopen within the Navajo Nation Amidst COVID-19; Supporting the Navajo Nation Board of Education in Recommending Virtual Learning.

Passed and adopted 9th day of September, 2020.

Kin Dah Lich'i Olta' Inc.



Willie Tracey Jr., President
Governing Board