

LEGISLATIVE SUMMARY SHEET

Tracking No. 0118-17

DATE: March 30, 2017

SUBJECT AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEE, NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION CODE, TITLE 2, SUBCHAPTER 31. DEPARTMENT OF DINÉ EDUCATION, SECTION 1802 (B) RESTRICTING THE BOARDS AND COMMISSIONS ON WHICH THE SUPERINTENDANT OF SCHOOLS MAY SERVE

PURPOSE: The purpose of this legislation is to amend Title 2 of the Navajo Nation Code to restricting the boards and commissions on which the Navajo Nation Superintendent of Schools may serve.

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 review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 2:00pm 4/4/17
Posting End Date: 4/9/2017
Eligible for Action: 4/10/2017

Law & Order Committee
THENCE

Health, Education & Human Services Committee
THENCE

Naa'bik'íyáti' Committee
THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL—Third Year, 2017

INTRODUCED BY

Primary Sponsor

TRACKING NO. 0118-17

AN ACTION

RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN
SERVICES AND NAABIK'ÍYÁTI' COMMITTEE, NAVAJO NATION COUNCIL;
AMENDING THE NAVAJO NATION CODE, TITLE 2, SUBCHAPTER 31.
DEPARTMENT OF DINÉ EDUCATION, SECTION 1802 (B) RESTRICTING THE
BOARDS AND COMMISSIONS ON WHICH THE SUPERINTENDENT OF
SCHOOLS MAY SERVE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. 601(B)(14), reviews and makes recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code.
- B. The Health, Education and Human Services Committee of the Navajo Nation Council, among other duties and responsibilities, has oversight authority over matters related to education within the Navajo Nation. 2 N.N.C. §401 (6) (a)
- C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. Pursuant to 2 N.N.C. § 164(A) (9), the committee reviews proposed legislation which requires final action by the Navajo Nation Council.

1 D. The Navajo Nation Council enacts laws and sets policy for the Navajo Nation. 2
2 N.N.C. § 102.

3 **SECTION TWO. FINDINGS**

4 A. The Navajo Nation Code empowers the Navajo Nation School Board to assume control
5 of local community controlled schools from the local community school board under
6 certain enumerated conditions. 10 N.N.C. § 106 (G) (1) (a)

7 B. The Navajo Nation Code establishes that “The chief administrative officer of the Board
8 shall be the ‘Navajo Nation Superintendent of Schools’, who shall be appointed by the
9 Navajo Nation Board of Education, subject to confirmation by the Navajo Nation
10 Council, and shall be empowered to do all things necessary and proper to carry out the
11 responsibilities of the Board.” 10 N.N.C. § 106(G) (2)(a)

12 C. The Navajo Nation Code empowers and directs the Dine Department of Education,
13 through the Superintendent of Schools to “Upon a directive from the Board, assume
14 control of community controlled schools in a situation where problems have been
15 identified that hamper the education of students in the school and the problems are
16 determined to be beyond the school’s ability to resolve.” 2 N.N.C. § 1803 (H)

17 D. The Navajo Nation Council finds it in the best interest of the Navajo Nation to ensure that
18 the Superintendent of Schools not serve as an active member on any board or commission
19 that has the capacity to make recommendations to remove or retain a school’s
20 accreditation. This prohibition shall not, however, prevent the Superintendent of Schools
21 from serving as an advisor to such board or commission on behalf of the Department of
22 Diné Education.

23
24 **SECTION THREE. Amending Title 2**

25 The Navajo Nation Council hereby amends the Navajo Nation Code, 2 N.N.C. § 1802 (B)
26 as follows:

27
28 **The NAVAJO NATION CODE**

29 **TITLE 2**

30 **Chapter 5 Subchapter 31. Department of Diné Education**

1 * * * *

2 **§ 1802. Staffing and Organization**

3 A. The Department is under the immediate direction of the Navajo Nation
4 Superintendent of Schools, subject to the overall direction of the Navajo Nation
5 Board of Education. The Navajo Nation Superintendent of Schools is appointed
6 by the Navajo Nation Board of Education, subject to confirmation by the Navajo
7 Nation Council.

8 B. The Navajo Nation Superintendent of Schools shall serve at the pleasure of the
9 Navajo Nation Board of Education. The Superintendent shall not serve as an
10 active member on any board or commission that has the capacity to make
11 recommendations to remove or retain a school's accreditation. All personnel
12 other than the Navajo Nation Superintendent of Schools shall be subject to all of
13 the Personnel Policies and Procedures of the Navajo Nation.

14 C. The Department shall be comprised of such programs and administrative
15 components as may be deemed necessary, subject to availability of
16 appropriations, and legislative approval of Department and/or program plans of
17 operation.

18 * * * *

21 **SECTION FOUR. CODIFICATION**

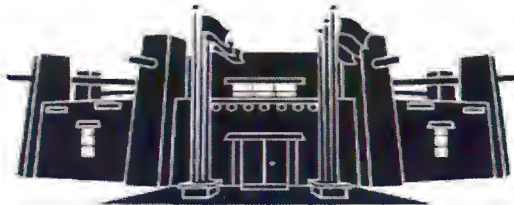
22 The provisions of the Act which amend or adopt new sections of the Navajo Nation
23 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
24 Counsel shall incorporate such amended provisions in the next codification of the Navajo
25 Nation Code.

27 **SECTION FIVE. SAVING CLAUSE**

28 Should any provision of this Act be determined invalid by the Navajo Nation Supreme
29 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation
30 Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

1
2 **SECTION SIX. EFFECTIVE DATE**

3 The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).
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MEMORANDUM

TO: Honorable Nathaniel Brown
Navajo Nation Council

FROM:


Edward A. McCool, Principal Attorney
Office of Legislative Counsel

DATE: March 30, 2017

SUBJECT: AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTT' COMMITTEE, NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION CODE, TITLE 2, SUBCHAPTER 31. DEPARTMENT OF DINÉ EDUCATION, SECTION 1802 (B) RESTRICTING THE BOARDS AND COMMISSIONS ON WHICH THE SUPERINTENDENT OF SCHOOLS MAY SERVE

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, 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. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

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.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0118-17_

SPONSOR: Nate Brown

TITLE: An Action Relating To Law And Order, Health, Education And Human Services, And NAABIK'IYATI' Committee, And Navajo Nation Council; Amending Navajo Nation Code, Title 2, Subchapters 31. Department Of Diné Education, Section 1802 (B) Restriction The Board And Commissions On Which The Superintendant of

Date posted: April 4, 2017 at 2:20 PM

Digital comments may be e-mailed [to comments@navajo-nsn.gov](mailto: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.: 0118-17

SPONSOR: Honorable Nathaniel Brown

TITLE: An Action Relating To Law And Order, Health, Education And Human Services, And NAABIK'IYATI' Committee, And Navajo Nation Council; Amending Navajo Nation Code, Title 2, Subchapters 31. Department Of Diné Education, Section 1802 (B) Restriction The Board And Commissions On Which The Superintendent of School May Serve

Posted: April 4, 2017 at 2:20 PM

5 DAY Comment Period Ended: April 9, 2017

Digital Comments received:

Comments Supporting	<i>1. Ernie R. Lee 2. Tommy H. Lewis, Jr., Ed.D</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>



**Policy Analyst
Office of Legislative Services**



Date/Time

Legislation #0118-17

Ernie R. Lee <ernierlee@gmail.com>

Thu 4/6/2017 2:41 PM

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

I am in support of this Legislation. Dr. Lewis does not need to serves on any board or commission. Thank-you

Superintendent to not serve on committee or boards that impact school accreditation

Tommy Lewis <tommylewis@nndode.org>

Wed 4/5/2017 3:38 PM

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

Cc: Anselm Davis <anselmdavis@nndode.org>; Tim Benally <timbenally@nndode.org>;

The current policy of AdvancEd Navajo Nation Council allows for the Superintendent of schools to be on the council and have all voting privileges. Removing the superintendent from this council will not hinder the operation of AdvancEd with regards to school accreditation. I support the legislation. I will also instruct Dr. Anselm Davis, Director of AdvancEd Navajo Nation to remove me from the council right away.

Tommy H. Lewis, Jr., Ed.D.

Superintendent of Schools

Department of Dine' Education

The Navajo Nation

928-871-7475

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**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0118-17

SPONSOR: Honorable Nathaniel Brown


TITLE: An Action Relating To Law And Order, Health, Education And Human Services, And NAABIK'IYATI' Committee, And Navajo Nation Council; Amending Navajo Nation Code, Title 2, Subchapters 31. Department Of Diné Education, Section 1802 (B) Restriction The Board And Commissions On Which The Superintendent of School May Serve

Posted: April 4, 2017 at 2:20 PM

5 DAY Comment Period Ended: April 9, 2017

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>1. Tommy Lewis, Superintendent of Schools, DODE</i>



Policy Analyst
Office of Legislative Services

6/6/17 3:14pm

Date/Time

LEGISLATION 0118-17: An Action Relating to Law and Order, Health, Education and Human Services, and Naabik'iyáti' Committee, Navajo Nation Council; Amending the Navajo Nation Code, Title 2, Subchapter 31 Department of Diné Education, Section 1802 (B) Restricting the Boards and Commissions on which the Superintendent of Schools May Serve *SPONSOR: Honorable Nathaniel Brown*

May 25, 2017

Response by Dr. Tommy Lewis, Superintendent of Schools, DODE



AdvancEd Navajo Nation Accreditation Council

When I came to work at Department of Dine' Education in January 2015, I was informed by Dr. Anslem Davis, Director of AdvancEd Navajo Nation Accreditation Office, that as Superintendent of Schools I serve on the Navajo Nation Accreditation Council. The Accreditation Council meets two times a year, one in January and again in May. I attended four meetings up to January 2017.

In consultation with my administrative team within the last week, they strongly recommend DODE's involvement on the accreditation council be maintained because we have grant schools, BIE operated schools, public schools, and parochial schools that are accredited under AdvancED. Except for the 34 grant schools, DODE's oversight on the other schools are very limited to none. Therefore, DODE's involvement on these schools accreditation is critical to make sure they all meet a higher level of standards for governance, leadership, school improvement, accountability, and academic growth. I advise the Navajo Nation Council to be careful with this legislation as the Nation needs to have involvement in all schools for compliance.

Dine' College

As Superintendent of Schools, I serve on Dine' College Board of Regents as authorized by the Dine' College charter. I have attended Board meetings and other functions at Dine' College since April 2015 when I was confirmed by the Navajo Nation Council to be seated on the Board of Regents. Dine' College charter allows for eight people to serve on the Board of Regents as follows:

- President of Navajo Nation appoints a representative from each agency on the Navajo Nation and five positions are assigned in this manner.
- The Chair of the Education Committee, now HEHSC, serves on the Board. However; HEHSC Chair was not able to serve on the Board so the committee appointed Delegate Nelson Begay to serve on the Board of Regents since April 2015.
- The Superintendent of Schools for Department of Dine' Education serves on the Board of Regents.
- The Student Body President of Dine' College serves on the Board of Regents with full voting power.

In behalf of Dine' College, I attended a conference sponsored by the Association of Community College Trustees (ACCT) in New Orleans in September 2016. Through this conference I was asked to serve on the ACCT National Board of Directors representing tribal colleges. ACCT allows a tribal college representative to serve on their Board of Directors for a one year term. I attended my first meeting with the Board of Directors in January 2017 and another meeting is coming up in July 2017. My term on the National Board of Directors will expire on December 31, 2017.

**LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL**

THIRD YEAR 2017

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0118-17: An Action Relating to Law and Order, Health, Education and Human Services and Naabik'iyati' Committee, Navajo Nation Council; Amending the Navajo Nation Code, Title 2, Subchapter 31. Department of Dine' Education, Section 1802 (B) Restricting the Boards and Commissions on which the Superintendent of Schools May Serve – Sponsor: Hon. Nathaniel Brown

Has had it under consideration and reports the same with the recommendation that it **DO NOT PASS** with no amendment

And thereafter referred to Health, Education & Human Services Committee

Respectfully submitted,



Raymond Smith, Jr., Chairperson Pro Tem
Law and Order Committee
23rd Navajo Nation Council

Date: May 8, 2017

Main Motion: Honorable Herman M. Daniels
Second : Honorable Kee A. Begay, Jr.
Vote : 2-3 (Chairperson Pro Tem broke the tie)

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO
NATION COUNCIL to who has been assigned;

LEGISLATION NO. 0118-17


AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES
AND NAABIK'IYATI' COMMITTEE, NAVAJO NATION COUNCIL; AMENDING THE NAVAJO
NATION CODE, TITLE 2, SUBCHAPTER 31. DEPARTMENT OF DINE EDUCATION,
SECTION 1802 (B) RESTRICTING THE BOARDS AND COMMISSIONS ON WHICH THE
SUPERINTENDENT OF SCHOOLS MAY SERVE

Sponsor: Honorable Nathaniel Brown

Has had under consideration and report the same with the recommendation
that Legislation 0118-17 PASS with no amendment and no directive;

And therefore referred the same to the NAABIK'IYATI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

Respectfully Submitted,



Jonathan L. Hale, Chairperson
Health, Education and Human Services Committee

Dated: May 15, 2017

Main Motion

Motion by: Honorable Amber Kanazbah Crotty

Seconded by: Honorable Nathaniel Brown

Vote: 3 in favor; 0 Opposed and 0 Abstain

Chairperson Not Voting