

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

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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.

1 **NOW THEREFORE BE IT RESOLVED:**

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

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

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

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