

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0030-25\_

SPONSOR: Vince R. James

**TITLE: An Action Relating to Health, Education and Human Services Committee;  
Temporarily Waiving the Requirements and Enforcement of HEHSCD-11-22  
Regarding the Navajo Nation's Policy for Mandatory Criminal Background Checks  
for Local School Board Members for Ninety (90) Calendar Days**

*Date posted:* March 17, 2025 at 6:50PM

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0030-25

**DATE:** March 17, 2025

**TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; TEMPORARILY WAIVING THE REQUIREMENTS AND ENFORCEMENT OF HEHSCD-11-22 REGARDING THE NAVAJO NATION'S POLICY FOR MANDATORY CRIMINAL BACKGROUND CHECKS FOR LOCAL SCHOOL BOARD MEMBERS FOR NINETY (90) CALENDAR DAYS**

**PURPOSE:** This proposed resolution will temporarily waive the requirements and enforcement of HEHSCD-11-22.

**FINAL AUTHORITY:** Health, Education and Human Services Committee

**VOTING REQUIREMENT:** Simple Majority

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.

5-DAY BILL HOLD PERIOD AM. KEITH  
Website Posting Time/Date \_\_\_\_\_  
Posting End Date: 03/22/25  
Eligible for Action: 03/23/25

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 25<sup>th</sup> NAVAJO NATION COUNCIL – Third Year, 2025

3 INTRODUCED BY

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5 \_\_\_\_\_  
6 Primary Sponsor

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8 TRACKING NO. 0080-25  
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10  
11 AN ACTION

12 RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES  
13 COMMITTEE; TEMPORARILY WAIVING THE REQUIREMENTS AND  
14 ENFORCEMENT OF HEHSCD-11-22 REGARDING THE NAVAJO NATION'S  
15 POLICY FOR MANDATORY CRIMINAL BACKGROUND CHECKS FOR  
16 LOCAL SCHOOL BOARD MEMBERS FOR NINETY (90) CALENDAR DAYS  
17

18 BE IT ENACTED:  
19

20 SECTION ONE. AUTHORITY

- 21 A. The Health, Education and Human Services Committee is a standing committee of the  
22 Navajo Nation Council and has legislative oversight over the Navajo Nation Board of  
23 Education, Department of Diné Education, and over the implementation of education  
24 legislation. 2 N.N.C. §§ 400(A), 401(C)(1), 10 N.N.C. § 1(B).
- 25 B. The Health, Education and Human Services Committee is authorized to establish  
26 Navajo Nation policy, and promulgate rules and regulations governing human services,  
27 education, and general government services of the Navajo Nation. 2 N.N.C. §  
28 401(B)(1).  
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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 qualifications 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. As a result of an administrative  
18       appeal, the Bureau of Indian Education temporarily paused the background check  
19       requirement to local school board members at Navajo Nation Bureau-operated and  
20       Tribally Controlled schools effective December 21, 2022, until the conclusion of  
21       administrative matter on the merits. To date, the administrative matter has not  
22       concluded.

23       C. Through HEHSCD-11-22, the Health, Education and Human Services Committee  
24       approved the “Mandatory Criminal Background Checks and Investigations for Local  
25       School Board Members” attached as **Exhibit A**, which requires elected and appointed  
26       school board members to obtain a completed background check and investigation  
27       within (3) months of their election and submit the results to the Department of Diné  
28       Education.

- 1 D. For various reasons, numerous school board members have been unable to obtain a  
2 timely background check and investigation thereby affecting the ability of Navajo  
3 School Boards to establish a legal quorum to hold school board meetings.
- 4 E. To ensure all Navajo school boards are able to meet while individual school board  
5 members are awaiting the results of their background checks and investigations, the  
6 requirements and enforcement of HEHSCD-11-22 must be temporarily waived for a  
7 period of ninety (90) calendar days.
- 8 F. To ensure the safety of Navajo students, educators, and school personnel, all school  
9 boards members awaiting the results of their background check and investigation may  
10 perform school board functions only if the function is performed off school grounds  
11 and/or performed by teleconference or videoconference.
- 12 G. All elected school board members from the November 2024, February 2025, and March  
13 2025 elections are still expected to work diligently to obtain a background check and  
14 investigation in order to comply with HEHSCD-11-22 or any legislation that amends  
15 the policy known as the “Mandatory Criminal Background Checks and Investigations  
16 for Local School Board Members” that will be effective upon the expiration of this  
17 temporary waiver.

18  
19 **SECTION THREE. APPROVAL**

- 20 A. The Health, Education, and Human Services Committee of the Navajo Nation Council  
21 hereby temporarily waives the requirements and enforcement of HEHSCD-11-22 for a  
22 period of ninety (90) calendar days from March 11, 2025.
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