

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0031-25_

SPONSOR: George Tolth

**TITLE: An Action Relating to the Health, Education and Human Services
Committee; Amending HEHSCD-11-22 by Revising the Mandatory Criminal
Background Checks for Local School Board Members Policy**

Date posted: March 19, 2025 at 8:58PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0031-25

DATE: March 18, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; AMENDING HEHSCD-11-22 BY REVISING THE MANDATORY CRIMINAL BACKGROUND CHECKS FOR LOCAL SCHOOL BOARD MEMBERS POLICY

PURPOSE: This proposed resolution will revise resolution HEHSCD-11-22 by amending the Mandatory Criminal Background Checks and Investigations for Local School Board Members.

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: Johnson
Website Posting Time/Date: _____
Posting End Date: 03-24-25
Eligible for Action: 03-25-25

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

3 INTRODUCED BY

4 
5 _____
6 Primary Sponsor

7
8 TRACKING NO. 0031-25
9

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11
12 AN ACTION
13 RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES
14 COMMITTEE; AMENDING HEHSCD-11-22 BY REVISING THE
15 MANDATORY CRIMINAL BACKGROUND CHECKS FOR LOCAL SCHOOL
16 BOARD MEMBERS POLICY
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 Dine Education, and over the implementation of education
24 legislation, including Plans of Operation. 2 N.N.C. §§ 400(A), 401(C)(1), 10 N.N.C. §
25 1(B).
- 26 B. The Health, Education and Human Services Committee is authorized to establish
27 Navajo Nation policy, and promulgate rules and regulations governing human services,
28 education, and general government services of the Navajo Nation. 2 N.N.C. §
29 401(B)(1).
30

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. 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. On December 28, 2022, the Health, Education and Human Services Committee
21 passed resolution HEHSCD-11-22 which approved and adopted the “Mandatory
22 Criminal Background Checks and Investigations for Local School Board Members.”

23 D. In an effort to clarify the various responsibilities of local schools, school board
24 members, and Navajo Nation agencies, a workgroup comprised of Office of
25 Legislative Counsel, Navajo Nation Department of Justice, Department of Diné
26 Education, Diné Bi Olta School Board Association, Office of Background
27 Investigations, and Navajo Elections Office promulgated proposed amendments to the
28 “Mandatory Criminal Background Checks and Investigations for Local School Board
29 Members.” A version demonstrating the new language denoted by underscoring and
30

1 deletions denoted by overstrikes is attached as **Exhibit A**. A clean version of the
2 revisions is attached as **Exhibit B**.

3
4 **SECTION THREE. APPROVAL**

5 A. The Health, Education, and Human Services Committee of the Navajo Nation Council
6 hereby amends HEHSCD-11-22 by approving and adopting the revisions to the
7 Mandatory Criminal Background Checks and Investigations for Local School Board
8 Members policy attached as **Exhibit A**.

9
10 **SECTION FOUR. EFFECTIVE DATE**

11 The Navajo Nation Mandatory Criminal Background Checks and Investigations for Local
12 School Board Members policy shall become effective on June 9, 2025, following the
13 approval by the Health, Education, and Human Services Committee.

14
15 **SECTION FIVE. SAVING CLAUSE**

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