

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0253-25_

SPONSOR: Vince R. James

TITLE: An Action Relating to Health, Education and Human Services, Law and Order, Naabik'iyáti' Committees and the Navajo Nation Council; Amending the Navajo Nation Code, Title 10, Chapter 1, Subchapter 2, Section 106, to Reduce the Number of Navajo Nation Board of Education Members

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0253-25

DATE: November 5, 2025

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION CODE, TITLE 10, CHAPTER 1, SUBCHAPTER 2, SECTION 106, TO REDUCE THE NUMBER OF THE NAVAJO NATION BOARD OF EDUCATION MEMBERS

PURPOSE: This legislation will amend 10 N.N.C. § 106 to reduce the amount of Navajo Nation Board of Education members from 11 to 5.

FINAL AUTHORITY: Navajo Nation Council

VOTE REQUIRED: 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:
Website Posting Time/Date:
Posting End Date: 11-10-25
Eligible for Action: 11-11-25

Health Education & Human Services Committee
Thence
Law & Order Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL—Third Year, 2025

Introduced By:

Primary Sponsor

Tracking No. 0253-25

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND
ORDER, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION
COUNCIL; AMENDING THE NAVAJO NATION CODE, TITLE 10, CHAPTER
1, SUBCHAPTER 2, SECTION 106, TO REDUCE THE NUMBER OF NAVAJO
NATION BOARD OF EDUCATION MEMBERS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 401(B)(6)(a), has the authority to review and make recommendations to the Navajo Nation Council on resolutions relating to education.
- B. 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.
- C. The Naabik'íyáti' Committee,, pursuant to 2 N.N.C. § 164(A)(9), reviews proposed legislation that requires final action by the Navajo Nation Council.
- D. The Navajo Nation Council enacts laws and sets policy for the Navajo Nation, pursuant to 2 N.N.C. § 102.

1 **SECTION TWO. FINDINGS**

- 2 A. The Navajo Nation adopted the Navajo Sovereignty in Education Act of 2005 (the
3 "Act") on July 19, 2005, and established the Department of Diné Education and the
4 11 member Navajo Nation Board of Education.
- 5 B. In 2018, pursuant to CAP-45-18, the Navajo Nation Council transferred a large
6 portion of the Navajo Nation Board of Education's administrative responsibilities to
7 the Department of Diné Education. The number of Navajo Nation Board of Education
8 members, however, remained the same.
- 9 C. With the transfer of the Navajo Nation Board of Education's administrative
10 responsibilities to the Department of Diné Education, the Navajo Nation Council
11 finds it relevant and appropriate for the Navajo Nation and for the education of its
12 children to reduce the number of members on the Navajo Board of Education from
13 eleven (11) to five (5) by amending 10 N.N.C. § 106.

14
15 **SECTION THREE. AMENDING TITLE 10**

- 16 A. The Navajo Nation Council hereby amends the Navajo Nation Code, 10 N.N.C. § 106
17 as follows:

18
19 **THE NAVAJO NATION CODE**
20 **TITLE 10 EDUCATION**
21 **Chapter 1 Policy and Planning**
22 **Subchapter 2. Diné Education**

23 * * *

24 **106. Navajo Nation Board of Education**

- 25 A. Establishment-Navajo Nation Board of Education.
- 26 There is hereby established the Navajo Nation Board of Education (hereinafter,
27 "the Board"), with the Executive Branch of the Navajo Nation government for the
28 specialized purpose of overseeing the operation of all schools serving the Navajo
29 Nation, either directly if under the immediate jurisdiction of the Navajo Nation, or
30 if operated by another government, by joint powers agreements, memoranda of

1 understanding/agreement, cooperative agreements or other appropriate
2 intergovernmental instruments.

3 B. Membership.

4 1. The Board shall consist of ~~11~~ 5 members.

5 2. ~~The Five~~ Board members shall be elected to four year terms, with one each at-
6 large from each of the following agencies: Western, Chinle, Fort Defiance,
7 Shiprock and Eastern. If vacancies occur in any of the five elected Board
8 positions, for any reason, the vacancies shall be filled in the same manner as
9 provided in the Navajo Election Code for school board members in 11 N.N.C. §
10 161(E).

11 ~~3. Six Board members shall be appointed to six year terms by the President of the~~
12 ~~Navajo Nation and confirmed by the Health, Education and Human Services~~
13 ~~Committee of the Navajo Nation Council. These members will be appointed in~~
14 ~~order to ensure that a variety of experience and knowledge is present on the~~
15 ~~Board.~~

16 ~~4. The six appointed members of the Board shall serve as the Board from the time~~
17 ~~of the confirmation of all six appointed members by the Health, Education and~~
18 ~~Human Services Committee until the five elected Board members are elected in~~
19 ~~the 2006 Navajo Nation General Election.~~

20 ~~5. If vacancies occur in any of the six appointed Board positions, for any reason,~~
21 ~~the President of the Navajo Nation shall make appointments to fill such vacancies~~
22 ~~for the unexpired remainders of the vacant Board position term, subject to~~
23 ~~confirmation by the Health, Education and Human Services Committee.~~

24 C. Qualifications of appointed/elected Board members.

25 1. ~~The six appointed Board members shall meet the following qualifications:~~

26 a. ~~Two appointed Board members will be individuals who are recognized for their~~
27 ~~knowledge of traditional Navajo culture;~~

28 b. ~~One appointed Board member will be a school administrator working on the~~
29 ~~Navajo Nation;~~

1 ~~c. Two appointed Board member will be parents of at least one child enrolled in a~~
2 ~~Kindergarten, elementary, or secondary program on the Navajo Nation;~~

3 ~~d. One appointed Board member will be a teacher employed in a Bureau of Indian~~
4 ~~Affairs funded or state public school operating on the Navajo Nation.~~

5 ~~21. The five elected All Board members shall have at least a four year academic~~
6 ~~degree from an accredited college or university;~~

7 ~~D. Qualifications of all Board members.~~

8 ~~All Board members shall meet the following qualifications:~~

9 ~~12. All Board members shall be enrolled members of the Navajo Nation;~~

10 ~~23. All Board members shall be at least 25 years of age;~~

11 ~~34. All Board members shall not be delegates to the Navajo Nation Council, a~~
12 ~~member of a school board of a school operating on the Navajo Nation, or an~~
13 ~~employee of the Department of Diné Education.~~

14 ~~45. All Board members shall not have been convicted of a felony or of any crime~~
15 ~~involving child abuse or neglect.~~

16 ~~ED. Meetings.~~

17 1. All meetings of the Board shall be public, and shall be held at a variety of
18 locations either on or in immediate proximity to the Navajo Nation so as to make
19 it possible for interested Navajo public and Navajo educators to attend.

20 2. The Board shall meet on such schedule as is necessary to carry out its
21 responsibilities, or at the call of its presiding officer.

22 3. An electronic record of the procedures of the Board shall be kept, and shall be
23 made available to the public in accord with the Navajo Nation Privacy and Access
24 to Information Act.

25 4. During meetings of the Board an opportunity shall be made available for the
26 public to speak on any issue before the Board.

27 ~~FE. Compensation.~~

28 Board members shall receive payment for discharging their duties at rates set by
29 the Health, Education and Human Services Committee of the Navajo Nation
30 Council.

1 GF. Powers and duties.

2 1. The Board shall have general power to monitor the activities of all Bureau of
3 Indian Education funded schools and local community school boards serving the
4 Navajo Nation, including the authority:

5 a. To assume control of local community controlled schools from the local
6 community school board in situations wherein:

7 i. The Navajo Nation has received written notice of the intent of the
8 Bureau of Indian Education to reassume any of the programs, or portions
9 of programs, which the local community school is managing and operating
10 under authorization from the Navajo Nation, pursuant to Public Law 93-
11 638 or Public Law 100-297, as amended; or

12 ii. The Navajo Nation has sent written notice to the local community
13 school board that the Navajo Nation has made a request for retrocession of
14 the programs, or portions of programs, which the local community school
15 is managing and operating under authorization from the Navajo Nation,
16 pursuant to Public Law 93-638 or Public Law 100-297, as amended; or

17 iii. The Navajo Nation Board of Education has provided the local
18 community school board with a written notice of its opportunity for a due
19 process hearing held pursuant to regulations adopted by the Health,
20 Education and Human Services Committee of the Navajo Nation Council,
21 at which the local community school board may appear and show cause
22 why the programs, or portions of programs, which the local community
23 school is managing and operating under authorization from the Navajo
24 Nation pursuant to Public Law 93-638, as amended, or Public Law 100-
25 297, as amended, should not be assumed by the Department of Diné
26 Education;

27 b. To report at least quarterly to the Health, Education and Human Services
28 Committee of the Navajo Nation Council, and annually to the Navajo Nation
29 Council.
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1 c. To report to the Health, Education and Human Services Committee of the
2 Navajo Nation Council any instance where the Board has assumed control of
3 community controlled schools.

4 d. To provide guidance for the school accreditation activities of the Navajo Nation
5 North Central Accreditation Office.

6 2. Subject to Navajo Nation law, the Board is authorized to solicit funds, propose
7 budgets and plans of operation, create positions, and establish organization
8 relationships, and employ and supervise personnel through a chain of command.
9 Provided, that the Board is not authorized to represent the Navajo Nation in
10 consultation with federal, state, and local officials regarding any proposed
11 changes in federal education legislation or educational programs, including new
12 schools (including charter schools), school closures, consolidations, education
13 budget initiatives and the like. These authorities are delegated specifically to the
14 Health, Education and Human Services Committee of the Navajo Nation Council,
15 as set forth in 2 N.N.C. § 401 (B)(4).

16 a. The chief administrative officer of the Board shall be the "Navajo Nation
17 Superintendent of Schools," who shall be appointed by the Navajo Nation Board
18 of Education, subject to confirmation by the Navajo Nation Council, and shall be
19 empowered to do all things necessary and proper to carry out the responsibilities
20 of the Board.

21 b. Within budgetary constraints, and consistent with the Department Plan of
22 Operation, the Board may establish such subordinate offices, staff, and advisory
23 bodies, as necessary to carry out its duties and responsibilities.

24 c. Propose needed Navajo Nation education legislation to the Health, Education
25 and Human Services Committee of the Navajo Nation Council.

26 d. Actively pursue funding to support the activities of Navajo Nation education
27 programs.

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29 * * * *
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1 **SECTION FOUR. DIRECTIVE TO THE NAVAJO NATION BOARD OF EDUCATION**

2 The Health, Education and Human Services Committee hereby directs the Navajo Nation
3 Board of Education to amend its Plan of Operation to conform with the provisions of this
4 Action.

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6 **SECTION FOUR. CODIFICATION**

7 The provisions of the Act which amend or adopt new sections of the Navajo Nation Code
8 shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel
9 shall incorporate such amended provisions in the next codification of the Navajo Nation
10 Code.

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12 **SECTION FIVE. SAVING CLAUSE**

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

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17 **SECTION SIX. EFFECTIVE DATE**

18 The provisions of this Action shall become effective in accordance with 2 N.N.C. § 221(B).
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