

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

20<sup>TH</sup> NAVAJO NATION COUNCIL – Third Year, 2005

AN ACT

RELATING TO EDUCATION, ENACTING THE NAVAJO SOVERIGNTY IN  
EDUCATION ACT OF 2005; AMENDING TITLES TEN AND TWO OF THE  
NAVAJO NATION CODE

BE IT ENACTED:

Section 1. Enactment of the Navajo Sovereignty in Education Act of 2005

The Navajo Nation Council hereby enacts the Navajo Sovereignty in Education Act of 2005.

Section 2. Purpose

The purposes of the Navajo Sovereignty in Education Act of 2005 are to establish the Navajo Nation Board of Education, to establish the Navajo Nation Department of Diné Education, to confirm the commitment of the Navajo Nation to the education of the Navajo People, to repeal obsolete language and to update and reorganize the existing language of Titles 10 and 2 of the Navajo Nation Code.

Section 3. Amendments to Title 10 Navajo Nation Code

The Navajo Nation Council hereby amends the Navajo Nation Code, Title 10, as follows:

§ 1. Responsibility and authority of the Navajo Nation

- A. The Navajo Nation has the authority and an inherent right to exercise its responsibility to the Navajo People for their education by prescribing and implementing educational laws and policies applicable to all schools serving the Navajo Nation and all educational programs receiving significant funding for the education of Navajo youth or adults. At the same time, the Navajo Nation recognizes the legitimate authority of the actual education provider, whether state, federal, community controlled, charter, or private. The Navajo Nation commits itself, whenever possible, to work cooperatively with all education providers serving Navajo youth or adults or with responsibilities for serving Navajo students to assure the achievement of the educational goals of the Navajo Nation established through these policies and applicable Navajo Nation laws.

- B. The Education Committee of the Navajo Nation Council has oversight authority over the Navajo Nation Board of Education, Department of Diné Education, and over the implementation of education legislation. The Committee exercises such powers and responsibilities over Navajo education as are prescribed by its Plan of Operation (2 NNC § 481, et. seq.) and in other Navajo Nation laws. The Education Committee exercises oversight responsibility regarding the recruitment and operation of post-secondary education programs within the Navajo Nation.
- C. The laws and policies of the Navajo Nation are applicable to the maximum extent of the jurisdiction of the Navajo Nation in the operation of all local schools.
- D. The Navajo Nation specifically claims for its people and holds the government of the United States responsible for the education of the Navajo People, based upon the Treaty of 1868 and the trust responsibility of the federal government toward Indian tribes. The Navajo People also claim their rights as citizens of the states within which they reside to a non-discriminatory public education. In exercising its responsibility and authority for the education of the Navajo people, the Navajo Nation does not sanction or bring about any abrogation of the rights of the Navajo Nation or the Navajo People based upon treaty, trust or citizenship, nor does it diminish the obligation of the federal government or of any state or local political subdivision of a state.

## §2. Mission Statement

It is the educational mission of the Navajo Nation to promote and foster lifelong learning for the Navajo people, and to protect the culture integrity and sovereignty of the Navajo Nation.

## §3. Definitions

Subject to the additional definitions contained in the subsequent sections of this subchapter, and unless the context otherwise requires, in this subchapter, the following definitions shall apply:

- A. “Accountability” means being held responsible for any action, inaction, decision, or conduct which involves public trust or requires sound reasoning, good judgment and the ability to act, that is exercised by any individual in a position to render decisions or cause action or conduct to be made.
- B. “Career Education” consists of efforts aimed at focusing education and supportive actions of the community in ways that will help individuals acquire and utilize the knowledge, skills, abilities, choices, resources and attitudes necessary for each to make work a meaningful, productive and satisfying part of his or her way of life. Career education is not taught as a separate school subject. Rather, it is integrated into all subject areas at all levels, using activities that encourage students to acquire basic skills and make career decisions based upon what they learn about themselves and the world of work.
- C. “Charter Schools” means a school that operates under a state charter law.

- D. “Cognitive Skills” are skills involved in the process of knowing, in the broadest sense, including perception, memory, judgment, analysis, conception, deduction, induction and thinking.
- E. “Community Controlled Schools” means those schools that are funded by the Bureau of Indian Affairs and sanctioned by the Navajo Nation to operate under the authority and provisions of Public Law 93-638 and Public Law 100-297.
- F. “Culture” means a set of shared patterns of behavior developed by a group of people in response to the requirements of survival. These sets include: established patterns of relationships (interpersonal and kinship) Ké; values (behavior, material possessions, individual characteristics attitudes); language; technology, acquisition and use of knowledge; planning for the future; governing structure; education; economics; and spiritual relationships.
- G. “Curriculum” means a comprehensive curriculum which reflects excellence, and which is planned, ongoing and systematically used; in which goals and objectives are clearly articulated; which brings about a match among (1) what the teacher teaches, (2) what content should be taught in each subject area at every grade level, and (3) what students actually learn as determined by academic testing instruments that test achievement against the prescribed content in each subject area at every grade level.
- H. “Early Childhood Programs” are those developmental and educational programs operated for children ages 0-5 at the preschool level. The term can include kindergarten programs that are operated independently of and apart from any local school.
- I. “Early Childhood Intervention Program” are those programs that provide early childhood intervention services to Navajo children with disabilities from birth to age five and their families.
- J. “Educational Standards” means the established criterion and/or specified requirement which must be met and maintained.
- K. “Indian Preference” means that in employment, preference is give to a qualified Native American applicant over non-Indian applicants for a given position.
- L. “Local Community Schools” are all schools serving kindergarten through 12<sup>th</sup> grade, or any part of that grade span, located within the Navajo Nation or serving the Navajo Nation and funded by the Bureau of Indian Affairs. The Term includes both BIA-operated and community controlled schools and shall include border-town residential facilities operated to facilitate attendance at public schools when the subject matter of a policy statement is applicable to residential facilities and the governing boards of residential facilities. The meaning of “local school” in regard to Navajo Nation school board elections shall be determined by the Navajo Nation laws regarding school board elections, rather than by this section.
- M. “Navajo Nation” includes the Navajo Reservation and the Navajo people as a whole, considered as a distinct cultural, ethnic, geographical and political entity.

- N. “Navajo Nation” also means the government of the Navajo Nation, or signifies that some power of attribute of the Navajo Nation as a government is intended.
- O. “Navajo Preference” means that in the recruitment, employment, retention and promotion of personnel, preference is given to an applicant in accordance with the provisions of the Navajo preference in Employment Law, 15 N.N.C.
- P. “Public Schools” means those schools that are part of the state public school system, including those schools identified as state funded charter schools.
- Q. A “School” is a place or institution for teaching and learning.
- R. “Schools Serving the Navajo Nation” are all schools within the Navajo Nation and all schools established on or near Navajo Indian Country for the education of Navajo students or receiving significant funding for the education of Navajo students such as public schools receiving Impact Aid funds.
- S. “School Governing Boards” or “Local School Boards” are the governing boards with responsibility for establishing policy and overseeing the operation of a local school
- T. “Superintendent of Schools” means the chief administrative officer of the Department of Diné Education.
- U. “Tribal Governing Body” means the Navajo Nation Council.
- V. “Vocational Education” is an area of instruction with appropriate academics designed to prepare high school students to enter into the job market. Vocational education programs shall include vocational exploration, vocational core skill development, remedial education, work skills and entry-level training.

#### § 50. Early childhood programs

Parents and persons having custody of Navajo children of preschool age are encouraged to enroll them in programs of early childhood education. Early childhood programs should employ a comprehensive developmental approach to help children achieve the social competence and pre-academic skills which are associated with positive school performance and healthy psycho-social adjustment, including children with disabilities from birth to five years of age and their families. Early childhood programs shall work closely with parents, parent policy council and local communities in developing and implementing their program plans Administrative entities within the Navajo Nation with responsibility for education, child development, licensed day care, and related areas shall coordinate to assure that early childhood and early childhood intervention programs serving Navajo children are competently and compassionately administered in accordance with Navajo Nation laws and policies.

#### § 51. Early Childhood Development Services (Head Start Program)

A. The Navajo Nation recognizes the need for development services to support the growth of young Navajo children within the family and the viability of the family within the community. The Department of Diné Education shall assure participation of the Navajo Nation in the National Head Start program to meet the needs of children from birth to five (5) years old.

B. The Head Start program shall establish a positive and supportive learning environment for children, parents, and staff, which offer family members opportunities and support for growth and change.

C. The Head Start program shall focus on the child and family in addressing early childhood developmental needs; including medical, dental, mental health, nutrition, and parental involvement. In addition, early childhood services should be appropriate and responsive to each child and the family's cultural and language background.

D. The Head Start programs shall foster the role of parents as the primary educators and nurturers of their children. Parents should be encouraged to become involved in all aspects of their child's development from participation in the Center's child-based activities to direct involvement in policy and program.

E. Each Head Start Center is encouraged to establish partnerships with community resources in the effort to maximize the benefits to the children served.

F. Each Head Start Center shall employ qualified staff who have the knowledge, skills, competence and sensitivity necessary to provide quality and comprehensive services to young children.

#### § 52. Establishment

The Navajo Nation Diné Language Act (hereinafter referred to as the "Act") is hereby established to ensure the preservation and education of the Navajo (Diné) language. The Navajo (Diné) language is an essential element of the life, culture, tradition and identity of the Navajo (Diné) people. The Navajo (Diné) people recognize the importance of continuing and perpetuating the Navajo (Diné) language to the survival of the Navajo Nation. Instruction in the Navajo (Diné) language shall include to the greatest extent practicable, thinking, speaking, comprehending, reading, writing and the study of the formal grammar of the Navajo (Diné) language.

#### § 53. Purpose

The Navajo (Diné) language shall be the instrument of educating, and reinforcing the importance of the continuation, comprehension and communication of the Navajo (Diné) language within the Navajo Nation Department of Head Start. The purpose of having the Navajo (Diné) language as an instrument of instruction within the Navajo Head Start program is to enable children to communicate freely and effectively through the Navajo (Diné) language, not as a second or foreign language but the language of the Navajo (Diné) people. The Navajo Nation is committed to ensure that the Navajo (Diné) language will survive and prosper. The Navajo (Diné) language must be used to ensure the survival of the Navajo (Diné) people and their future, to maintain the Navajo way of life, and to preserve and perpetuate the Navajo Nation as a sovereign nation.

#### § 54. Definitions

A. Navajo Head Start Programs – Programs inclusive of all Navajo Early Head Start and Head Start Programs.

- B. Staff Members or Staff – Paid or unpaid individuals who have responsibilities related to children and their families who are enrolled in Navajo Head Start programs.
- C. Navajo Immersion – All communication, interaction, and instruction is conducted in the Navajo (Diné) language throughout the Navajo Head Start programs.
- D. “Level” – There are three different levels of Navajo immersion. Each requires that a greater portion of the day be all in the Navajo (Diné) language. The following are the levels of “Situational Immersion”, “Partial Immersion”, and “Full Immersion.”
  1. “Situational Immersion” – The specific language that is used in specific, recurring situations almost everyday are conducted in the Navajo (Diné) language.
  2. “Partial Immersion” – A level of Navajo (Diné) language in which the first hour or more of each day is conducted in the Navajo (Diné) language. This applies to Head Start programs operating as Partial Immersion classrooms.
  3. “Full Immersion” – A level of Navajo (Diné) language in which all instruction, communication, and interaction is conducted in the Navajo (Diné) language. This applies to Head Start programs operating as Full Immersion classrooms.

#### § 55. Implementation

- A. The Navajo (Diné) Immersion section shall be responsible for providing education and technical assistance to Head Start staff to infuse the Navajo (Diné) language into the daily instruction of the Head Start children at all centers and Homebase programs. The Navajo Immersion shall develop and implement policies and procedures for the implementation of Navajo (Diné) language into the curriculum of the Navajo Head Start programs. The Navajo (Diné) language shall be the primary language of instruction, communication, and interaction in all Navajo Head Start programs. Navajo Nation Head Start employees will interact and be responsible to develop, implement, and participate in the children’s social and cognitive abilities in the Navajo (Diné) language. The English language shall be utilized as a secondary language and shall be provided as an additional instrument of instruction, communication and interaction in all of the Navajo Head Start programs.
  1. The Navajo Nation Department of Head Start shall develop and implement policies and procedures for the continuation of the Navajo (Diné) language in the curriculum of the Navajo Head Start program in accordance with this Act.
  2. The Navajo Nation Department of Head Start shall ensure the Navajo Immersion Program’s participation in all classroom activities tailored around the Navajo (Diné) language’s implementation process using the three levels of immersion. These levels will accomplish the transition into Full Immersion.

### § 56. Program Procedures

The Navajo Head Start program will utilize all resources necessary to comply with this Act. The Navajo Immersion program shall establish an appropriate Navajo (Diné) language curriculum to ensure the full implementation of the Navajo (Diné) language within all Navajo Head Start programs.

### §57. Amendments

This act shall not be amended unless such amendments are approved by 2/3 of the full membership of the Navajo Nation Council.

### §106. Navajo Nation Board of Education

#### A. Establishment – Navajo Nation Board of Education.

There is hereby established the Navajo Nation Board of Education (hereinafter, “the Board”), within the Executive Branch of the Navajo Nation government for the specialized purpose of overseeing the operation of all schools serving the Navajo Nation, either directly if under the immediate jurisdiction of the Navajo Nation, or if operated by another government, by joint powers agreements, memoranda of understanding/agreement, cooperative agreements or other appropriate intergovernmental instruments.

#### B. Membership

1. The Board shall consist of eleven (11) members.
2. Five (5) Board members shall be elected to four year terms, one at-large from each of the following agencies; Western, Chinle, Fort Defiance, Shiprock and Eastern. If vacancies occur in any of the five (5) elected Board positions, for any reason, the vacancies shall be filled in the same manner as provided in the Navajo Election Code for school board members in 11 N.N.C. §161(E).
3. Six (6) Board members shall be appointed to six years terms by the President of the Navajo Nation and confirmed by the Education Committee of the Navajo Nation Council. These members will be appointed in order to ensure that a variety of experience and knowledge is present on the Board.
4. The six (6) appointed members of the Board shall serve as the Board from the time of the confirmation of all six (6) appointed members by the Education Committee until the five (5) elected Board members are elected in the 2006 Navajo Nation General Election.
5. If vacancies occur in any of the six (6) appointed Board positions, for any reason, the President of the Navajo Nation shall make appointments to fill such vacancies for the unexpired remainders of the vacant Board position term, subject to confirmation by the Education Committee.

#### C. Qualifications of Appointed/Elected Board Members

1. The six (6) appointed Board members shall meet the following qualifications:

- a. Two (2) appointed Board members will be individuals who are recognized for their knowledge of traditional Navajo culture;
  - b. One (1) appointed Board member will be a school administrator working on the Navajo Nation;
  - c. Two (2) appointed Board members will be parents of at least one child enrolled in a Kindergarten, elementary, or secondary program on the Navajo Nation;
  - d. One (1) appointed Board member will be a teacher employed in a Bureau of Indian Affairs funded or state public school operating on the Navajo Nation.
2. The five (5) elected Board members shall have at least a four years academic degree from an accredited college or university.

D. Qualifications of All Board Members

All Board members shall meet the following qualifications:

1. All Board members shall be enrolled members of the Navajo Nation;
2. All Board members shall be at least 30 years of age;
3. All Board members shall not be delegates to the Navajo Nation Council, a member of a school board of a school operating on the Navajo Nation, or an employee of the Department of Diné Education.
4. All Board members shall not have been convicted of a felony or of any crime involving child abuse or neglect.

E. Meetings

1. All meetings of the Board shall be public, and shall be held at a variety of locations either on or in immediate proximity to the Navajo Nation so as to make it possible for interested Navajo public and Navajo educators to attend.
2. The Board shall meet on such schedule as is necessary to carry out its responsibilities, or at the call of its presiding officer.
3. An electronic record of the procedures of the Board shall be kept, and shall be made available to the public in accord with the Navajo Privacy and Access to Information Act.
4. During meetings of the Board an opportunity shall be made available for the public to speak on any issue before the Board.

F. Compensation

Board members shall receive payment for discharging their duties at rates set by the Education Committee of the Navajo Nation Council.

G. Powers and duties

1. The Board shall have general power to monitor the activities of all Bureau of Indian Affairs funded schools and local community school boards serving the Navajo Nation, including the authority:
  - a. To assume control of local community controlled schools from the local community school board in situations wherein:

- i. The Navajo Nation has received written notice of the intent of the Bureau of Indian Affairs to reassume any of the programs, or portions of programs, which the local community school is managing and operating under authorization from the Navajo Nation, pursuant to Public Law 93-638 or Public Law 100-297, as amended; or
    - ii. The Navajo Nation has sent written notice to the local community school board that the Navajo Nation has made a request for retrocession of the programs, or portions of programs, which the local community school is managing and operating under authorization from the Navajo Nation, pursuant to Public Law 93-638 or Public Law 100-297, as amended; or
    - iii. The Navajo Nation Board of Education has provided the local community school board with a written notice of its opportunity for a due process hearing held pursuant to regulations adopted by the Education Committee of the Navajo Nation Council, at which the local community school board may appear and show cause why the programs, or portions of programs, which the local community school is managing and operating under authorization from the Navajo Nation pursuant to Public Law 93-638, as amended, or Public Law 100-297, as amended, should not be assumed by the Department of Diné Education;
  - b. To report at least quarterly to the Education Committee of the Navajo Nation Council, and annually to the Navajo Nation Council.
  - c. To report to the Education Committee of the Navajo Nation Council any instance where the Board has assumed control of community controlled schools.
  - d. To provide guidance for the school accreditation activities of the Navajo Nation North Central Accreditation Office.
2. Subject to Navajo Nation law, the Board is authorized to solicit funds, propose budgets and plans of operation, create positions, and establish organization relationships, and employ and supervise personnel through a chain of command.
- a. The chief administrative officer of the Board shall be the “Navajo Nation Superintendent of Schools,” who shall be appointed by the Navajo Nation Board of Education, subject to confirmation by the Navajo Nation Council, and shall be empowered to do all things necessary and proper to carry out the responsibilities of the Board.
  - b. Within budgetary constraints, and consistent with the Department of Plan of Operation, the Board may establish such

- subordinate offices, staff, and advisory bodies, as necessary, to carry out its duties and responsibilities.
3. The Board shall carry out the following duties and responsibilities through the Navajo Nation Department of Education.
    - a. Establish instructional content and achievement standards and customized criterion referenced achievement testing instruments for schools serving the Navajo Nation, including consolidation of the standards of the three states overlapping the Navajo Nation with those of the Navajo Nation for Navajo language and cultural knowledge.
    - b. Establish policies and procedures for carrying out the accountability provisions of the federal education laws with regard to all Bureau of Indian Affairs funded schools serving the Navajo Nation.
    - c. Establish procedures and criteria for licensing administrators for Bureau of Indian Affairs funded schools operated under contracts or grants authorized by the Navajo Nation governing body.
    - d. Establish procedures and criteria for endorsing Navajo language and cultural knowledge programs, and for certifying the competency of instructional personnel to delivery them.
    - e. Receive monitoring and evaluation reports on all elementary and secondary educational programs serving the Navajo Nation. Provide for technical assistance as necessary and desired by such programs within available resources.
    - f. In cooperation with the Education Committee of the Navajo Nation Council, develop procedures to enforce the Navajo Nation school attendance laws.
    - g. Review and endorse or decline to endorse existing elementary and secondary school curricula, teaching and criterion referenced test materials for consistency with the unique needs of Navajo students in all schools serving the Navajo Nation, and make recommendations thereon to the state agencies controlling curricula in the public schools.
    - h. Direct the creation and publication of curricula, teaching, and criterion referenced test materials as needed for instruction in Navajo language and cultural knowledge.
    - i. Negotiate and recommend to the appropriate Navajo Nation officials joint powers agreements or memoranda of understanding/agreement or other intergovernmental agreements as necessary to coordinate the activities of the Department of Diné Education with the Bureau of Indian Affairs and the departments of education of the states overlapping the Navajo Nation.
    - j. In cooperation with the Education Committee of the Navajo Nation Council, oversee research on the educational

- achievement, problems, and needs of Navajo Nation students and school systems.
- k. Propose needed Navajo Nation education legislation to the Education Committee of the Navajo Nation Council.
  - l. Actively pursue funding to support the activities of Navajo Nation education programs.
  - m. Implement the procedures established under the Grant/Contract Conversion/Maintenance Handbook and recommend such revisions to the Manual as are deemed necessary. Implement the process for reauthorization of school contract/grants.
  - n. Establish procedures for the enforcement of Navajo Nation educational laws and implement such laws to the full extent of Navajo Nation jurisdiction.

§107. Department of Diné Education

- A. The Department of Diné Education (“Department”) is the administrative agency within the Navajo Nation with responsibility and authority for implementing and enforcing the educational laws of the Navajo Nation. The Department is subject to and carries out the laws adopted by the Navajo Nation Council. In exercising its responsibilities, the Department shall seek to work cooperatively with schools serving the Navajo Nation.
- B. The Department is under the immediate direction of the Navajo Nation Superintendent of Schools, subject to the overall direction of the Navajo Nation Board of Education. In carrying out its responsibilities the Department, through the Superintendent of Schools, is authorized and directed to:
  1. Establish cooperative arrangements with other divisions and programs within the Navajo Nation and with education organizations and entities;
  2. Negotiate cooperative arrangements and intergovernmental agreements with local, state and federal agencies and governmental bodies, subject where required, to the approval of the Navajo Nation Council or designated standing committee.
  3. Inquire into the educational situation of Navajo students in any school or educational program serving the Navajo Nation or receiving program funds for the education of Navajo youth or adults. The authority to make inquiries granted to the Department in this subsection extends to all affected school sites.
  4. Determine the impact of educational programs on Navajo students by inquiring into areas of concern, such as achievement data, test results, budgets, language proficiency, special educational programs, supplemental, programs, staffing, social and economic variables, curriculum, health and safety, adequacy and accessibility of facilities, and other areas of inquiry relevant to the educational situation of Navajo students;

5. Comply with federal and, where appropriate, state requirements regarding confidentiality of records;
6. Report the results of its inquiries to the Education Committee of the Navajo Nation Council and to the Navajo Nation Board of Education (“Board”) and local community school boards, school board association, communities and other entities serving the Navajo Nation affected by the subject matter of these inquiries;
7. Make recommendations in its reports for the improvement of Navajo education;
8. Upon a directive from the Board, assume control of community-controlled schools in situations where the Board exercises its authority under Section 106.G.1.a.
9. Report quarterly to the Board on the state of Navajo education; and
10. Shall implement the procedures, policies, directives and guidance as approved by the Board related to the education of Navajo children and the enforcement of Navajo Nation laws.
11. The Department shall be available to work with schools, school districts, governing boards, local communities and other appropriate entities to develop plans for the implementation of Navajo educational laws, to coordinate utilization of available resources and to assist in the development of new resources. The Department shall assure that its staff have and receive appropriate professional training in order to keep informed of current educational methodologies, laws, regulations, and research.

#### §108. Parental Involvement

- A. The Navajo Nation promotes maximum parental involvement in all schools serving Navajo communities. Parents have a right to know of their children’s academic achievement and progress. All schools shall be required to disclose to parents information about the quality of their children’s teachers, and their children’s school performance as defined and required by the Navajo Nation, federal and state laws. Every parent should be afforded the opportunity to fully participate in upgrading the quality of the local education plan.
- B. Every school serving Navajo students shall jointly develop with and distribute to parents a written parental involvement policy that shall describe the strategies for carrying out parental activities necessary to improve the quality of teaching and learning.
- C. Every school shall provide technical assistance, parental training, and resources necessary to coordinate parent programs.

#### §109. Education standards and accreditation

- A. The Board shall coordinate with other governmental entities and education providers in developing and implementing appropriate educational and residential standards for schools and school systems serving the Navajo Nation, including the teaching of Navajo language and culture.

- B. Upon the formal approval of Navajo Nation standards, the Department of Diné Education shall implement an accreditation process based upon such standards and implement this process on the schools over which it assumes regulatory jurisdiction. The Board will provide general oversight for school accreditation activities of the Navajo Nation Central Accreditation office until regulatory jurisdiction has been assumed for the schools affected.
- C. Each school serving the Navajo Nation shall approve and adopt academic content standards that are challenging and promote student academic achievement. The academic standards shall also be aligned with the applicable academic content standards or the Navajo educational standards when they are developed.
- D. The Board shall require all schools within the jurisdiction of the Navajo Nation to develop and implement a school-wide accountability system that is effective in meeting and making adequate yearly progress as defined by the Navajo Nation.

#### § 110. Curriculum

- A. Each school serving the Navajo Nation shall have a written curriculum that is scoped and sequenced in grade K-12 or any part of that grade span offered by the school. The curriculum must be based on the needs of the students served, the cultural values and individual interests of Navajo students. The curriculum shall be aligned with the Navajo Nation adopted education standards for high academic achievement and shall address the assessment necessary to meet adequate yearly progress as required by federal legislation and the Navajo Nation.
- B. The instruction program shall foster competence in both the English Language and Navajo Language skills and knowledge of both American and Navajo culture.
- C. The instruction program shall assist the students to acquire full knowledge of basic skills, including science, computer science, mathematics, social studies, reading, writing and language skills and cognitive skills. The instruction program shall address character development based upon the Diné Ké concept and shall be implemented at appropriate grade levels at all schools serving the Navajo Nation.
- D. The curriculum shall be standards-based, with instructional strategies that reflect scientific research and evidence based practices, providing students with the opportunity to acquire full knowledge of basic skills, including but not limited to science, mathematics, social studies, reading, writing, language skills and cognitive skills.
- E. Career education should be integrated into the basic curriculum at all grade levels; the goal of career education will be to establish a relationship between what is taught in the classroom and what is needed on the job and in professional occupations. At the secondary and post-secondary levels, the curriculum should incorporate career exploration, career guidance, and awareness of vocational and occupational career opportunities.

- F. Special programs shall be provided for students with disabilities, gifted and talented students and for students requiring remedial instruction or alternative method of instruction.
- G. Each school shall periodically review the content of the school curriculum. The review should utilize student assessment data, achievement test scores, student progress reports, teacher input, and related school evaluation reports.

§ 111. Education in Navajo language

- A. The Navajo language is an essential element of the life, culture and identity of the Navajo People. The Navajo Nation recognizes the importance of revitalizing and perpetuating that language to the survival of the Nation.
- B. Instruction in the Navajo language shall be made available for all grade level in all schools serving the Navajo Nation. Such Navajo language instruction shall include to the greatest extent practicable: thinking, speaking, comprehension, reading and writing skills and study of the formal grammar of the language.
- C. Spoken or written Navajo Language shall be used as a medium of instruction to teach academic content to Navajo speaking students who are not fully proficient in English, or who wish to improve their Navajo Language proficiency by active use of the language as a learning tool. Such use of the Navajo Language as a medium of instruction shall be carried out by Navajo speaking instructors who are qualified to teach the academic subject matter involved.
- D. Intensive English language development shall be made available to serve students who have been identified, based upon a recognized language assessment, as “limited English proficient”, with the exception of students enrolled in Navajo language immersion programs.

§ 112. Education in Navajo culture and social studies

The survival of the Navajo Nation as a unique group of people growing and developing socially, educationally, economically and politically within the larger American Nation requires that the Navajo People and those who reside with the Navajo people retain and/or develop an understanding, knowledge and respect for Navajo culture, history, civics and social studies. Courses or course content that develops knowledge, understanding and respect for Navajo culture, history, civics and social studies shall be included in the curriculum of every school serving the Navajo Nation. The local school governing boards, in consultation with parents, students and the local community, shall assist in determining the appropriate course content for the Navajo culture component of the curriculum.

§ 113. Professional training for educators

- A. The Navajo Nation recognizes the need for specialized training and credentialing for the administrators of Bureau of Indian Affairs funded schools. The local governing board, with an opportunity for input by parents

and students, shall assist in determining the appropriate course content for the Navajo culture component of the curriculum.

- B. It is the responsibility of the local schools and school districts serving the Navajo Nation to employ professional Navajo educators, to recruit those who are most qualified and competent to work with the Navajo student population, and to create incentives to improve staff performance. Local school boards and administrators shall take leadership to provide professional training opportunities for their personnel and to encourage and provide both opportunities and guidance for those individuals who desire to advance themselves in the education field, obtain or expand their professional certification, or obtain training in their specialized areas. Staff development shall include both certified and non-certified personnel. Educators of Navajo children have the responsibility to upgrade their teaching and administrative skills to maintain relevant, coherent instructional techniques at all levels of formal education.
- C. All schools and school districts serving the Navajo Nation shall develop appropriate Navajo culture awareness and sensitivity programs as an integral part of their in-service training programs for all personnel. The Navajo Nation through its Education Committee shall establish general guidelines for the implementation of these programs.

#### § 114. Special education

- A. Local schools and educational programs serving the Navajo Nation shall assure that Navajo students with disabilities and gifted Navajo students receive educational and support services and resources that are adequate to meet their special educational needs and that are both appropriate and non-discriminatory in terms of Navajo language, learning styles and culture. The Navajo Nation supports the essential policies made explicit within the Individuals with Disabilities Education Act (IDEA), as amended, concerning the provision of a free, appropriate public education in the least restrictive environment and the procedural rights and safeguards afforded students with disabilities and their parents. No school or educational program shall discriminate against any student or applicant for services on the basis of disability.
- B. The Navajo Nation shall coordinate with other agencies to provide personnel preparation services for special education and related service needs to increase the availability of qualified Navajo special education personnel.

#### § 115. Education of Navajo gifted, talented and highly motivated students

- A. All local schools serving the Navajo Nation shall identify the strengths of gifted, talented and highly motivated students and shall provide appropriate educational planning which will challenge and nurture each student's level of development to its highest potential. Students shall be provided an opportunity to work at their appropriate developmental level of ability rather than being limited to a normative level.

- B. All schools shall provide special programs to recognize and encourage students who are gifted, talented, highly motivated, and those who demonstrate substantial academic improvement.

§ 116. School counseling services

All schools serving the Navajo Nation shall maintain competent, appropriately staffed counseling programs. Counseling staff shall have an awareness of Navajo culture and tradition, particularly as these relate to the individual needs and life circumstances of the students and their families. The counseling program shall be concerned with the physical, cultural, intellectual, vocational and emotional growth of each student.

§ 117. Student code

Under the guidance of the local community school boards, parent committees and parents, a written code of student conduct, rights and responsibilities shall be developed and maintained by each school serving the Navajo Nation. The student code must be consistent with applicable Navajo Nation, federal and state laws. School disciplinary procedures should be corrective, based upon a disciplinary action plan incorporated into the code of student conduct. The disciplinary action plan should provide for notification and involvement of parents from the earliest stages of the disciplinary process.

§ 118. School attendance

- A. Every person who has a Navajo child or Navajo children under his or her care between the ages of five and eighteen years shall assure the attendance of the child or children in school. For purposes of this section, a child shall be deemed to be 5 years old only if he or she has a fifth birthday prior to September first of the school year to which this policy is applied. In the event that the funding agency of a school has a different requirement, that requirement shall apply. This policy applies to attendance by children who have not yet graduated from high school. Local school governing boards shall develop programs to improve regular school attendance in compliance with this policy.
- B. Any adult residing in the Navajo Nation who violates the provision of this section shall be subject to the penalties prescribed in 17 N.N.C. §§ 222 and 223 for petty misdemeanors. Any Navajo minor residing in the Navajo Nation who violates the provisions of this section shall be subject to the jurisdiction of the Family Courts of the Navajo Nation.
- C. The Board, in cooperation with the Education Committee of the Navajo Nation Council shall develop regulations and procedures to enforce the compulsory attendance laws. The Department of Diné Education shall work with appropriate agencies within the Navajo Nation, school boards, schools, school districts, Chapters, parent committees and state and federal governmental entities to develop appropriate and innovative measures and educational programs to decrease the dropout rate, reduce absenteeism and to meet the educational needs of students who have been unable to function effectively in the regular school setting.

- D. The Navajo Nation discourages transfers from one school to another, particularly transfers which occur during the school year and jeopardize the student's academic progress. The Department of Diné Education is directed to work cooperatively with all schools and school systems serving Navajo students to develop procedures to minimize excessive and inappropriate student movement between schools.

§ 119. Substance and alcohol abuse

Navajo Nation law prohibits the possession or consumption of alcohol and illegal drugs on the Navajo Nation, 17 N.N.C. §§ 390-395, §§ 401-412. All schools serving the Navajo Nation shall discourage the consumption of alcohol and illegal drugs through education awareness, prevention and guidance programs for all Navajo youth. Schools along with other community resources shall encourage a positive self-concept, provide factual information and encourage personal responsibility. Schools shall work with other community service providers to seek and develop programs and resources to assist students addicted to the use of alcohol and other illegal drugs so that they may fully participate in the school program.

§ 120. Bus routes and transportation

Adequate bus transportation is of vital importance to the Navajo Nation to improve school attendance and increase the day attendance opportunities for Navajo students. Adequate bus transportation systems for students shall be established to ensure safe transport of Navajo students to and from school. Local school board policy governing the transportation of pupils shall meet or exceed all applicable state and federal safety regulations. The Navajo Nation, through the Education Committee and the Transportation and Community Development Committee, shall work in a joint and cooperative effort with the states in which the Navajo Nation is located and the Bureau of Indian Affairs to adopt adequate school bus routes, to avoid excessively long bus travel and to develop a comprehensive school transportation plan. The Navajo Nation may enter into agreements with the federal government, states, counties, local schools and school districts within and bordering the Navajo Nation to implement school transportation plans. In apportioning funds for road construction and maintenance, the Navajo Nation, federal, state and local (county) government shall consider school transportation needs for day attendance as a priority consideration. This section shall not justify the closure of any school nor the denial of day attendance opportunities to students within a school's day attendance area.

§ 121. School facilities and operations

- A. All educational programs located within Navajo Nation or serving significant numbers of Navajo students shall be housed in facilities that are accessible, appropriate to the purposes for which they are used, and maintained in good repair. The Bureau of Indian Affairs is responsible, either directly or through contract, to maintain in good repair, all educational facilities owned or operated by the Bureau or operated with funding from the Bureau. This

subsection shall not be interpreted to justify the closure of any Navajo Nation, state or federal law, regarding school closures.

- B. The Department of Diné Education shall establish joint planning efforts with schools and school systems serving the Navajo Nation and with those educational institutions receiving federal funding to educate Navajo students to accomplish the following provisions:
1. When planning construction, expansion, consolidation, or closure of any school or school residential unit serving the Navajo Nation, the decision-making entity shall, from the initial stages, consult with the affected school boards and school board organizations, the Education Committee of the Navajo Nation Council, the Department of Diné Education, affected Chapters and local communities and with those students, parents, and staff who use the facility, and shall incorporate the desires of these parties into their plans to the greatest extent feasible.
  2. The construction, expansion, and renovation of any school facility shall conform to all applicable Navajo Nation, state and federal health and safety regulations, to established safety and building codes and to laws regarding environmental assessments, environmental impact and accessibility for persons with disabilities.
  3. In planning for the construction of any new educational facility, consideration shall be given to the development of an appropriate physical environment including but not limited to considerations of location, size, alternate use, and the extent to which the proposed facility will benefit unserved and underserved populations, including day students who travel daily on the bus for an excessive amount of time.

§ 122. Vocational education and career education

- A. The Navajo people have a right to education in basic, technical, employability, managerial, and entrepreneurial skills. The Navajo Nation shall advocate with federal, state and private sources for adequate funding of vocational and career education programs. The Navajo Nation shall integrate educational planning with economic planning and develop agreements and joint efforts for the sharing of vocational educational costs, facilities and programs. In order to increase the vocational opportunities available to Navajo youth and adults and to make the most efficient use of existing vocational educational resources, the Education Committee and the Human Services Committee of the Navajo Nation Council shall coordinate, with other entities, the development of comprehensive vocational educational planning.
- B. Career education shall be integrated into the basic curriculum of all schools in all appropriate content areas and at all grade levels.
- C. Vocational education programs shall be realistically designed to serve the needs of adults in secondary education including those who have academic, socioeconomic, cultural, physical, and mental disabilities who need or can profit from, the instruction. Vocational education programs should include

instruction in basic skills, communication, social interaction, occupationally specific skills and responsibility skills that are required for employment. Vocational education programs should be determined according to identified needs, employment statistics, current occupational surveys, and local, state and national labor market demands, including the demands of new and emerging occupations. They should reflect the skills needed to develop the Navajo economy.

§ 123. Accountability and Academic Assessment

- A. The Board shall establish and maintain a Navajo Education Information System (NEIS) that will provide a comprehensive database on the schools and students. Through the database stored in NEIS, the Navajo Nation will be able to track academic performance of students in all school systems
- B. The Department of Diné Education shall collaborate with all schools and educational entities serving the Navajo Nation to develop and implement an educational accountability system. The educational accountability system will be based upon academic standards and the Navajo Nation-adopted academic assessment, and other relevant academic indicators.
- C. The Department of Diné Education shall establish a level of standard or academic achievement for each grade level that students will meet to demonstrate mastery in order to make satisfactory academic progress.
- D. To assure an effective educational accountability system, each school serving the Navajo Nation shall provide academic test scores on each individual student to the Department of Diné Education. The Department of Diné Education will use student test data to create Navajo achievement profiles. The achievement profiles will be shared with each school to assist them in improving academic achievement. On an annual basis, the Department of Diné Education will publish an Accountability Report on student achievement and related information for public dissemination.
- E. The Department of Diné Education shall comply with the confidentiality and student privacy provisions of the Family Education and Rights Act (FERPA) in the use of student information for reports and research purposes.
- F. The Department of Diné Education shall collaborate and guide a span of educational research with research organizations, post-secondary institutions, and the Navajo Nation Institutional Research Review Board.

§ 124. Navajo preference and Indian preference

- A. The ultimate goal of the Navajo Nation is self-determination. In order to assure the survival and growth of the Navajo Nation as a people of distinct language and culture and with a domestic economic base, the Navajo Nation requires Navajo preference in employment of school and educational personnel in all schools serving the Navajo Nation. In addition, whenever application of the Navajo preference policy does not result in the selection of a Navajo applicant or candidate, a policy of Indian preference shall be applied to the remaining applicants or candidates. Local school governing boards and education administrators responsible for hiring shall comply with the

requirements of this policy in regard to the recruitment, employment, promotion and retention of all personnel.

- B. All schools and school systems operating within the Navajo Nation shall seek the professional services of qualified Navajo professionals as educators, counselors, administrators and support personnel to adequately serve the linguistically and culturally unique children of the Navajo people. In addition, all affected schools, and school districts shall give preference to Navajo personnel in providing professional training opportunities, subject to the needs of the schools to obtain specialized training opportunities for staff serving particular functions. In seeking educational and support personnel, schools and school districts shall include within the position description, as a preferred qualification, a knowledge and familiarity with the Navajo language, culture and people.
- C. Notwithstanding any other provision of law, including the Navajo Nation Preference Act, 15 N.N.C. §601, et seq., as amended; the local governing board of a school or school district may waive the requirements of this section by a formal vote of the board. Such waiver may apply only to individual employment, retention or promotion decisions, as determined by the board on a case-by-case basis. In each case where a waiver of Navajo preference-based hiring, retention or promotion occurs, the local governing board shall make a written record of the occurrence for inclusion in the officials minutes of the board.

#### § 220. Local Control of Schools

- A. The Navajo Nation encourages and supports local control of Navajo education. Administration of a local school shall be under the guidance and direction of the local governing board.
- B. All local community school board operating developmental and educational schools within the Navajo Nation are subject to its educational laws to the full extent of the jurisdiction of the Navajo Nation for ensuring that their students make adequate yearly progress in meeting applicable, measurable academic achievement standards, including any such standards established by the Navajo Nation.
- C. Local community school boards are responsible for assuring the implementation of the Navajo educational and developmental policies at the local level. In addition, local school boards are responsible for establishing local educational policies and priorities to meet the needs of all students, with reasonable accommodations for students with disabilities.
- D. Local community school boards shall comply fully with all applicable Navajo Nation, federal and state laws and regulations regarding the prevention, treatment and reporting of incidents of child abuse and neglect, and the elimination from any school employment of individuals with a history of such abuse and neglect.
- E. In administering the schools under their charge, local community school boards shall give timely notice of their meetings and conduct their meetings at times and places convenient to the public, especially parents, and shall carry

out their deliberations and decision-making in open meetings, except in such cases as disciplinary matters, personnel matters, discussion of litigation, where the need for privacy clearly outweighs the public's right to know.

- F. School boards shall develop written policies regarding school governance, personnel matters, staff conduct, student conduct, teacher evaluation, parental involvement, residential policies, fiscal and budget management policies, graduation requirements, academic policies and related topics, and shall assure that these policies are communicated to administration, staff, students and parents. School board policies shall be implemented in a consistent and impartial matter.
- G. School boards shall not utilize any funding received from federal grants or contracts or from Navajo Nation general funds based upon their establishment under this Chapter, to bring litigation or administrative proceedings against the Navajo Nation, its officials, employees, or entities.

#### § 201. Establishment

The Chapters of the Navajo Nation are authorized to establish such local Navajo Community School Boards as are suitable for their respective areas. Such local community school boards shall govern the schools funded by the Bureau of Indian Affairs for the education of the Navajo students. The elections of such local community school board members shall be conducted in accordance with the Navajo Nation Election Code, Title 11.

#### § 202. Membership

- A. Any enrolled member of the Navajo Nation may serve as a member of a Local Community School Board, provided that he/she meets the qualifications established under the Navajo Nation Election Code.
- B. School board members are subject to removal pursuant to the rules and procedures regarding removal of elected officials, established in the Navajo Nation Election Code.

#### § 203. Composition

Each local community school board shall be composed of not less than three (3) nor more than seven (7) members, as established by the Local Community School Board Apportionment Plan adopted by the Education Committee of the Navajo Nation Council, pursuant to the Navajo Nation Election Code.

#### § 204. Compensation

All local Navajo Community School Board members shall receive payment for discharging their duties at rates set by the Education Committee of the Navajo Nation Council in consultation with the school boards, in accordance with regulations developed pursuant to Public Law 95-561.

- A. Local community school boards shall function in accordance with the specific legal authorization under which they are operating.
- B. All local community school boards shall abide by all applicable laws, rules, policies, and guidelines of the Navajo Nation.

- C. The local community school boards are authorized to solicit outside funds for the benefit of the schools they serve, and such School Boards may disburse these funds in any legal manner related to the performance of their duties and functions. The School Boards shall file annual statements identifying any funds received from outside sources and a brief description of the purposes for which such funds were used or are to be used with the Department of Diné Education.
- D. School Boards shall report any disagreements at the school level, which are disruptive to the education of the students they serve to the appropriate Education Line Office, in the case of Bureau-operated schools, or the Department of Diné Education, for all other schools.
- E. Each local community school board shall send a representative to its respective Agency School Board and participate in its meetings and functions.

#### § 206. Officials

Each local Navajo Community School Board shall elect a President, Vice President, and a Treasurer, and such other officials as are deemed necessary.

#### § 207. Meetings

Meetings shall be held at least once per calendar month during the school term, and at such other times as the President of the School Board shall deem advisable. The President, in calling any meeting of the Board, shall give a minimum of three days notice to each member of the Board.

#### § 251. Establishment

- A. The Navajo Nation hereby establishes Agency School Boards to represent local community school boards at each of the BIA Agency Education Line offices within the Navajo Nation.
- B. As changes occur in the number of line offices within the Navajo Nation, the number of Agency School Boards shall change also to reflect changes in the overall Bureau funded school system.

#### § 252. Composition

Each Agency School Board shall be composed of members elected or appointed by the Local Boards within the Agency. Each Local Board shall appoint or elect one person to serve on the Agency Board. In no event shall an Agency Board have more members than the total number of schools within the Agency.

#### § 253. Powers, duties

- A. The Agency School Board shall carry out its functions in accordance with the provisions of Public Law 95-561, including make selection determinations concerning Agency staff, making determinations on contract renewal of Agency staff, providing input and making decisions on the agency education financial plan, and making Agency-wide administrative policies.

- B. The Agency Board shall serve as a conduit of information to and from the Diné Bi Olta School Board Association Executive Board and the BIA's office of Indian Education Program (OIEP) headquarters to the local school level.
- C. The Agency School Board shall receive reports of conflicts and disputes at the local level and work with the Agency Education Line Officer, the Department of Diné Education, and the Diné Bi Olta School Board Association Executive Board in the resolution of such conflicts and disputes.

#### § 254. Officials

Each Agency School Board shall elect a President, Vice-President, and a Treasurer, and other officials as necessary.

#### § 255. Meetings

Agency School Boards shall meet either monthly or at such intervals as established, but in no event shall meet less than four times per year.

#### § 301. Establishment of Diné Bi Olta School Board Association – Executive board

- A. The Navajo Nation hereby establishes the Diné Bi Olta School Board Association to represent and be comprised of the local community school boards at the Navajo Nation. Each local community school board shall have one vote in the Association. This association is the only school board association recognized by the Navajo Nation to represent local community school boards.
- B.1. The Executive Board of the Diné Bi Olta School Board Association shall be comprised of seven members selected in the following manner:
  - a. The community controlled school boards of the Navajo Nation shall appoint four (4) persons to serve on the Executive Board, each of whom must be an elected member of a community controlled school board.
  - b. The school boards of school operated by the Bureau of Indian Affairs on the Navajo Nation shall appoint three (3) persons to serve on the Executive Board, each of whom must be an elected member of a school operated by the Bureau of Indian Affairs on the Navajo Nation.
  - c. The Executive Board shall elect as its Chairman one of its members appointed by the community controlled school boards.
  - d. The Executive Board shall elect as Vice Chairman one of its members appointed by the school boards operated by the Bureau of Indian Affairs on the Navajo Nation.

#### § 302. Powers and duties of the Diné Bi Olta School Board Association

In cooperation with the Education Committee of the Navajo Nation Council, the Navajo Nation Board of Education, and the Department of Diné Education, the Diné Bi Olta School Association shall have the following powers and duties:

- A. The Diné Bi Olta School Board Association shall consider educational programs, problems and issues of a Navajo Nation-wide significance.
- B. The Diné Bi Olta School Board Association shall make recommendations to the Navajo Nation Board of Education and the Education Committee of the

Navajo Nation Council concerning all BIA-funded schools and local community school boards. In order to fully address the views and situations of both community controlled school boards and school boards of the schools operated by the Bureau of Indian Affairs, the Association shall establish a procedure that enables both categories of the school boards to fully air their views before the Association and to attempt to reach a joint recommendation. If a joint recommendation is not reached a joint recommendation. If a joint recommendation is not reached, a minority report may be included with the recommendation sent to the Committee and the Board.

- C. The Diné Bi Olta School Board Association shall plan such activities, including comprehensive school board training programs appropriate for the needs of both Navajo BIA operated schools and community controlled school boards, in order that all such school boards may effectuate the purposes of this chapter.
- D. The Diné Bi Olta School Board Association shall take all actions necessary to provide opportunities for local community school boards to share educational problems of mutual concern and to assist them in developing solutions to these problems.
- E. The Diné Bi Olta School Board Association will from time to time meet with the Education Committee of the Navajo Nation Council to review progress of education on the Navajo Nation, and make any proposals, which in the opinion of the Association would improve education in the Navajo Nation. In making such proposals, the Association shall use a procedure that enables community-controlled school boards and school boards of BIA operated schools to fully air their views before the Association and to attempt to achieve a joint proposal. If a joint proposal is not achieved, a minority report may be included with the proposal sent to the Committee.
- F. The Diné Bi Olta School Board Association shall recommend to the Education Committee of the Navajo Nation Council and the Navajo Nation Board of Education such policies, procedures, goals, and aims or such workshops as are required to implement the intent of this chapter, using a procedure that enables community controlled school boards and school boards of BIA operated schools to fully air their views before the Association and to attempt to reach a joint recommendation. If a joint recommendation is not recommended, a minority report may be included with the recommendation sent to the Committee and the Board.

#### § 303. Officers

The Diné Bi Olta School Board Association shall establish a President, and a Vice-President, and such other officers as are required.

#### § 304. Meetings

The full membership of the Diné Bi Olta School Board Association shall meet not less than once per year. The Executive Board of the Diné Bi Olta School Board Association shall meet monthly or at such intervals as established but in no event less than four times per year.

§ 305. Funding

The Diné Bi Olta School Board Association in cooperation with the Education Committee of the Navajo Nation Council shall solicit funds as are necessary to support its activities, and any activities of Local or Area School Boards, from available sources. Any funds procured by the Diné Bi Olta School Board Association in excess of cost requirements for their respective activities shall be used on behalf of local community school boards in a manner established by the Diné Bi Olta School Board Association.

§ 496. Compliance with requirements of Navajo Nation law all educational programs in operation on the Navajo Nation will comply with all of the applicable requirements of the Navajo Nation education laws as well as the applicable state and federal requirements.

§ 497. Changes in educational program or operation; discussion; approval

- A. It shall be the policy of the Navajo Nation that any agency, organization, or group proposing and planning a new school facility, expansion or change-over of an existing facility, including post secondary institutions, a change in school site, a transfer from Bureau to public school operation, a change from boarding school to day school, grant or contract operations, a creation of a charter school or other schools, closure or consolidation of schools, establishment or changes of bus routes, or any other change in educational policy or operation, which may affect the lives of local citizens and Navajo students, shall consult with the Navajo Nation for full discussion of such proposed changes.
- B. Further, any agency, organization, or group proposing such changes shall consult and discuss such plans with the Navajo Nation Superintendent of Schools, the Bureau of Indian Affairs, the Education Committee of the Navajo Nation Council, the people of the communities to be affected, either directly or indirectly, and with local school boards.
- C. It shall also be the policy of the Navajo Nation that official endorsement of such changes or proposals by the Navajo Nation shall be withheld until every effort has been made by the responsible agency, organization, or group to obtain the approval and endorsement of the Navajo People affected, and Navajo Nation laws regarding the planning and undertaking of such change or proposal have been compiled with. Such endorsement of proposed plans or changes shall be obtained prior to the implementation of such educational programs.

§ 498. Size and locations of facilities

- A. It is the declared policy of the Navajo Nation, in every instance and to the fullest extent possible, for the Education Committee of the Navajo Nation Council, the Navajo Nation Board of Education, and the Department of Diné Education to work closely with all appropriate education providers and governmental entities on the size and location of all educational facilities to be constructed for Navajo students in order that maximum benefit can be obtained from them by the Navajo People.

- B. The Education Committee is authorized to approve and recommend to the appropriate standing committee(s) of the Navajo Nation Council, the approval of site locations on the Navajo Nation for any educational facilities, including school houses or buildings, residential facilities, teacher and faculty quarters including areas sufficient for power and light, gas, sewers, and other necessary facilities. All facilities shall be in compliance with and meet the handicapped accessible specifications and codes.
- C. All educational facilities constructed on the Navajo Nation or for the education of Navajo students shall be constructed in compliance with the laws of the Navajo Nation and American with Disabilities Act regarding school facilities, including 10 NNC § 121, "School Facilities and Operations".

§ 499. Withdrawal of land for school purposes; leases and permits-Authority

- A. Withdrawals of Navajo Nation land, and the issuance of leases and permits for the use of such land for school or other legitimate educational purposes are authorized and subject to applicable Navajo Nation law.
- B. All such withdrawals, leases and permits shall provide for cancellation in case the land embraced ceases to be used primarily for school or other legitimate educational purposes for an uninterrupted period of two years or for interrupted periods of six months or more totaling two years.
- C. Such withdrawals, permits, and leases may provide for use of the land for teachers' housing, and other noncommercial uses reasonably connected with education, in addition to the primary use as a site for a school or other educational facility.
- D. All lessees receiving leases pursuant to this chapter are subject to the laws of the Navajo Nation in regard to the occupation of and activities conducted upon the leased premises.

§ 500. Rent

- A. No rent shall ever be charged or accepted for withdrawals, permits, or leases of tax exempt Navajo Nation land used primarily for school or other legitimate educational purposes, provided the Navajo children or adults be admitted without discrimination to schools or other educational activities conducted on such lands.
- B. Such withdrawals, permits, or leases shall expressly provide that they are rent-free in consideration of the tax-exempt status of the land embraced within them and other Navajo Nation land in the same state, and that rent on the land embraced must be paid at the reasonable appraised rental value, but at not less than \$10 per acre, annually, whenever any Navajo Nation land in the same state as withdrawal, permit, or lease ceases to be tax exempt.

§ 501. Annual enrollment and school attendance

- A. An annual enrollment and school attendance "drive" shall be conducted between the first of August and the fifteenth of November of each year.

- B. The goal of the “drive” shall be to insure the enrollment and continued attendance of all Navajo children between the ages of 6 and 16 in available schools.
- C. The Education Committee and the President of the Navajo Nation shall be responsible for detailed planning, coordination, and stimulation of this “drive”.
- D. All Navajo Nation Council members and Chapter officers shall be responsible for disseminating information regarding the “drive” in their local communities.

§ 502. Compulsory school attendance – Generally

Education in Navajo schools shall be compulsory as to children between the ages of 5 and 18 years as prescribed and defined in 10 NNC § 118 of the Navajo Education Policies.

§ 503. Application of state laws and Navajo Nation laws

The Navajo Nation Council consents to the application of state compulsory school attendance laws to the Indians of the Navajo Nation and their enforcement on Indian lands of the Navajo Nation wherever an established public school district lies or extends within the Navajo Nation. In addition, 10 NNC § 118 of the Navajo Education Policies regarding compulsory attendance shall apply to all Navajo minors between the ages of 5 and 18 and to all persons having care and custody of such minors who are within the civil or criminal jurisdiction of the Navajo Nation.

§ 504. Plans and procedures for enforcement

- A. The Education Committee of the Navajo Nation Council, after consultation with the President of the Navajo Nation, is authorized and directed to develop plans and procedures in conjunction with local schools, communities, parents and other governmental entities for the enforcement of the compulsory school attendance laws among the Navajo Nation, including, but not limited to, provision for bringing action against responsible parents in Navajo Nation Courts.
- B. The Education Committee is further authorized to designate areas where plans and procedures shall be implemented.
- C. The Education Committee is directed to continue to encourage regular school attendance through all means available.

§ 901. Condition precedent

- A. Applicants for educational loans must first seek all available assistance on a non-reimbursable basis.
- B. Procedures and requirements for the granting of student loans shall comply with 10 NNC § 910 of the Education Policies.

§ 902. Purposes

Educational loans shall be considered for the following purposes only:

- A. To supplement scholarship grants, personal funds and/or family assistance in order to meet required and necessary expenses.
- B. To make full loans to students who for justifiable reasons cannot obtain assistance in accordance with subsection (A) of this section, and who are otherwise eligible for a loan.

§ 903. Scholastic requirements

A student attending college shall comply with the requirements of the Office of Navajo Nation Scholarship and Financial Assistance Programs for eligibility for student loans in regard to credit hours and grade point average.

§ 904. Amount

The Office of Navajo Nation Scholarship and Financial Assistance Programs shall determine the maximum amount of student loans authorized by this subchapter.

§ 905. Repayment

- A. Repayment of educational loans shall be scheduled for not less than \$25 per month, payments to begin not later than six months after completion of the course.
- B. In the event a student drops out of school before his course is completed, for reasons other than health or military service, the repayment of the loan shall begin not later than six months from the date of separation.

§ 910. Post-secondary education

- A. The future development of the Navajo Nation depends upon the education and skills of the Navajo people. In exercising its responsibilities in regard to financial assistance and post-secondary program oversight, the Navajo Nation shall give attention to the social, educational, economic and other developmental needs of the Navajo Nation, as well as to the welfare and personal needs of the individual student.
- B. In providing financial assistance to students in post-secondary programs, the Office of Navajo Nation Scholarship and Financial Assistance Program (“ONNSFA”) shall develop policies and procedures which:
  1. Foster academic excellence and encourage scholarship recipients to pursue academically rigorous fields of study;
  2. Encourage Navajo students to remain within their post-secondary educational programs until the completion of their degrees and to return and provide service to the Navajo Nation;
  3. Provide academic scholarships for students with high academic achievement;
  4. Enable students to prepare, retrain and upgrade their skills for new and changing professions and occupations on a full-time or part-time basis;
  5. Encourage pursuit of graduate level degrees, particularly in fields which support the developmental goals of the Navajo Nation; and

6. Provide a range of financial assistance resources including academic scholarships, grants based on need, student loans and privately-endowed grants and scholarships.
- C. Navajo Nation financial aid funds should be utilized in combination with state, federal and private resources, such as Pell grants, loans, college work study, tuition waivers, endowments, special grants and scholarships and innovative programs so that adequate financial assistance may be made to as many qualified post-secondary students as possible.
- D. Diné Scholarship Annual Fund (“DSAF”) shall be established within the Department of Diné Education. The Office shall:
1. Assist ONNSFA as an endowment by generating revenue exclusively for Navajo student scholarships and financial assistance; and
  2. Conduct fund raisers and solicit funds and initiate investment projects to generate future revenue; and
  3. Provide for the development and administration of endowed programs of academic scholarships, fellowships and grants.
- E. Post-secondary educational programs which recruit and/or serve students within the Navajo Nation shall be realistically designed to serve the educational needs of Navajo students and shall comply with the laws of the Navajo Nation.
- F. The Navajo Nation Teacher Education Consortium, (“NNTEC”) project is established within the Office of Navajo Nation Scholarship and Financial Assistance. The NNTEC shall:
1. Recruit and retain the participation of post secondary institutions to actively serve as members on the NNTEC project;
  2. Recruit and retain secondary level Navajo teachers who will instruct students in science and math;
  3. Coordinate services to Navajo and non-Navajo teacher candidates;
  4. Facilitate, collaborate and coordinate with Diné College and the Department of Diné Education in the preparation of teachers to practice and serve on the Navajo Nation;
  5. Collaborate with the Navajo Nation and other educational organizations to seek and acquire funding for early childhood, elementary and secondary teacher education;
  6. To support and advocate for the development and implementation of a Navajo Professional Education Certificate Program;
  7. To assist Navajo educators and scholars, Diné College and/or other higher education post secondary institutions to facilitate the integration of Navajo (Diné) language, culture, history, and government subjects into the Navajo Nation; and
  8. To facilitate, coordinate, and assist the consortium with the development of essential services and projects to address essential Navajo teacher issues.

§ 951. Scholarship Trust Fund – Establishment

There is established a Scholarship Trust Fund in order to provide a permanent source of income to pay for the college and higher education of Navajos and, insofar as surplus income may be available, for their secondary education and vocational training.

§ 952. Trust or non-profit educational foundation; establishment

A trust or a non-profit educational foundation, or both, shall be established for a period of no less than 20 years to administer the scholarship funds.

§ 953. Investment

The President of the Navajo Nation, with the consent and approval of the Budget and Financial Committee and the Navajo Nation Council, is authorized to proceed with the investment of the Scholarship Fund in a manner consistent with prudent investment practices for funds of this nature, and to enter into such contracts as may be required in connection therewith, taking into consideration, but not limited to, the forces of inflation which may greatly reduce the real value of the fund over a period of years, the immediate cash return required, the safety of principal, and the availability of funds when required.

§ 1101. Navajo Education Scholarship Foundation

The Navajo Education and Scholarship Foundation is a nonprofit corporation chartered under the authority of the Navajo Nation.

§ 1102. Name; place; duration

- A. The name of the corporation shall be Navajo Education and Scholarship Foundation, Inc.
- B. The principal place of business of this corporation shall be at Window Rock, Navajo Nation (Arizona).
- C. The duration of the corporation shall be perpetual.

§1103. Status

This corporation is a non-profit, non-membership corporation organized exclusively for educational and charitable purposes.

§ 1104. Purposes and powers

- A. This corporation is organized, and shall at all times be operated, exclusively to benefit the Navajo Nation and to carry out the educational purposes thereof; provided that it shall do so through activities themselves qualifying as charitable or educational within the meaning of §501(C) (3) of the Internal Revenue Code of the United States (or the corresponding provision of any future United States Internal Revenue Law), including but not necessarily limited to the advancement of education.
- B. In furtherance of these activities the corporation shall solicit funds from private and public sources for the support of broad educational goals and programs benefiting Navajo people. It shall use what funds it acquires for some or all of the following activities and for other activities not inconsistent with the purposes set forth herein as from time to time may be directed by the Board of Trustees:

1. To provide financial assistance to Navajo students enrolled in academic and vocational educational institutions, and institutions and activities which provide the training and develop the skills necessary to the survival and well-being of Navajos and the Navajo Nation.
  2. To provide financial assistance and support to academic and vocational educational institutions, and to other institutions and activities, judged suitable to provide the training and to develop the skills necessary to the survival and well-being of Navajos and the Navajo Nation.
- C. The corporation shall have the power to receive and administer funds for educational and charitable purposes, consistent with the provisions of articles of incorporation and applicable law. To that end, and only in furtherance of said purposes, the corporation may take and hold by bequest, devise, gift, grant, purchase, or otherwise, either absolutely or jointly with another, any property, real, personal, tangible, or intangible, or any interest therein, without limitation as to amount or value, to sell, convey, or otherwise dispose of such property, and to invest, reinvest, or deal with the principal or income thereof in such a manner as, in the judgment of the directors, will best promote the purposes of the corporation, without limitation except such as maybe contained in the instrument under which such property is received, these articles of incorporation, the bylaws of the corporation, or any laws applicable thereto.
- D. The corporation shall be empowered to enter contracts, and also to incur debts and liabilities not in excess of the value of its uncommitted assets.
- E. The corporation shall enjoy all powers necessary or convenient to achieve the purposes for which it is organized, including the power to sue and be sued in its corporate name and capacity.
- F. The corporation shall have the power, in general, to do any and all acts and things, within or without the Navajo Nation, and to exercise any and all powers which may now or hereafter be lawful for the corporation to do or exercise, under and pursuant to the laws of the Navajo Nation and any other applicable law, provided, however, that it is not empowered to engage in any activity which is not in furtherance of its purposes above-described.
- G. No substantial part of the activities of the corporation shall be the carrying on propaganda or otherwise attempting to influence legislation. The corporation shall not participate or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office.
- H. No part of the income of the corporation shall inure to the benefit of any trustee, or officer of the corporation, of any other private person, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its purposes above-described.
- I. The corporation shall utilize a fund accounting system. Income to the corporation shall be accounted for in such a manner as to permit tracking of the use of such income from receipt to authorized expenditure.

- J. Notwithstanding any other provisions of these articles of incorporation, the corporation shall not carry on any activities not permitted to be carried on by a corporation exempt from federal income tax under §501 (C) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law); or by a corporation, contributions to which are tax-deductible under §170 (C) (2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

#### §1105. Dissolution of the Corporation

In the event of the liquidation or dissolution of the corporation, whether voluntary or involuntary, no director, trustee, officer of the corporation, or any other private person shall be entitled to any distribution or division of its assets. Any assets remaining to the corporation at dissolution or liquidation, after paying or providing for its liabilities, shall be distributed to one or more non-profit, charitable organizations which are tax-exempt under § 501 (C) (3) of the Internal Revenue Code or its successors.

#### § 1106. Board of Trustees

- A. There shall be a board of trustees with a membership of nine, each of whom shall be an enrolled member of the Navajo Nation. Members of the board of trustees shall be educators and other representatives of the Navajo people with a known concern for the quality of Navajo education and its effect on the life of Navajos; the culture and traditions of the Diné; and the development of Navajo institutions.
- B. The board of trustees shall elect a chairperson, a secretary, and five members of the Executive Committee. The Chairman of the Board of Trustees shall serve as Chairperson of the Executive Committee.
- C. The executive committee shall be empowered to act for the board of trustee in the absence of the board, and in all matters delegated to the executive committee by the full board either through the bylaws or by resolution. The executive committee shall not act contrary to an adopted policy or resolution of the board of trustees. Actions of the executive committee shall have full legal effect when executed consistent with these articles, the bylaws, and the resolutions of the board of trustees, and where no legal obligation is impaired, may be superseded by subsequent board action, provided that not action of the executive committee may compromise or otherwise infringe upon the authority and responsibilities vested in the officers of the corporation.
- D. The board of trustees shall establish policy and general directions of the corporation; shall elect the principal officers of the corporation who shall manage the affairs of the corporation under the policies and directions established by the board; and shall elect the members of the advisory council.
- E. The nine members of the board of trustees shall as directed by the presently existing board of trustee serve in groups of three for staggered periods of one, two, and three years commencing with the adoption of these articles of incorporation by the board of trustees of the Navajo Education and Scholarship Foundation, Inc., at the time then serving.

- F. Successor members of the board of trustees shall be elected by a majority vote of a quorum of the board of trustees then serving.
- G. The nine members of the board of trustees shall serve for their designated term and until the election of their successor except when that designated term shall be abbreviated by resignation or by vote of a two-thirds majority of the members of the board of trustees then serving.
- H. The board of trustees shall meet annually in October on the Navajo Nation; and at such other times and places as may be directed by the executive committee.
- I. A majority of those members present and voting at a duly called meeting of the board of trustees at which a quorum is present shall be sufficient to determine all matters before the board of trustees except where otherwise provided in these articles of incorporation or by-laws duly adopted pursuant thereto.
- J. By direction of the executive committee of the board of trustees, matters including election of members of the board of trustees may be submitted by mail ballot. A majority of the board in such case shall consist of the vote of five of the nine members of the Board. The executive director shall conduct such ballot on behalf of the board and of the executive committee and shall certify in writing the results of any such mail or telephone ballot to the appropriate body.

§ 1107. Officers of the Corporation

- A. The officers of the corporation shall be an executive director, a secretary, and a treasurer; provided, however, that the board of trustees may direct that the secretary and treasurer be the same person in which event the officer shall be known as the secretary-treasurer.
- B. Officers shall be elected by a majority vote of the Board of Trustees, except that if the secretary and treasurer are employees of the corporation, the executive director shall recruit them, negotiate their terms of employment, employ and train them, and direct their activities.
- C. The executive director shall not be a member of the board of trustees, but shall attend all meetings of the board and of its committees and have full floor privileges without vote. The executive director shall be a full time employee of the corporation under contract. The contract may be renegotiated at any time during its term by mutual agreement in writing of the executive director and the board of trustees as evidenced by a majority vote of the board.
- D. The secretary and treasurer of the corporation may be a member of the board of trustees. If not a member, the secretary and treasurer shall attend meetings of the board of trustees and its committees as directed by the executive director. If employees of the corporation, the secretary and treasurer shall be under contract subject to the same provisions for renegotiation and termination as provided for the executive director.
- E. The executive director, secretary, and treasurer shall serve during the term of their contract and successor contracts thereto, and until the election and qualification of their successors.

- F. A vacancy occurring in any office shall be filled for the unexpired term by a person elected by a majority of the executive committee of the board of trustees, subject to ratification by a majority vote of the full voting membership of the board of trustees at its next meeting thereafter.
- G. The executive director shall act for the corporation and in its name as chief executive officer, in conformity with its articles of incorporation and bylaws, and with the policies, budgets and general or special authorities established by resolution of the Board, to:
1. Manage the affairs of the organization as its chief executive officer;
  2. Establish and, from time to time, amend tables of organization and administrative practices and procedures of the corporation for its efficient and effective operation;
  3. Arrange through purchase, lease, grant or otherwise for offices, furniture, facilities, equipment;
  4. Recruit, employ, fix the compensation and benefits of, and remove, employee of the corporation, including the secretary and treasurer of the corporation if such are employees of the corporation;
  5. Select and contract with consultants and professional services contractors;
  6. Negotiate and execute contracts, grants and other agreements committing the organization to the receipt or disposition of cash or to the acquisition, holding, or disposition of property;
  7. Complain for or defend the corporation, or otherwise represent its interests, in any judicial, administrative, or legislative proceedings;
  8. Settle, adjust, and compromise any claim, demand, right of, by or for or against the organization;
  9. Exercise such other authority as may be necessary and proper to carry out the authorities granted herein;
  10. Delegate and redelegate any or all of such authorities to other employees provided that monetary commitments are limited to \$500.00 or such other amount as the Executive Committee may from time to time establish.
- H. The secretary of the corporation shall record the minutes of all meetings of the corporation, and subject to election or appointment for such purpose, of the board of trustees and of the executive committee; and shall perform such other duties as are delegated to him by the executive director. The minutes of the corporation, the board, and of the executive committee shall be kept available at all times at the principal place of business for inspection by any trustee or the executive director.
- I. The treasurer of the corporation shall have custody of all funds of the corporation; shall keep a full and accurate account of receipts and expenditures as directed by the executive director; shall make disbursements in accordance with the approved budget and as authorized by the executive director; shall present a financial statement at every meeting of the corporation and at other times when requested to do so by

the chairperson of the board of trustees or the executive director; and shall make a full report at the annual meeting of the corporation. The treasurer shall be responsible for the maintenance of such books of account and records as conform to the requirements of the articles and bylaws. All such books of account and records shall be kept available for examination at the principal office by any trustee or the executive director.

- J. The books of account and records shall be examined and audited annually by an independent auditor hired by the board of trustees for that purpose who, satisfied that the treasurer's annual report is correct shall sign a statement of that fact.
- K. All official records of the corporation shall be safely maintained at the principal place of business by the officers of the corporation. Upon demand by any member of the board, the executive director, or the duly elected and qualified successor of an officer of the corporation, shall make available the appropriate corporate books of account and records at the principal place of business of the corporation of immediate inspection of and delivery to the successor to any officer of the corporation.

§ 1108. Advisory Council of the Navajo Education and Scholarship Foundation, Inc.

- A. There shall be an advisory council of no more than forty persons in equal classes of one, two, and three years appointed at the time of the effective date of these articles of incorporation by the board of trustees. The advisory council shall have the right to attend all meetings of the corporation and the board of trustees, to have floor privileges at those meetings, and to be notified of those meetings and the agenda therefore. Members of the advisory council shall not have a right to vote at meetings of the corporation or the board of trustees, nor for their ballots to be counted for other than advisory purposes on matters before the corporation, board of trustees, or executive committee, whether ballots are taken at a meeting or by mail or telephone.
- B. Successors to advisory council members appointed as provided above and additions to that membership shall be elected without restriction by the board of trustees of the corporation upon nomination to the board by the advisory council, by members of the of trustees, and by the executive director. Members may be removed without cause by a majority vote of the members of the board of trustees.
- C. The Chairperson of the advisory council and such other officers of the council as may be determined by the council to be appropriate shall be elected by a majority vote of those present and voting at any meeting of the advisory council, to serve for a term of one year or until a successor has been qualified an seated. The chairperson of the advisory council shall be an ex officio member without vote of the board of trustees of the corporation.
- D. At each annual and special meeting of the board of trustees and of the corporation the chairperson of the advisory council shall report to the board and corporation such matters as that chairperson may deem appropriate. The board of trustees and corporation shall by resolution respond to each matter for which the chairperson of the advisory council requests a response.

- E. The organizing meeting of the advisory council shall be at the time and place designated by the presently existing board of trustees for the organizing meeting of the board of trustees and of the corporation. The chairperson of the board of trustees shall serve as chairpersons pro temp of the advisory council until such time as the council shall have elected its officers. Therefore, the advisory council shall meet at the call of the chairperson of the board of trustees, or the executive director.
- F. The executive director shall be an ex officio member without vote of the advisory council. The executive director shall have full floor privileges at any meeting and at each meeting of the Council shall report to the council concerning the affairs of the corporation.

§ 1109. Indemnification of officers and directors

- A. Each elected trustee and officer of the corporation now or hereafter serving as such shall be indemnified by the corporation against any and all claims and liabilities to which he or she has or shall become subject by reason of serving or having served as such trustee or officer or by reason of any action alleged to have been taken, omitted, or neglected by him or her as such trustee or officer; and the corporation shall reimburse each such person for all expenses including legal expenses, actually and reasonably incurred by him or her in connection with such claim or liability, provided, however that no such person shall be indemnified against, or be reimbursed for any expense incurred in connection with any claim or liability arising out of this or her own willful misconduct or gross negligence.
- B. The right or indemnification herein above provided for shall not be exclusive of any rights to which any director or officer of the corporation may otherwise be entitled by law.
- C. The bylaws may contain further provisions as to indemnification, not inconsistent with the foregoing.

§ 1110. Amendment of Articles

These articles of incorporation may be amended by a majority vote of the Board of Trustees. Prior written notice of at least two weeks shall be give to all members of the Board of Trustees of any proposed change in the articles.

§ 1111. Bylaws

The Board of Trustees shall adopt bylaws for the corporation by majority vote of the members of the board with vote, and the same may be and the same, may be taken by mail ballot. Bylaws may be amended by the board by majority vote of the members of the board with vote, and the same may be taken by mail ballot.

§ 1112. Agent for service of process

The executive director of the foundation, is appointed the agent for service of process for the corporation. The mailing address to which any notice required by law may be mailed is: Executive Director, Navajo Education and Scholarship Foundation, Inc., PO Box 2360, Window Rock, Arizona 86515.

## § 1113. Jurisdiction

The Courts of the Navajo Nation shall have jurisdiction over all causes of action brought against the corporation and all causes of action involving the corporation which arise within the jurisdiction of the Navajo Nation.

## § 1401. Adult education

The Navajo adult population has a right to educational programs that meet their education needs and aspirations, and that are accessible to them in terms of proximity to home and work, time of day and expense. The Navajo Nation recognizes the importance of adult education and encourages public and private entities to develop and offer programs of adult education, including, but not limited to adult basic education, pre-GED and GED education, basic vocational education, community education, consumer education, health education, and related adult programs. The Navajo Nation shall include adult education as a permanent component within its educational planning. All administrative entities within the Navajo Nation with responsibilities for education, training, community health, and related areas shall coordinate to assure that adult education opportunities are afforded to the Navajo population consistent with Navajo Nation laws and policies, and shall seek ways of improving the number, quality and availability of adult educational offerings.

## § 1402. Vocational rehabilitation and opportunities for persons with disabilities

- A. All Navajo people are entitled to participate fully in the economic, social, cultural and political life of the Navajo Nation regardless of the person's disability. All public and private entities within the Navajo Nation shall cooperate with the Navajo Nation Advisory Council on the HANDI-Capable in implementing this policy. Every public and private entity within the Navajo Nation shall:
1. Recognize Navajo People with disabilities as potentially productive members of society.
  2. Encourage the Navajo population with disabilities to reach optimum levels of economic independence and political, societal and cultural participation; and
  3. Make reasonable accommodation to the special needs of persons with disabilities, including the need for site accessibility, in regard to employment, housing, public accommodations, social services, transportation, recreation, educational and training opportunities, and community services and assure the availability of these services on an equitable, non-discriminatory basis.
- B. The Navajo Nation Advisory Council on the HANDI-Capable is responsible for assuring that all Navajo people have the opportunity to realize their potential to the extent of their physical and mental capabilities. The Council has such powers and responsibilities as are prescribed in its Plan of Operation and in other applicable Navajo Nation law. The Council shall work with other appropriate Navajo Nation governmental entities and with all service providers, public and private, to:

1. Establish coordination and joint planning for delivery of services to Navajo persons with disabilities from birth through adulthood as close to home as possible;
2. Establish a continuum of appropriate services for all degrees of disability and all stages of the life cycle;
3. Eliminate service gaps and avoid duplication of services; and
4. Maximize available resources.

§ 1403. Vocational training

- A. It is the policy of the Navajo Nation to cooperate and collaborate with any unions desiring to participate in similar training programs which they may maintain to the end that the classification of Navajo workers in a representative number of skills, crafts, and trades becomes a reality before they become members of a union rather than to have them join unions first as common laborers and thereafter attempt to improve their classifications within the framework of the unions.
- B. All programs providing vocational training in the Navajo Nation or for the benefit of Navajo students shall cooperate with the Navajo Nation in implementing 10 NNC § 122, "Vocational Education and Career Education".

§ 1404. Adult education planning; program; development; purpose

- A. The Navajo Nation, through the Education Committee of the Navajo Nation Council, shall develop plans for the improvement of adult education opportunities so that all Navajo People residing on or near the Navajo Nation, who desire and can profit from additional training, will be provided with opportunities therefore. The Education Committee shall work with all educational providers, private sources and governmental entities concerned with adult education in the planning process.
- B. The adult education plans shall have for their purpose the improvement of the minds, interests and living conditions of the greatest possible number of adult Navajos.

§ 2001. Establishment; charter

Diné College is chartered and established as a nonprofit educational institution wholly owned by the Navajo Nation, to act for and on behalf of the Navajo Nation Council within its areas of responsibility as defined by this chapter. The charter previously granted by Resolution CN-95-68 of the Navajo Nation Council is hereby amended. Diné College shall have the authority as a distinct and semi-independent agency of the Navajo Nation Council, within the limits and guidelines set forth in this chapter, to conduct its activities anywhere within the Navajo Nation or elsewhere.

§ 2002. Purposes

Diné College is created by the Navajo Nation Council for the following purposes:

- A. To provide educational opportunities to the Navajo People and others in areas important to the economic and social development of the Navajo Nation through:

1. College Degree Program: which provides students with certificate programs, associate, baccalaureate, graduate. And post-graduate degrees when such degree programs are accredited.
  2. Technical Skills Program: which provides students with technical training and skills in fields that allow direct employment opportunities.
  3. Navajo and Native American Studies Program: which provides learning experiences enabling students to develop a clear sense of identity, learn the Navajo language and develop unique skills useful to Navajo and Native American communities.
  4. Creating and enforcing student respect for the rights of others and preservation of orderly, democratic and traditional values.
- B. To provide services to Navajo communities by:
1. Assessing and identifying community needs;
  2. Developing programs and working with other agencies to meet community educational needs; and
  3. Providing other services to the communities related to the educational process.
- C. To provide the following additional services related to the effective operation of the college facility and programs:
1. Continually study and inventory the educational needs of the Navajo Nation, and develop long-range plans to meet these needs, including implementation of a plan to obtain accreditation for the Diné College as a baccalaureate and postgraduate institution.
  2. Provide a research and technical assistance to the Navajo Nation Council and its committees, the Navajo Nation and its departments and agencies, and other organizations and enterprises.
  3. Extend and offer educational opportunities by establishing multiple remote campuses and distributive learning centers.
  4. Offer students career counseling and placement services.
  5. Evaluate and improve the effectiveness of Diné College programs by maintaining communication with former students.
  6. Provide effective administrative support and student services to assure full utilization of the educational programs and maximum efficient use of budgeted funds.
  7. Encourage educational excellence in Diné College students by developing high scholastic standards to measure accomplishment and award degrees to students meeting such standards.
- D. Diné College shall formulate and deliver land-grant institution programs in natural and rural development, classroom instruction, extension and research consistent with the Equity in Educational Land Grant Status Act of 1994, and thereby participate and collaborate fully with entities of the Navajo Nation and with other land grant colleges and universities to meet the human resource development needs of the Navajo people and others.

§ 2003. Board of Regents; selection

- A. The full authority and control over Diné College, and responsibility for accomplishment of its purposes, is delegated to a Board of Regents. Subject to other applicable laws, employees and officials of the Navajo Nation and candidates for Navajo Nation offices shall not interfere with or interrupt the day-to-day activities of the Board of Regents or Diné College employees carrying out college education programs.
- B. The Board of Regents shall consist of eight (8) members, including the Chairperson of the Education Committee or the committee's designee, the Navajo Nation Superintendent of Schools, and the President of the Diné College Study Body who shall be full official members. Five shall be enrolled members of the Navajo Nation and subject to confirmation and removal by the Government Services Committee of the Navajo Nation Council to each of the five agencies of the Navajo Nation. In the event that the Government Services Committee within thirty (30) days declines or fails for any reason to pass a resolution confirming an appointment made by the President, the appointee shall not sit as a Regent and the President shall submit an alternative appointee within two weeks of the Government Services Committee action declining to confirm the appointment, or the expiration of the thirty (30) day period for confirmation.
- C. Qualifications for Diné College Board of Regents Candidates:
  - 1. All appointed members of the Board of Regents must meet the following qualifications:
    - a. Must maintain continuous residence and voter registration within a Chapter within the Agency of the Navajo Nation which they are appointed to represent, during the period of their term; and
    - b. Must be at least eighteen (18) years of age at the time of the appointment; and
    - c. Must not be an employee of the Diné College; and
    - d. Must not have a conflict of interest arising from any Navajo Nation, state, or federal laws regarding his or her appointment; and
    - e. Must not have been convicted of a felony within the five (5) years preceding the date of appointment.

#### § 2004. Tenure

- A. The Chairperson of the Education Committee, the Navajo Nation Superintendent of Schools, and the President of the Student Body shall serve while they hold their respective offices.
- B. Appointed members shall serve six (6) year terms. Each of the five appointed members shall serve staggered terms, to be determined by lot at the time of the first meeting of the Board of Regents following confirmation of the first set of appointed members seated under the provisions of § 2003. At the initial meeting of this Board, the members shall determine by lot which agency representative shall serve a six, five, four, three, and two year term. The terms for future appointed agency representatives shall continue to be staggered in accord with the results of this lot. Each of the appointed members shall serve

with full rights and privileges until his successor has been duly appointed, qualified and seated.

- C. Members may be reappointed for no more than two (2) successive terms.

§ 2005. Resignation and removal

Any Regent, except the Chairperson of the Education Committee, the Navajo Nation Superintendent of Schools, and the President of the Student Body, may resign at any time by giving written notice to the President of the Board of Regents. Such resignation shall take effect at the time specified in the notice without the necessity of acceptance. Any appointed member may be removed by the Government Services Committee when in their judgment, the best interests of Diné College will be served thereby.

§ 2006. Vacancies

Vacancies on the Board of Regents that occur for any reason shall be filled by appointment in accordance with § 2003 and confirmed by the Government Services Committee for the balance of that member's term.

§ 2007. Meetings, special meetings, notice; meeting items; executive session

- A. The Board of Regents shall have an annual meeting on the first Wednesday of October each year at 10:00 A.M. at the Diné College campus at Tsaile, Navajo Nation, (Arizona), and such other regular meetings at such time and place as established by the Board, but not less than one meeting each quarter.
- B. Special meetings may be called upon at least 24 hours actual notice to all Regents by the President or the Vice-President of the Board of Regents or by any three Regents acting in concert.
- C. Any matter pertaining to Diné College may be discussed and acted upon by the Board at any regular or special meeting at which a quorum is present and notice requirements were met.
- D. The Board may vote to declare all or any part of any meeting involving personnel matters, litigation or other confidential matters to be an executive session and closed to everyone except Regents, and such other persons as are expressly requested to attend. No resolutions shall be passed or formal action taken in executive session.

§ 2008. Quorum

A quorum for any meeting of the Board shall be five (5) members, and no formal action of the Board shall be valid unless a quorum is present. The quorum requirement shall be met only by actual physical presence of Regents and not by any other representation or proxy, except that the chairperson of the Education Committee of the Navajo Nation Council may send the Vice Chairperson or a member of the Education Committee.

§ 2009. Faculty representative

The faculty of Diné College shall select a representative to attend all regularly scheduled open meetings of the board, to serve as a liaison and promote direct and open communications about the concerns and opinions for the faculty. When present, the

representative shall be extended an opportunity to address the board and participate in board discussion.

§ 2010. Officers and support personnel

Any Regent may serve in any office, but each officer must be a current member of the Board of Regents. At the annual meeting, the Board of Regents shall select the following officers to perform the following duties:

- A. President. The President of the Board of Regents shall preside at all meetings during which he or she is present, except as he may voluntarily delegate such function to another. He or she shall have the authority to call special meetings of the Board and certify resolutions as provided in this chapter, and in general perform all duties incident to the office of Board President, including such duties as may be described in the Bylaws or policies and regulations or assigned to him or her by the Board of Regents.
- B. Vice-President. The Vice-President of the Board of Regents shall preside at all meetings of the Board in the absence of the President, and shall discharge any other duties assigned by the President or the Board.
- C. Secretary. The Secretary shall have overall responsibility to maintain complete and accurate minutes of all meetings, and all resolutions or other formal Board action to be properly recorded, indexed and retained for future reference, and shall see that all required notices are duly given. The Secretary shall have authority to attest to officials records of Diné College and the Board of Regents, to certify resolutions as provided in this chapter.
- D. Treasurer. The Treasurer shall have overall responsibility for proper control and accounting of Diné College funds in an advisory capacity. He or she shall maintain liaison between the Board of Regents and the Controller and Business Manager of Diné College and bring appropriate financial information and recommended action to the attention of the Board. The Treasurer shall have no direct authority over the expenditure or investment of Diné College funds excepts as may be expressly granted by formal Board resolution, and may be required by the Board to give a bond for his or her faithful performance.
- E. Support Personnel. The Board may request the College President, through administrative staff, to provide secretarial or other assistance to the Board.

§ 2011. Board action

All official action of the Board shall require formal motion, a second and an affirmative vote of a majority of those Regents present, and voting at duly called regular or special meetings of the Board with a quorum present or a duly formed committee, and shall be reduced to writing and certified by the presiding officer or secretary. The written form may be a separate and distinct resolution or may be contained in the official minutes of the meeting, in which event the minutes shall be properly certified. No individual power or authority to act for on behalf of Diné College shall attach to any Regent by virtue of that office, except as may be expressly given by this chapter, the Bylaws, or resolution of the Board.

#### § 2012. Bylaws

The Board may adopt, and amend from time to time, Bylaws to govern the conduct of its meetings and establish procedures for the orderly transaction of business. Such Bylaws may further define the duties, authority and responsibility of officers of the Board, and cover such other matters as are normal and appropriate to similar corporate Bylaws. The Bylaws shall be effective to the extent they are not repugnant to this chapter or the applicable laws and regulations of the Navajo Nation and the United States. Whenever adopted or amended, a copy of the Bylaws will be transmitted to the President of the Navajo Nation and to the Education Committee.

#### § 2013. Committees

The Board may select such committees as it deems appropriate from among its members to work in general or specialized areas of responsibility, and may empower such committee to act for and on behalf of the Board to the extent it desires.

#### § 2014. Compensation

By formal resolution, the Board may establish rates of compensation and procedures for payment and reimbursement of expenses of Board members, consistent with applicable policies and regulation of the Navajo Nation. The Board shall have discretionary authority to provide different rates for officers and committee members as it sees fit, or for any Regent assigned a special responsibility. A copy of any resolution establishing or amending any financial benefit to the Board, or any member of the Board, shall be promptly transmitted to the President of the Navajo Nation and to the Education Committee.

#### § 2015. Conflicts of Interest

- A. No contract or other transaction between Diné College and any one of the Regents, or between Diné College and any corporation, partnership, firm or legal entity in which one or more of the Regents has an interest, directly or indirectly, shall be valid for any purpose, unless the entire interest of the Regent or Regents has been fully disclosed as required by the Ethics in Government Law, and the proposed contract or transaction is approved by the affirmative vote of at least a majority of the Board members who are not so interested. The discussion and vote shall take place while the interested Regent or Regents remove themselves from the meeting.
- B. In its discretion, the Board of Regents may submit questions of conflicts of interest to the Ethics and Rules Committee of the Navajo Nation Council for review and an advisory opinion.

#### § 2016. Responsibility of the Board of Regents

The Board of Regents shall have overall responsibility to the Navajo Nation Council for the accomplishment of the purposes of Diné College as stated in this chapter, and more specifically shall:

- A. Report and be responsible to the Navajo Nation Council and its Education Committee for progress towards the fulfillment of the purposes of Diné College. The Board of Regents shall prepare and submit a written Annual

Report to the Navajo Nation Council, or as otherwise requested by the Council or the Education Committee, to be delivered verbally by the President of the Board of such other representative designated by the Board, when requested.

- B. Maintain and safeguard the funds of Diné College according to reasonable and prudent financial accounting standards and practices, and utilize such funds for the long range accomplishment of the purposes of Diné College. The Board of Regents shall be accountable for all Navajo Nation, federal, and other funds entrusted to it, which accountability shall include retaining a reputable and accountable independent firm of certified public accountants to examine the books and accounts of Diné College, and to prepare and deliver an opinion and report of said accounts and financial procedures to the Board of Regents and to the Navajo Nation Council at least annually. However, no individual Regents shall be held personally liable, and shall be indemnified against liability by Diné College, for any action or decision made by that Regent in good faith belief that the action or decision was in the best interests of Dine' College and within the scope of his authority. The Controller of the Navajo Nation, the Budget and Finance Committee and the Education Committee shall be advised what accounting firm is selected to perform the annual examination and audit.
- C. Establish the policies and procedures to be followed by Diné College in its pursuit of the purposes stated in this chapter, and employ or retain qualified personnel, or outside assistance as necessary to define proper and effective policies and procedures.
- D. Administer the routine and special affairs of Diné College through employment of qualified and competent staff of educational and administrative personnel, extending an employment preference to qualified members of the Navajo Nation.
- E. Conduct the business of Diné College in an authorized and lawful manner, and subject to applicable laws retain qualified and competent attorneys for consultation with the Board and preserving and defending the legal rights and interests of Diné College.
- F. Communicate with appropriate committees and representatives of the Navajo Nation Council, United States Congress, and federal, state and private agencies in a position of responsibility and authority to support the mission and objectives of Diné College, and submit appropriate proposals and applications for financial, technical and other assistance as may be available and consistent with the purposes of Diné College.

§ 2017. Powers and authority of the Board of Regents

- A. Diné College is a creation of the Navajo Nation Council, shall be under the control of the Navajo Nation Council and shall be governed by laws, rules, regulations and policies duly enacted by the Navajo Nation Council or the Education Committee pursuant to its delegated authorities; it shall have perpetual succession.

- B. Diné College, through its Board of Regents, shall have the following powers which it may exercise consistent with the purposes for which it is established:
1. To adopt and use an official seal by causing it, or a facsimile thereof, to be impressed or affixed or in other manner reproduced.
  2. To make agreements and incur liabilities which may be appropriate to enable Diné College to accomplish any or all of its purposes, to borrow money for such purposes at such rates of interest as Diné College may determine, to issue notes, bonds and other obligations, subject to the provisions hereof concerning the issuance of its obligations, and to secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property and income with the approval of the Navajo Nation Council. Diné College shall not have power to mortgage, pledge, or encumber and real estate or tangible property of the Navajo Nation, nor any such property in which the Navajo Nation has an interest.
  3. To make agreements with and to borrow money to a maximum single transaction limit of \$2,000,000.00, from any governmental agency (federal, state or local), the Navajo Nation or any other legal entity or bank, or organization, and to agree to and perform any conditions attached thereto. Any loan in excess of \$2,000,000.00 must have prior approval by the Budget and Finance Committee of the Navajo Nation Council.
  4. To take and hold by purchase, lease, gift, devise or bequest, or otherwise; to own, hold, use, and otherwise deal in and with any real or personal property, or any interest therein; and to sell, convey, mortgage, pledge, create a security interest in, lease or otherwise dispose of all or any part of its property and assets. Diné College shall not have power to sell, convey, mortgage, pledge or encumber any real estate or tangible property of the Navajo Nation, nor any such property in which the Navajo Nation has an interest, and any leases or subleases of Diné College shall require approval by the Resources Committee of the Navajo Nation Council.
  5. To invest its funds from time to time in any certificates of deposit or similar investments, tangible or intangible personal property, or real property located within Navajo County, to lend money for its lawful purposes, and to take and hold real and personal property as security for the payment of funds so invested or loaned. Investment in real property outside Navajo Country may only be made with the prior approval of the Budget and Finance Committee of the Navajo Nation Council.
  6. To purchase insurance for any property or against any risks or hazards.
  7. To establish and maintain such bank accounts as may be necessary and proper.
  8. To hire employees, including all necessary administration and instructional personnel and other educational assistants and such officers, agents, and employees, permanent or temporary, as it may

require, and to delegate to such officers and employees such powers or duties as the Board of Regents shall deem proper and to fix their compensation, all in accordance with this chapter.

9. To adopt such rules, regulations and Bylaws as the Board of Regents deems necessary and proper.
10. To establish standards for graduation, admission and attendance and to prescribe the course of study to be followed, to charge tuition, board charges, rent, student union fees or such other fees and charges necessary to operate the College.
11. To issue, upon the recommendation of the faculty, diplomas to such persons as have satisfactorily completed the required programs of studies of the College and to confer appropriate degrees.
12. To acquire, by purchase or otherwise construct, enlarge, improve, equip, complete, operate, control, maintain, and operate any property suitable for use as an education facility, including but not limited to the following types of buildings: classrooms, dormitories, dining halls, and offices.
13. To promulgate rules and regulations for the protection of both private and Diné College property, and persons on the campus. Specifically, the Board of Regents may adopt reasonable rules regarding use of Diné College facilities, parking on campus, and conduct of visitors and residents on College property. The Board may adopt a schedule of fines to enforce its rules, and shall also have authority to expel persons from the campus for repeated violations.
14. To establish and operate, on a continued basis, a campus police and security force in order to enforce applicable Diné College, Navajo Nation, federal and state laws and regulations and to handle other duties relating to public safety on Diné College property. Employees of the campus police and security force who hold valid current commissions as police officers of the Navajo Nation shall be entitled to exercise all powers of a commissioned police officer of the Navajo Nation while on Diné College property.
15. To have and exercise all powers necessary or convenient to effect any and all of the purposes for which this charter and chapter is granted, and to discharge the responsibilities place upon the Board of Regents herein.

#### § 2018. Bonds

- A. The College may, with the review of the Navajo Nation Controller and the approval of the Navajo Nation Council, issue bonds from time to time in its discretion for any of its lawful purposes. Bonds, including the terms, conditions and covenants contained in the resolution authorizing such bonds, shall evidence claims against and obligations of the College which are justifiable in the Navajo Nation Courts. And resolution authorizing bonds to which revenues are pledged may contain such covenants with the future holder or holders of the bonds as to the management and operation of the

affected facilities, the imposition and collection of fees and charges for commodities and services furnished thereby, the disposition of such fees and revenues, the issuance of future bonds, the creation of future liens and encumbrances against such facilities, the carrying of insurance, the keeping of books and records, the deposit and paying out of revenues and bond proceeds, the appointment and duties of a trustee, and other pertinent matters as may be deemed proper by the Board of Regents.

- B. The College may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable:
1. Exclusively from the income and revenues of the project financed with the proceeds of such bonds, or with such income and revenues together with a grant from the federal, state or local government in aid of such project;
  2. Exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such bonds; or
  3. From its revenues generally. Any of such bonds may be additionally secured by a pledge of any revenues of any project, projects or other property of the Diné College.
- C. The bonds and other obligations of the Diné College shall not be considered to be obligations general, special or otherwise of the Navajo Nation, nor to be securities or a debt of the Navajo Nation, and shall not be enforceable against the Navajo Nation, and the bonds and obligations shall so state on their face. However, the Navajo Nation Council may by separate action guarantee such bonds on behalf of the Navajo Nation.
- D. Any coupons shall be signed by the Treasurer of the Diné College. Any authorized officer may execute or cause the bonds to be executed with a facsimile signature in lieu of his or her manual signature, provided at least one signature on such bonds shall be manual. The seal of the Diné College may be printed, stamped, engraved, or photographed on the bonds in lieu of impressing the seal thereon. Facsimile signatures may be used on any coupons.
- E. Bonds shall be issued and sold in the following manner:
1. Bonds of the Diné College shall be authorized by resolution adopted by the vote of an absolute majority of the Board of Regents, and may be issued in one or more series.
  2. The bonds shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be payable in such medium of payments at such places and be subject to such terms of redemption, with or without premium, as such resolution may provide.
  3. The bonds may be sold at public or private sale at not less than par.
  4. Bonds issued hereunder shall be executed in the name of the Diné College, shall be signed by the President or the Vice-President of the

Board of Regents under the official seal of the Diné College and shall be attested by the Secretary of the Board of Regents.

5. The bonds, any coupons pertaining thereto, and other securities, bearing the signatures of the officers in office at the time of the signing thereof, shall be valid and binding obligations of the Diné College, notwithstanding that before the delivery thereof and payment therefore, any and all of the persons whose signatures appear thereon have ceased to fill their respective offices.
6. Any officer authorized or permitted to sign any bonds, any coupons, or any other securities, at the time of their execution and of a signature certificate pertaining thereto, may adopt as and for his own facsimile signature, the facsimile signature of this predecessor in office in the event that such facsimile signature appears upon the bonds, coupons and other securities pertaining thereto, or any combination thereof.
7. The Board of Regents, in any resolution authorizing the issuance of bonds or other securities hereunder or in any instrument or other proceedings pertaining thereto, may create special funds and accounts for the payment of the cost of a project, of operation and maintenance expenses, of the securities, including the accumulation and maintenance of reserves therefore, of improvements, including the accumulation and maintenance of reserves therefore; and of other obligations pertaining to the securities, any project or otherwise in connection with the College.
8. The Diné College may employ legal, fiscal, engineering, and other expert services in connection with any project or otherwise appertaining to the Diné College and the authorization, sale and issuance of bonds and other securities hereunder. Employment of legal counsel shall be subject to applicable laws of the Navajo Nation.
9. The Diné College is authorized to enter into any contracts or arrangements, not inconsistent with the provisions hereof, with respect to the sale of bonds or other securities hereunder, the employment of bond counsel, and other matters as the Board of Regents may determine to be necessary or desirable in accomplishing the purposes hereof.

§ 2019. Planning, zoning, sanitary and building regulations

All property of the Diné College shall be subject to the planning, zoning, sanitary and building laws and regulation applicable to the locality in which the Diné College property is situated.

§ 2020. Tax exemption

The property and funds of the Diné College are declared to be public property used for essential public and government purposes and such property and the Diné College are exempt from all taxes and special assessments of the Navajo Nation and other authorities.

§ 2021. Sovereign Immunity

The Navajo Nation Sovereign Immunity Act shall be applicable to the Diné College and the Diné College Board of Regents.

§ 2022. Amendments

The Navajo Nation Council is authorized to consider and grant final approval on behalf of the Navajo Nation to any amendments or modifications to this chapter. This authority, however, is subject to and limited by the continuing integrity of the portions of this chapter entitled “Bonds” and any other portion justifiably relied upon by any purchaser of bonds or holder of bonds issued by Diné College or any evidences of indebtedness issued by Diné College, to the extent that any modifications or amendments hereafter approved by the Navajo Nation Council may not have the effect of prejudicing the rights of such purchasers or holders, or detract from the validity of such bonds or evidences of indebtedness and their enforcement.

§ 2023. Relation to Navajo Nation government

The Diné College is subject to the laws of the Navajo Nation.

## Section 4. Amendments to Title 2 of the Navajo Nation Code

The Navajo Nation Council hereby amends the Navajo Nation Code, Title 2 as follows:

## § 484. Powers

- A. The Committee shall have such powers as are necessary and proper for the accomplishment of the purposes set forth above.
- B. The powers of the Committee are:
  1. Promulgate regulations, policies and procedures to implement Navajo Nation education laws.
  2. Review and make recommendations on all education-related legislation coming before the Navajo Nation Council.
  3. Review, sanction and authorize applications, reapplications and amendments for Indian Self-Determination Act contracts and grants under the Tribally Controlled Schools Act for the operation of education programs, subject to final approval by the Intergovernmental Relations Committee. Approval or denial of reauthorizations of contract and grant applications by the Education Committee shall constitute approval or denial by the Tribal governing body, without further consideration by the Intergovernmental Relations Committee of the Navajo Nation Council.
  4. Serve as the oversight committee of the Navajo Department of Diné Education, the Navajo Nation Board of Education, and colleges within the Navajo Nation.
  5. Assist, support and coordinate with local communities, parent organizations and school boards and school board organizations.
  6. Represent the Navajo Nation in consultation with federal, state and local officials regarding any proposed changes in federal education legislation or educational programs, including new schools (including charter schools), school closures, consolidations, education budget initiatives and the like. The Committee shall, where appropriate, seek concurrence of the Intergovernmental Relations Committee of the Navajo Nation Council or the Navajo Nation Council in framing official responses from the Navajo Nation to proposals for major changes in educational programs, such as proposal regarding major school closures or transfers of jurisdiction.
  7. Review and approve any programs offered on the Navajo Nation by off-Navajo Nation post-secondary institutions or any “nonresident” or home study post-secondary programs for which student recruitment activities are conducted on the Navajo Nation.

## § 1801. Establishment

- A. There is established the Department of Diné Education within the Executive Branch of the Navajo Nation Government.

- B. The Department of Diné Education (“Department”) is the administrative agency within the Navajo Nation with responsibility and authority for implementing and enforcing the educational laws of the Navajo Nation. The Department is subject to and carries out the laws adopted by the Navajo Nation Council. In exercising its responsibilities, the Department shall seek to work cooperatively with schools serving the Navajo Nation.

§ 1804. Staffing and organization

- A. The Department is under the immediate direction of the Navajo Nation Superintendent of Schools, subject to the overall direction of the Navajo Nation Board of Education. The Navajo Nation Superintendent of Schools is appointed by the Navajo Nation Board of Education, subject to confirmation by the Navajo Nation Council.
- B. The Navajo Nation Superintendent of Schools shall serve at the pleasure of the Navajo Nation Board of Education. All personnel other than the Navajo Nation Superintendent of Schools shall be subject to all of the Personnel Policies and Procedures of the Navajo Nation.
- C. The Department shall be comprised of such programs and administrative components as may be deemed necessary, subject to availability of appropriations, and legislative approval of Department and/or, program Plans of Operation.

§ 1805. Responsibility and authority

In carrying out its responsibilities the Department, through the Superintendent of Schools, is authorized and directed to:

1. Establish cooperative arrangements with other divisions and programs within the Navajo Nation and with education organizations and entities.
2. Negotiate cooperative arrangements and intergovernmental agreements with local, state and federal agencies and governmental bodies, subject where required, to the approval of the Navajo Nation Council or designated standing committee.
3. Inquire into the educational situation of Navajo students in any school or educational program serving the Navajo Nation or receiving program funds for the education of Navajo youth or adults. The authority to make inquiries granted to the Department in this subsection extends to all affected school sites.
4. Determine the impact of educational programs on Navajo students by inquiring into areas of concern, such as achievement data, test results, budgets, language proficiency, special educational programs, supplemental programs, staffing, social and economic variables, curriculum, health and safety, adequacy and accessibility of facilities, and other areas of inquiry relevant to the educational situation of Navajo students.
5. Comply with federal and, where appropriate, state requirements regarding confidentiality of records.

6. Report the results of its inquiries to the Education Committee of the Navajo Nation Council and to the Navajo Nation Board of Education (“Board”) and local community school boards, school board association, communities and other entities serving the Navajo Nation affected by the subject matter of these inquiries.
7. Make recommendations in its reports for the improvement of Navajo education.
8. Upon a directive from the Board, assume control of community controlled schools in situations where problems have been identified that hamper the education of students in the school and the problems are determined to be beyond the school’s ability to resolve.
9. Report quarterly to the Board on the state of Navajo education, and
10. Shall implement the procedures, policies, directives and guidance as approved by the Board related to the education of Navajo children and the enforcement of Navajo Nation laws.
11. The Department shall be available to work with schools, school districts, governing boards, local communities and other appropriate entities to develop plans for the implementation of Navajo educational laws, to coordinate utilization of available resources and to assist in the development of new resources. The Department shall assure that its staff have and receive appropriate professional training in order to keep informed of current educational methodologies, laws, regulations, and research.

#### § 1806. Legislative oversight

The Education Committee of the Navajo Nation Council is the oversight committee for the Department of Diné Education pursuant to 2 N.N.C. §484 (B) (4).

#### § 1807. Amendments

Amendments to the enabling legislation for the Department of Diné Education shall only be made by the Navajo Nation Council. The plan of operation for the Department of Diné Education may be amended by the Government Services Committee of the Navajo Nation Council upon the recommendation of the Education Committee of the Navajo Nation Council and at the request of the Navajo Nation Board of Education.

#### § 1808. Promulgation/implementation of rules

The Department, upon approval of the Navajo Nation Board of Education and Education Committee of the Navajo Nation Council may promulgate policies, procedures, rules and regulations for all programs within the Department not inconsistent with Navajo Nation, and applicable federal and state laws.

#### Section 5. Reference to Division of Diné Education

The Navajo Nation Council hereby determines that all references to the Division of Diné Education currently found within the Navajo Nation Code shall henceforth be deemed to refer to the Department of Diné Education.

#### Section 6. Transition

The Navajo Nation Council hereby determines that all employees, including the Executive Director, the facilities, equipment, supplies and other assets of the Division of Diné Education shall be deemed transferred to the Department of Diné Education. The President of the Navajo Nation shall make all six (6) appointments to the Navajo Nation Board of Education by no later than March 1, 2005, in order to allow the Education Committee to consider confirmation of all six (6) appointments by no later than its first meeting in March 2005.

#### Section 7. Codification

The provisions of this Act which amend the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The office of Legislative Counsel shall include this Act in the next recodification or supplement of the Navajo Nation Code, to the extent practicable.

#### Section 8. Savings Clause

Should any provisions of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, or any other court of competent jurisdiction, those portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 59 in favor and 19 opposed, this 19<sup>th</sup> day of July 2005.

Signed by Lawrence T. Morgan, Speaker  
Navajo Nation Council  
7/21/05  
Date

Motion: Harry Goldtooth  
Second: David Tom

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

Signed by Joe Shirley, Jr., on 7/22/05  
Joe Shirley, Jr., President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2005 for the reason (s) expressed in the attached letter to the Speaker.

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Joe Shirley, Jr., President  
Navajo Nation