

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0262-24

SPONSOR: George Tolth

TITLE: An Action Relating to Health, Education and Human Services; Rescinding Resolution HEHSCMY-12-12, Entitled “ Relating to Health, Education and Human Services; Delegating Health, Education and Human Services Committee Power Set Fort at 2 N.N.C. § 401(B)(4)(b) to the Navajo Board of Education to Increase Efficiency and Streamlining of Government Processes in This Matter Pursuant to the Committee-Approved Administrative Rules and Regulations Governing This Delegation and the Rescission of Such Delegation”; Approving Guidelines for Reauthorization Under Public Law 93-638 and Public Law 100-297 Contract Reauthorization Application and Approval

Date posted: December 09, 2024 at 3:46PM

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Office of Legislative Services
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(928) 871-7586

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0262-24

DATE: December 4, 2024

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; RESCINDING RESOLUTION HEHSCMY-12-12, ENTITLED “AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; DELEGATING HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE POWER SET FORTH AT 2 N.N.C. § 401 (B)(4)(b) TO THE NAVAJO BOARD OF EDUCATION TO INCREASE EFFICIENCY AND STREAMLINING OF GOVERNMENT PROCESSES IN THIS MATTER PURSUANT TO THE COMMITTEE-APPROVED ADMINISTRATIVE RULES AND REGULATIONS GOVERNING THIS DELEGATION AND THE RESCISSION OF SUCH DELEGATION”; APPROVING GUIDELINES FOR REAUTHORIZATION UNDER PUBLIC LAW 93-638 AND PUBLIC LAW 100-297 CONTRACT REAUTHORIZATION APPLICATIONS AND APPROVALS

FINAL AUTHORITY: Health, Education and Human Services Committee

VOTE REQUIREMENT: Simple Majority

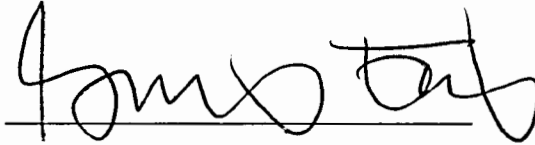
PURPOSE: The purpose of this proposed resolution is to rescind Resolution HEHSCMY-12-12 and return reauthorization approval to HEHSC.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD Al McKel III
Website Posting Time/Date _____
Posting End Date: 12/14/24
Eligible for Action: 12/15/24

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 25th NAVAJO NATION COUNCIL -- Second Year, 2024

3 INTRODUCED BY

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7 (Prime Sponsor)

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10 TRACKING NO. 0262-24

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12 AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES;
13 RESCINDING RESOLUTION HEHSCMY-12-12, ENTITLED "AN ACTION
14 RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; DELEGATING
15 HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE POWER SET
16 FORTH AT 2 N.N.C. § 401 (B)(4)(b) TO THE NAVAJO BOARD OF EDUCATION
17 TO INCREASE EFFICIENCY AND STREAMLINING OF GOVERNMENT
18 PROCESSES IN THIS MATIER PURSUANT TO THE COMMITTEE-APPROVED
19 ADMINISTRATIVE RULES AND REGULATIONS GOVERNING THIS
20 DELEGATION AND THE RESCISSION OF SUCH DELEGATION"; APPROVING
21 GUIDELINES FOR REAUTHORIZATION UNDER PUBLIC LAW 93-638 AND
22 PUBLIC LAW 100-297 CONTRACT REAUTHORIZATION APPLICATION AND
23 APPROVAL

24
25 **BE IT ENACTED:**

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27 **SECTION ONE. AUTHORITY**

28 A. The Health, Education and Human Services Committee is a standing committee of the
29 Navajo Nation Council. 2 N.N.C. § 400(A).
30

1 B. The Health, Education and Human Service Committee is authorized to approve, sanction
2 and authorize application, reapplications, reauthorization and amendments for Indian Self-
3 Determination and Education Assistance Act contracts and grants under the Tribally
4 Controlled Schools Act for the operation of education programs, approval or denial of
5 authorizations and reauthorizations shall constitute approval or denial by the Navajo
6 Nation. 2 N.N.C. § 401(B)(4)(b).

7
8 **SECTION TWO. FINDINGS**

- 9 A. The Health, Education, and Human Services Committee approved Resolution
10 HEHSCMY-12-12 in which it delegated its authority to approve grant school
11 reauthorizations to the Navajo Nation Board of Education.
- 12 B. The Health, Education and Human Services Committee has determined it no longer
13 wishes the Navajo Nation Board of Education to possess the delegation of authority to
14 approve school reauthorizations as in Resolution HEHSCMY-12-12.
- 15 C. As a result of this determination, HEHSC will reassume the responsibility to approve
16 school reauthorizations.

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18 **SECTION THREE. RESCINDING RESOLUTION HEHSCMY-12-12**

- 19 A. The Health, Education and Human Services Committee of the Navajo Nation Council
20 hereby rescinds HEHSMY-12-12, titled, "AN ACTION RELATING TO HEALTH,
21 EDUCATION AND HUMAN SERVICES; DELEGATING HEALTH, EDUCATION
22 AND HUMAN SERVICES COMMITTEE POWER SET FORTH AT 2 N.N.C. § 401
23 (B)(4)(b) TO THE NAVAJO NATION BOARD OF EDUCATION TO INCREASE
24 EFFICIENCY AND STREAMLINING OF GOVERNMENT PROCESSES IN THIS
25 MATTER PURSUANT TO THE COMMITTEE-APPROVED ADMINISTRATIVE
26 RULES AND REGULATIONS GOVERNING THIS DELEGATION AND THE
27 RESCISSION OF SUCH DELEGATION."
- 28 B. The Committee shall reassume the authority to approve reauthorizations for grant schools
29 and amendments for Indian Self-Determination and Education Assistance Act contracts
30 and grants, previously delegated to the Navajo Nation Board of Education.

1 **SECTION FOUR. APPROVING GUIDELINES FOR REAUTHORIZATION UNDER**
2 **PUBLIC LAW 93-638 AND PUBLIC LAW 100-297 CONTRACT**
3 **REAUTHORIZATION APPLICATIONS AND APPROVAL**

- 4
- 5 A. The Navajo Nation Council delegated the Health, Education and Human Service
6 Committee (the "Committee") the authority to approve, sanction and authorize
7 application, reapplications, reauthorization and amendments for Indian Self-
8 Determination and Education Assistance Act contracts and grants under the Tribally
9 Controlled Schools Act for the operation of education programs, approval or denial of
10 authorizations and reauthorizations shall constitute approval or denial by the Navajo
11 Nation the Tribal Governing Body. 2 N.N.C. § 401(B)(4)(b).
- 12 B. The Committee will reassume the authority it previously granted to the Navajo Nation
13 Board of Education regarding the approval of reauthorizations for grant schools.
- 14 C. The Department of Dinè Education (the "Department") has the authority to enforce
15 educational laws on the Navajo Nation. The Superintendent of the Department is
16 authorized to administer and manage the Department.
- 17 D. The Department shall provide technical assistance and training as needed to the
18 Committee in order for the Committee to resume reauthorization approvals for grant
19 schools on the Navajo Nation.
- 20 E. The guidelines governing the number of years of reauthorization shall be as follows:
- 21 1. Twelve months or fewer shall be granted to schools and residential programs that
22 have a material weakness in their current financial audit reports, which includes,
23 but is not limited to, serious audit findings, delinquent audits, as well as the failure
24 to submit an audit.
- 25 2. A two-year reauthorization shall be granted to schools and residential programs that
26 do not have a material weakness in their current financial audit reports, but that
27 have not met academic proficiency based on the current existing academic
28 assessment systems in place.
- 29 3. A three-year reauthorization shall be granted to schools and residential programs
30 that do not have a material weakness in their current financial audit reports and

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have met academic proficiency based on the current existing academic assessment systems in place.

F. All Public Law (“P.L.”) 93-638 and P.L 100-297 contract reauthorizations shall be administratively reviewed, processed, and recommended to the Committee by the Superintendent of the Department of Diné Education.

G. The Superintendent of the Department of Diné Education and the Program Manager of the Office of Diné Accountability and Compliance shall implement and administer the approved P.L. 93-638 and P.L. 100-297 Contract Reauthorization Applications for the operation of education, education related programs, and residential programs, pursuant to P.L. 93-638 and P.L. 100-297, in accordance with the grant application and BIE funded education and education related programs.

SECTION FIVE. DIRECTIVES

A. The Department shall provide training to the Committee in order to effectuate the Committee’s reassumption of the previously delegated authority in Resolution HEHSCMY-12-12.

B. The Department shall provide training materials and procedures for the Committee to reassume grant school reauthorization applications within 60 days from the approval date of this resolution.