



**DEPARTMENT OF DINÉ EDUCATION
THE NAVAJO NATION**

P.O. Box 670 · Window Rock, Arizona 86515
PHONE (928) 871 – 7475 · FAX (928) 871 – 7474



Jonathan Nez
President

Myron Lizer
Vice-President

NNBESE-752-2021

**RESOLUTION OF THE
NAVAJO NATION BOARD OF EDUCATION**

Relating to Education; Supporting the Navajo Nation Council Resolution CAU-48-21 and Mandating All Schools Operating Within the Navajo Nation to Immediately Adopt COVID-19 Vaccination Requirements

WHEREAS:

1. The Navajo Nation Board of Education (hereinafter the “Board”) is the education agent in the Executive Branch for the purposes of overseeing the operation of all schools serving the Navajo Nation. 10 N.N.C. § 106 (A). The Board carries out its duties and responsibilities through the Department of Diné Education (hereinafter the “Department”). 10 N.N.C. §106 (G)(3).
2. The Department is the administrative agency within the Navajo Nation with responsibility and authority for implementing and enforcing the educational laws of the Navajo Nation. 2 N.N.C. §1801(B); 10 N.N.C. §107(A). The Department is under the immediate direction of the Navajo Nation Superintendent of Schools, subject to the overall direction of the Board. 10 N.N.C. §107(B).
3. The Navajo Nation has substantial authority and broad jurisdiction to regulate all matters within its territorial boundaries pursuant to its inherent sovereignty and the Treaty of 1868. This authority and jurisdiction include the ability to oversee and regulate matters regarding state public schools, Public Law 100-297 grant, Public Law 93-638 contract, Bureau of Indian Education-operated schools, higher education institutions, private and parochial schools, and all FACE programs, early childhood education programs, and Navajo Head Start programs located on the Navajo Nation. The Navajo Nation has continuously asserted its inherent sovereignty in self-government throughout its history since time immemorial, through its language, culture, value system, and legal heritage based on Diné fundamental law.
4. The Coronavirus disease (“COVID-19”) is a global pandemic infecting substantial numbers of people, which has spread exponentially and increased globally, as indicated by the Centers for Disease Control (“CDC”), the World Health Organization (“WHO”), and other public health organizations located within the United States and regionally.
5. The Board maintains that the COVID-19 pandemic highlights the importance of our multiple school systems (Bureau of Indian Education-funded, public, charter, private) and the need for a consistent, coherent, actionable and fully resourced plan to support every school and school district reopening during the 2020-21 academic year.

NAVAJO NATION BOARD OF EDUCATION

*Priscilla B. Manuelito, **President** · Spencer W. Willie, **Vice President** · Dr. Victoria Yazzie, **Secretary**
Member: Sharon A. Toadecheenie · Marlene Burbank · Dr. Henry Fowler · Andrea K. Thomas
Freda Nells · Joan A. Gray · Emerson John · Dr. Pauletta White
Patricia Gonnig, Acting Superintendent of Schools*

6. As of August 23, 2021, the FDA approved Pfizer-BioNTech COVID-19 vaccine as the first preventative vaccine against COVID-19. The FDA is an agency within the U.S. Department of Health and Human Services which protects the public health by assuring the safety, effectiveness, and security of human and veterinary drugs, vaccines and other biological products for human use, and medical devices.
7. In general, people are considered fully vaccinated 2 weeks after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or 2 weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.
8. On August 26, 2021, the Navajo Nation Council enacted Resolution CAU-48-21, "Enacting COVID-19 Vaccination Requirements for all Navajo Nation Government Employees; Urging all Navajo Nation-Owned Enterprises/Authorities/Corporations and Schools, Businesses and other Entities Operating Within the Navajo Nation to Promptly Adopt COVID-19 Vaccination Requirements."
9. The Board hereby finds that further spread of COVID-19 within the exterior boundaries of the Navajo Nation poses a threat to the health, safety, and well-being of all Navajo Nation citizens and residents. The Board further finds it in the best interest of the Navajo Nation to require all schools operating within the Navajo Nation to immediately adopt COVID-19 vaccination requirements.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Board of Education hereby requests the Navajo Nation Council to require all schools operating within the Navajo Nation to immediately adopt COVID-19 vaccination requirements in accordance with the following sections.
2. The Navajo Nation hereby establishes the requirements that:
 - a. All employees of the all schools operating within the Navajo Nation to be fully vaccinated against COVID-19; and
 - b. Employees who are not fully vaccinated, for any reason, against COVID-19 are required to provide documentation to their supervisor or school that the employee has tested negative for COVID-19 every seven days.
3. As used herein, a person is "fully vaccinated" two (2) weeks after the second dose in a 2-dose series, such as the Pfizer or Moderna vaccines; or two (2) weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.
4. Acceptable documentation showing that the employee has tested negative for COVID-19 shall include medical provider statement, testing facility test results, or a written self-certified statement indicating the date and facility of the testing.
5. Violations of the requirements set forth herein shall be "just cause" for disciplinary measures under the Navajo Preference in Employment Act.

6. All schools and school employees shall ensure compliance with these requirements within forty-five (45) days after the signing of this resolution and enactment of Resolution CAU-48-21.
7. All schools and school employees shall continue to adhere to Public Health Emergency Orders issued by the Navajo Nation Department of Health.
8. All schools shall ensure, consistent with the Navajo Nation Privacy Act and applicable federal law, that any documentation related to vaccination status or test results are not disclosed to individuals other than those necessary to ensure compliance with this enactment.
9. The COVID-19 vaccination requirements set forth herein supersede any previous orders, departmental level policies, and other directives to the extent they are in conflict.
10. These requirements shall be incorporated into the personnel policies manual applicable to schools. Each school shall amend their manuals within 30 days of the enactment of this resolution to reflect these requirements without the need for additional approval by the Health Education and Human Services Committee or other oversight committee.
11. The Navajo Nation Department of Diné Education is authorized to issue further guidance to implement the vaccine requirements set out herein.
12. The Navajo Nation Board of Education hereby directs and empowers the Superintendent of Schools to take any actions deemed as necessary and proper to carry out the purposes of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Board of Education of the Navajo Nation at a duly called meeting at Window Rock, Arizona (Navajo Nation) at which a quorum was present, motion by Spencer W. Willie and seconded by Joan A. Gray and that the same was passed by a vote of 7 in favor; 1 opposed; 0 abstained, this 2nd day of September 2021.



Priscilla B. Manuelito, President
Navajo Nation Board of Education