

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER,
AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL;
ENACTING THE CIVIL RIGHTS OF INDIVIDUALS WITH DISABILITIES ACT OF
2018; DELETING TITLE 10, CHAPTER 13, §1402; CREATING THE "CIVIL
RIGHTS OF INDIVIDUALS WITH DISABILITIES" IN TITLE 13, CHAPTER 55,
§§ 4501-4510; AMENDING THE NAVAJO PREFERENCE IN EMPLOYMENT ACT;
AMENDING TITLE 13, CHAPTER 57, §§ 4801-4809, THE PLAN OF OPERATIONS
FOR THE NAVAJO NATION ADVISORY COUNCIL ON DISABILITIES

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council established the Health, Education, and Human Services Committee (HEHSC) as a Standing Committee, and empowered HEHSC to establish Navajo Nation policy governing health, social services, education, human services and general government services of the Navajo Nation and its tribal organizations, entities and enterprises; and to review and recommend resolutions relating to social services, health, education, veterans and veteran's services, employment, and labor. 2 N.N.C. §§ 400, 401(B)(1) and (6)(a).
- B. The Navajo Nation Council established the Law and Order Committee (LOC) as a Standing Committee, and empowered LOC to review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments to the Navajo Nation Code. 2 N.N.C. §§ 600(A), 601(B)(14).
- C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Standing Committee, and directed that any resolution requiring final action by the Navajo Nation Council shall be assigned to that committee prior to consideration by the Navajo Nation Council. 2 N.N.C. §§ 700(A), 701(A)(3).
- D. Final approval of all enactments of positive law rests with the Navajo Nation Council. 2 N.N.C. §164(A).

Section Two. Findings

- A. According to an analysis of 2000 U.S. Census data by the Navajo Nation Division of Economic Development, 70.4% of all Navajos aged 65 and over are individuals with disabilities, in the population of Navajos aged 16-64, 27.5% are individuals with disabilities, and in the population of Navajos aged 5-15, 4.6% are individuals with disabilities. See Navajo Nation Data from US Census 2000, attached as **Exhibit A**. In harmony with traditional and common law, it is the policy of the Navajo Nation to respect, revere and protect all individuals, their communities, and their unique qualities. It must not be forgotten that in Diné teachings, a human being is more than his or her limitations. Consistent with Navajo traditional and common law and the Navajo Bill of Rights, the Navajo Nation finds that discrimination against any individual with a disability is *naayéé'* and not only violates the fundamental individual rights of Navajos but also disrupts efforts to maintain *hózhó* across all of Diné Bikéyah.
- B. On April 25, 1979, the Navajo Nation Council approved the Navajo Affirmative Action Plan to ensure that "Navajo [individuals with disabilities] have equal access to employment opportunities and to public buildings in the Navajo Nation," and adopted a plan of operation for the Navajo Nation Advisory Council on Disabilities. See CAP-12-79, attached as **Exhibit B**.
- C. The Affirmative Action Plan was grounded on the premise that "all persons should have an opportunity to realize their greatest potential to the extent of their mental and/or physical capabilities," and directed affirmative steps to be taken by numerous Navajo Nation programs to ensure non-discrimination in hiring and employment and access for the individuals with disabilities to all public buildings, private businesses, and public activities and services. See **Exhibit B**.
- D. Later, in the Navajo Sovereignty in Education Act of 2005, the Navajo Nation Council included a section entitled *Vocational Rehabilitation and Opportunities for Individuals with Disabilities*, which directed all public and private entities to cooperate with the Navajo Nation Advisory Council on Disabilities in recognizing "[p]eople with disabilities as potentially productive members of society", and in making "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." 10 N.N.C. §1402(A). See CJY-37-05, attached as **Exhibit C**.

- E. In addition to the Navajo Nation Advisory Council on Disabilities referred to above, there are references in the statutes to both the Navajo Nation Advisory Council on the HANDI-Capable (10 N.N.C. §1402) and the Navajo Nation Council on Handicapped (13 N.N.C. §§4801-4809). The Navajo Nation Council finds that all such designations are intended to refer to the Navajo Nation Advisory Council on Disabilities (NNACD), as set forth in 13 N.N.C. §§ 4801-4809, as amended herein. No other entities would be eliminated by this change, and this amendment is meant only to eliminate the confusion bred by multiple and obsolete references to the same body.
- F. On November 17, 2014, Navajo Nation President Ben Shelly issued Executive Order No. 14-2014, "Ensuring the Rights of Navajos with Disabilities to Full Access to All Navajo Nation Buildings and Services" and while this Executive Order mandated that "all Navajo Nation Divisions, Departments, Enterprises or Entities shall develop, update or amend current policies and procedures to insure that services are provided in an equitable and non-discriminatory manner so that individuals with disabilities have access to community services, employment opportunities, housing, social services, transportation, recreation, education, training, and elections", such agency action is far from complete, leaving individuals with disabilities vulnerable to policies and procedures that may lead to inaccessibility, discrimination, or both. See Executive Order No. 14-2014, attached as **Exhibit D**.
- G. The Navajo Nation Council finds that despite the clearly stated policy and intent of the Navajo Nation to ensure that individuals with disabilities have full access to employment, housing and public services, that goal has never been realized, and individuals with disabilities remain at a severe disadvantage in having full access to equal opportunity in all those areas.
- H. The Navajo Nation Council finds that the most likely reasons for that failure have been the lack of funding for and any clear authority of the Navajo Nation Advisory Council on Disabilities; the absence of mandatory directives to programs on the Navajo Nation, whether those programs be public or

private; and the absence of provisions in Navajo law for the enforcement of the rights of individuals with disabilities.

- I. The Navajo Nation Council therefore finds that the most effective means of ensuring that individuals with disabilities are provided equal access to employment, housing, education, services and buildings, be they governmental or private in nature, is to incorporate those rights into the Navajo Nation Code and to replace 10 N.N.C. § 1402 with more substantive civil rights at 13 N.N.C. §§ 4701-4705 to make the law both specific and enforceable.

Section Three. Enacting the Civil Rights of Individuals with Disabilities Act of 2018

A. PURPOSE

By amending various sections of the Navajo Nation Code, this Act identifies and defines the civil rights of individuals with disabilities, and provides remedies and mechanisms for enforcement of those rights.

B. ENACTMENT

THE CIVIL RIGHTS OF INDIVIDUALS WITH DISABILITIES ACT OF 2018, consisting of amendments to 15 N.N.C. § 604(B), 10 N.N.C. § 1402, 13 N.N.C. §§ 4501-4510 and 4801-4809, and, is hereby enacted as set forth herein.

Section Four. Amendment of Title Fifteen of the Navajo Nation Code

The Navajo Nation Council hereby amends 15 N.N.C. § 604(B) as follows:

**NAVAJO NATION CODE ANNOTATED
 TITLE 15. LABOR AND EMPLOYMENT
 CHAPTER 7. NAVAJO PREFERENCE IN EMPLOYMENT ACT**

§604. NAVAJO EMPLOYMENT PREFERENCE

B. Specific Requirements for Navajo Preference:

- 7. All employers shall use non-discriminatory job qualifications and selective criteria in employment. No

person otherwise qualified for a job shall be denied selection for or retention in employment because of his or her disability so long as reasonable accommodations can be made that will allow that person to perform his or her employment duties. See the Civil Rights of Individuals with Disabilities Act of 2018, 13 N.N.C. § 4504.

C. Irrespective of the qualifications . . . :

- 3. Among a pool of applicants or candidates who are solely Navajo and meet the necessary qualifications, the Navajo with the best qualifications shall be selected or retained, as the case may be.

Section Five. Amendment of Title Ten of the Navajo Nation Code

The Navajo Nation Council hereby amends 10 N.N.C. § 1402 as follows:

**NAVAJO NATION CODE ANNOTATED
TITLE 10. EDUCATION
CHAPTER 13. ADULT EDUCATION**

~~§1402. VOCATIONAL REHABILITATION AND OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES [Reserved]~~

~~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 to 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.~~

Section Six. Amendment of Title Thirteen of the Navajo Nation Code

The Navajo Nation Council hereby amends 13 N.N.C. §§ 4501-4510 as follows:

NAVAJO NATION CODE ANNOTATED

TITLE 13. HEALTH AND WELFARE

CHAPTER 53. ~~{Reserved}~~ CIVIL RIGHTS OF INDIVIDUALS WITH DISABILITIES

~~§§ 4501 to 4527. {Reserved}~~

§ 4501. Purpose

In harmony with traditional and common law, it is the policy of the Navajo Nation to respect, revere and protect all individuals, their communities, and their unique qualities. It must not be forgotten that in Diné teachings, a human being is more than his or her limitations. Consistent with Navajo traditional and common law and the Navajo Bill of Rights, the Navajo Nation finds that discrimination against any individual with a disability is *naayéé'* and disrupts efforts to maintain *hózhó* across all of Diné Bikéyah.

§ 4502. DefinitionsA. Definitions.

Throughout the Navajo Nation Code, the following definitions will apply:

1. Disability: A physical or mental impairment that substantially limits an individual's ability to engage in one or more major life activity.
2. Major Life Activity: Major life activities would include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Additional major life activities would include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
3. Reasonable Accommodation: A necessary and appropriate modification not imposing a disproportionate or undue hardship, needed to ensure that a person with a disability is able to obtain, access, or participate in a particular right, benefit or opportunity.
4. Undue Hardship: An action requiring significant difficulty or expense, when considering the following factors:
 - a. The nature and cost of the accommodation needed;
 - b. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
 - c. The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and
 - d. The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the

geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

B. Application of Definitions and Burdens of Proof

1. Medical evidence is necessary to establish that an individual has a disability. Sources of medical evidence may include documentation or testimony from medical facilities, such as the hospitals of the Indian Health Services, or from traditional sources, such as the testimony of medicine men. An individual seeking the protection of the civil rights stated in this chapter as an individual with a disability will have to demonstrate to a court, by a preponderance of evidence, that he or she has a disability as defined in 13 N.N.C. § 4502(A)(1).
2. The denial of a request for reasonable accommodation can only be made by demonstrating undue hardship, as defined in 13 N.N.C. § 4502(A)(4), to a court by a preponderance of the evidence.

§ 4503. Housing

1. Any provider of public housing on the Navajo Nation must make such reasonable accommodations in its policies, practices, premises and provision of services as will afford a tenant or prospective tenant with a disability the opportunity to occupy, use and enjoy a dwelling and its premises to the same extent as any other tenant.
2. No provider of private or public housing on the Navajo Nation shall discriminate against individuals with disabilities in the provision of housing.

§ 4504. Employment

No person with a disability shall be denied selection for or retention in employment because of his or her disability so long as reasonable accommodations can be made that will allow that individual to perform his or her employment duties.

§ 4505. Education

No student with a disability attending any school located on the Navajo Nation shall be denied a free appropriate public education designed to meet his or her unique needs in the least restrictive environment.

§ 4506. Voting

No individual with a disability shall be denied reasonable accommodations in the exercise of that individual's right to vote. Reasonable accommodations shall be given in all processes required to exercise the right to vote, including, but not limited to, becoming a registered voter, accessing public polling places, and engaging in early voting or alternative voting.

§ 4507. Incarcerated Individuals with a Disabilities

No incarcerated individual with a disability shall be denied reasonable accommodations during such individual's time in Navajo Nation custody.

§ 4508. Government Services

No otherwise qualified person with a disability shall, by reason of such disability, be denied or excluded from the benefit of any service, program or activity offered by any governmental or public entity on the Navajo Nation, unless no reasonable accommodations can be made which will afford access to and participation in such service, program or activity.

§ 4509. Public Accommodations

All private businesses and commercial operations must make such reasonable accommodations as are necessary to ensure that individuals with disabilities have access to goods and services offered equal to the access afforded to individuals without disabilities.

§4510. Remedies

1. Any person injured in violation of this chapter and their fundamental rights as the result of an action or failure to act may seek remedies for such violation in the form of legal and equitable relief in the courts of the Navajo Nation.

The Navajo Nation Council hereby amends 13 N.N.C. §§ 4801-4809 as follows:

NAVAJO NATION CODE ANNOTATED
 TITLE 13. HEALTH AND WELFARE
 CHAPTER 57. NAVAJO NATION ADVISORY COUNCIL ON HANDICAPPED
DISABILITIES

§4801. Purpose

- A. The Navajo Nation Advisory Council on Handicapped Disabilities (NNACOH) will serve as an advocate for handicapped Navajo People individuals with disabilities and their families. The NNACOH will be composed of handicapped consumers individuals with disabilities and their immediate family members, and representatives of public and private service providers that seek to maximize the independence of individuals with disabilities and other groups concerned with services to handicapped Navajo People, representatives of the business community, and other interested persons. The NNACOH will be responsible for insuring that Navajo handicapped persons have shall identify problems concerning and advocate on behalf of individuals with disabilities to bring about equal access to employment, education, housing, public safety, communication, recreation, medical treatment, and to public and private buildings, and to any and all programs or services on the Navajo Nation. and to otherwise The NNACD shall promote the concept that all persons should have an opportunity to realize achieve their potential to the fullest extent of their mental and physical capabilities.
- B. The NNACD is responsible for identifying problems concerning and advocating on behalf of all individuals with disabilities to secure the opportunity to realize each individual's potential to the extent of his or her physical and mental capabilities. The Council has such powers and responsibilities as are prescribed herein 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 individuals 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. Address service gaps and avoid duplication of services; and

4. Maximize available resources.

§4802. Objectives

A. Advocacy: Identifying the Needs of Individuals with Disabilities

- ~~1.~~ The NNACD shall identify the needs of handicapped Navajo People individuals with disabilities and their families and assist in meeting those needs. To identify needs, the NNACD will conduct periodic needs assessments, including surveys, focus groups, etc., to prioritize resource allocation in advocating for individuals with disabilities.

B. Providing Advocacy and Raising Awareness

- ~~2.1.~~ The NNACD shall stimulate promote the development of a full continuum of appropriate support services to all age groups of Navajo handicapped persons individuals with disabilities in the least restrictive environment. The NNACD shall assist the Navajo Nation in planning efforts for long-term, comprehensive service programs that will meet the many different needs of individuals with disabilities. Potential areas of interest include, but are not limited to:

- ~~a.~~ Prevention of Public education and training regarding developmental disabilities and other handicapping conditions;
- ~~b.~~ Early identification of these conditions in children;
- ~~c.~~ The provision quality of effective and appropriate healthcare related services;
- ~~d.~~ The provision of effective and appropriate mental and behavioral health care services;
- ~~e.e.~~ The provision quality of effective and appropriate educational services;
- ~~e.f.~~ The provision of adequate, affordable, and accessible integrated housing;
- ~~f.g.~~ The provision creation of effective and appropriate vocational rehabilitation and independent living services employment opportunities; and
- ~~g.h.~~ Return of institutionalized Navajos to their homes and communities; Community reintergration services

for individuals returning from residential programs and nursing facilities;

i. Accessibility to public and private buildings for individuals with disabilities;

j. Transportation services to meet the needs of individuals with disabilities; and

k. Voting rights and accessibility for participation in the election process.

~~3. Monitor the activities of all employers conducting operations on the Navajo Nation to insure compliance with the Navajo Nation Affirmative Action Plan for the Handicapped;~~

24. Promote activities to recognize exemplary efforts of employers in improving employment opportunities and working conditions for handicapped individuals Navajo Nation Disability Awareness Week, reestablished through the Navajo Nation Proclamation of October 20, 2015, and any other annual conferences and/or events promoting public awareness regarding the needs, issues, and successes of individuals with disabilities; and

35. Provide incentives to handicapped persons by presenting an annual award to the "Outstanding Handicapped Employee of the Year." Recognize an individual for outstanding work in the disability arena, such as self-advocacy, advocacy for a family member, demonstrating outstanding public work for people with disabilities, or serving people with disabilities with great impact each year as that year's "Disability Advocate of the Year."

~~B. Planning:~~

~~1. Encourage the development of planning efforts leading to long-range, comprehensive service programs which will meet the many different needs of these people;~~

~~2. Provide technical assistance for the development of these plans;~~

~~3. Review these plans for completeness and appropriateness; and~~

~~4. Develop priorities for the expansion of service programs to meet the needs of the target population.~~

C. Evaluation:

1. ~~Evaluate the quality and effectiveness of programs serving handicapped Navajo People and their families;~~
2. ~~Report the results of these evaluations and make recommendations for program improvement to those entities responsible for the funding of these service programs; and~~
3. ~~Provide technical assistance and consultation to these service programs with the aim of improving their quality.~~

C. D. These advocacy, planning and evaluation efforts will be directed toward The identification of needs in the community of individuals with disabilities and the advocacy and awareness efforts to serve and promote those needs will be coordinated with the Navajo Nation's Executive, Legislative, and Judicial branches and the Navajo Nation Council Standing Committees; the Navajo Nation Office of Special Education and Rehabilitation Service, in accordance with its Plan of Operations and the rules and regulations of the Navajo Nation Trust Fund for Disability Services; the Bureau of Indian Affairs; and other federal agencies; the states of Arizona, New Mexico, and Utah; any other federal, state, or tribal governmental organizations; any public or private service providers; and any other groups concerned with the needs of handicapped Navajo People individuals with disabilities.

§4803. Membership

A. Appointment. Any vacancy, whether created by resignation or a term ending, will be filled using the following procedure: The NNCOH shall, at all times, include in its membership, representatives of the principal governmental and non-governmental agencies, private business, and groups concerned with services to handicapped Navajo People. All geographic areas of the Navajo Nation shall be represented on the Council.

1. The NNACD shall take out an advertisement in the Navajo Times to give notice of the vacancy and to encourage potential applicants to apply.
2. Applicants will be directed to the Navajo Nation Office of Special Education and Rehabilitative Services (OSERS) for an application.
3. Once received, applications will be reviewed by NNACD.

4. NNACD shall pass its recommendations to the Navajo Nation Office of the President and Vice President.
 5. The Navajo Nation President shall confirm the appointment of any new member in a memorandum to the NNACD.
 6. OSERS shall contact all applicants with an update once the appointment is made official by the Navajo Nation President.
- B. At least one-third A majority of the membership of the NNACOH D will consist of either handicapped persons individuals with disabilities. Other members may include or immediate family members of their families individuals with disabilities or those who provide services to individuals with disabilities.
 - C. Potential mMembers are can also be recommended by the community of those individuals employed or otherwise involved in human service the delivery of services to individuals with disabilities and are may be appointed considered by the NNACD by the President of the Navajo Nation.
 - D. The number of NNACOH D members shall be 10 no less than 15 and no more than 20.
 - E. Members, once selected appointed and confirmed by the Navajo Nation President, will serve for three four years. At the end of an appointed term, a member may renew his or her term, provided the NNACD allows renewal by a majority vote.
 - F. If a member misses three consecutive meetings, whether excused or not excused, he or she will be removed from the NNACD. Absences will be excused only for health reasons, personal emergencies, such as bereavement leave or family illness, or inclement weather.
 - F G. Resignation of a NNACOH D member must be submitted done by a written letter to this effect to the Chairman President of the NNACOH D with a courtesy copy to the Navajo Nation's Office of the President and Vice President of the Navajo Nation.
 - G. A vacancy created by a member resigning will be filled by appointment at the earliest possible date by the President of the Navajo Nation after review of NNCOH recommendations.

§4804. Meetings

- A. The NNACOH D will meet every other month and at special meetings when needed at least four times a year and more frequently if necessary to carry out the Council's business.

Meeting notices will be sent out to members by postal mail or email at least two weeks prior to the regular meetings. Notices shall include a proposed agenda. Members and officers are to contact the President prior to the meeting for proposed agenda topics. Members not able to attend a particular meeting are required to notify the President to request to be excused. ~~send an alternate to the meeting to represent them.~~ Emergency Special meetings may be called by the President or the Executive Committee. ~~under special circumstances by the chairman or by the Executive Committee.~~ Phone or mailgram email notices shall be given for emergency special meetings.

- B. A simple majority of the voting membership shall constitute a quorum.
- C. All appointed members shall have the right to vote on all matters related to the functions of the NNAC~~OH~~D. ~~An alternate attending a meeting in the place of a regular member shall be eligible to vote for that member.~~ Decisions are made by a simple majority vote, with the ~~chairman~~ President voting only in case of ties.

§4805. Officers

- A. The officers shall consist of a President ~~chairman~~, Vice-President ~~vice-chairman~~, and a Secretary ~~secretary~~, ~~and a treasurer.~~
- B. The President ~~chairman~~ shall set the agenda for and preside ~~over at~~ all meetings of the NNAC~~OH~~D. He shall serve as a liaison between NNAC~~OH~~D and the Navajo Nation Executive, Legislative, and Judicial branches Council. Upon the President's request, OSERS will produce a report on the financial status of the NNACD. Such requests may come no more frequently than on a quarterly basis.
- C. The ~~vice-chairman~~ Vice-President shall exercise all rights and duties of the ~~chairman~~ President in his or her absence.
- D. The Secretary ~~secretary~~, ~~with the help of the NNCOH secretarial staff,~~ shall record and keep an accurate and complete account of all the council meetings ~~and the distribution of council minutes.~~ NNACD meeting records shall be kept at the Navajo Nation OSERS office. The Secretary shall work in collaboration with the Navajo Nation OSERS staff to maintain said records.
- ~~E. The treasurer, with the help of NNCOH's financial officer, shall maintain, review, and report on the financial standing of the council.~~

~~FE.~~ The President chairman, Vice-President vice-chairman, and Secretary secretary, and treasurer, plus two other members of the council as appointed by the chairman, shall constitute the Executive Committee executive committee.

§4806. Election

- A. Election of officers will be held at the first meeting of ~~each~~ the calendar year, as appropriate. Officers will serve for a period of ~~one~~ four years from the date of the election. Vacancies will be filled by majority vote at a meeting where a quorum is present.
- B. ~~A nominating committee will be selected by the chairman prior to the election date. It will recommend one member for each office. Members may nominate from the existing membership for each officer position. Each nominee will accept or decline the position for which he or she is nominated. Members will not be nominated for office without asking them first. Once the nominating committee reports, candidates may be nominated from the floor. Once nominations are complete, the NNACD will vote on each officer position. The nominee receiving a plurality of votes will be deemed the winner.~~
- C. If, within an officer's four-year term, an officer resigns or is removed from the NNACD, an election will be held under the process above to fill the vacancy for the remainder of the four-year term.

§4807. Expenses

When the funds are available, expenses related to attendance by council members and any personal care attendants or alternates at meetings will be reimbursed. Members attending in an official capacity from their agency or through administrative leave will not receive should not expect reimbursement. Cost of reimbursements for per diem, mileage, and other expenses shall be set and approved by the NNACCHD. This schedule shall not exceed the rates used by the Navajo Nation Council.

§4808. Rule of order

Except where already stated in this Chapter, questions of order and parliamentary procedure will be resolved by Robert's Rules of Order Revised.

§4809. Reports and Legislative Oversight

The ~~Chairman~~ President and Vice-President of the NNACCHD shall appear before the Diné Education Department and the Health,

Education and Human Social Services Committee of the Navajo Nation Council at least once annually to give a full report of the activities, findings, and recommendations of the ~~council~~ NNACD.

Section Seven. Codification

The provisions of this Act that amend existing sections or adopt new sections of the Navajo Nation Code shall be codified by The Office of Legislative Counsel, and incorporated into the next codification or supplement of the Navajo Nation Code.

Section Eight. Savings Clause

Should any provision of this Act be determined invalid in the courts of the Navajo Nation, the remainder of the Act shall remain the Law of the Navajo Nation.

Section Nine. Effective Date

This Act shall become effective in accordance with 2 N.N.C. §221(B).

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 14 in Favor and 02 Opposed, on this 18th day of July 2018.



LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

July 27, 2018

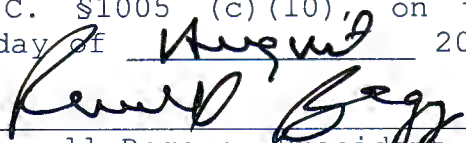
Date

Motion: Honorable Steven Begay
Second: Honorable Nathaniel Brown

Speaker Bates not voting

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 6th day of August 2018.



Russell Begaye, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(11), on this _____ day of _____ 2018 for reason(s) expressed in the attached letter to the Speaker

Russell Begaye, President
Navajo Nation



Navajo Nation Data

From

US
C E N S U S
2000

Extracted
By
Trib Choudhary
Support Services Department
Division of Economic Development
The Navajo Nation
PO Box 663. Window Rock, AZ 86515
Tel: (928) 871-7394
Fax: (928) 871-7381
Email: tribthar@cia-g.com

FOREWORD

The latest Census took place in 2000. However, no Census data were available on the Navajo Nation until now. Trib Choudhary, an Economic Development Specialist with the Division, took the initiative to fill this gap. And the result is this booklet called the **Navajo Nation Data from US Census 2000**. It has covered a number of topics – Demography and Housing, Labor Force and Employment, Income and Poverty Level, Educational Attainment and so on. The booklet has compared the Navajo numbers with those of the nation and the states on numerous occasions. The booklet has also presented important data on all American Indian Tribes and Alaska Natives.

I hope that the booklet will be useful to you. Please forward your comments and suggestions to Trib Choudhary so that we can make further improvements to the booklet.

Sincerely,

Allan S. Begay
Executive Director
Division of Economic Development

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Table No. 29
Disability Status - The Navajo Nation vs. USA

	United States			The Navajo Nation		
	Total	Male	Female	Total	Male	Female
Population 5 years and over	257,167,527	124,636,825	132,530,702	163,304	79,738	83,566
With a disability	49,746,248	24,439,531	25,306,717	39,076	18,937	20,139
Percent with a disability	19.3	19.6	19.1	23.9	23.7	24.1
Population 5 to 15 years	45,133,667	23,125,324	22,008,343	48,738	24,643	24,095
With a disability	2,614,919	1,666,230	948,689	2,234	1,276	958
Percent with a disability	5.8	7.2	4.3	4.6	5.2	4
Sensory	442,894	242,706	200,188	841	460	381
Physical	455,461	251,852	203,609	557	343	214
Mental	2,078,502	1,387,393	691,109	1,102	696	406
Self-care	419,018	244,824	174,194	803	428	375
Population 16 to 64 years	178,687,234	87,570,583	91,116,651	102,054	49,695	52,359
With a disability	33,153,211	17,139,019	16,014,192	28,030	13,958	14,072
Percent with a disability	18.6	19.6	17.6	27.5	28.1	26.9
Sensory	4,123,902	2,388,121	1,735,781	6,071	3,333	2,738
Physical	11,150,365	5,279,731	5,870,634	8,690	4,331	4,359
Mental	6,764,439	3,434,631	3,329,808	6,319	3,021	3,298
Self-care	3,149,875	1,463,184	1,686,691	3,317	1,491	1,826
Going outside the home	11,414,508	5,569,362	5,845,146	10,940	5,164	5,776
Employment disability	21,287,570	11,373,786	9,913,784	14,570	7,391	7,179
Population 65 years and over	33,346,626	13,940,918	19,405,708	12,512	5,400	7,112
With a disability	13,978,118	5,634,282	8,343,836	8,812	3,703	5,109
Percent with a disability	41.9	40.4	43	70.4	68.6	71.8
Sensory	4,738,479	2,177,216	2,561,263	5,331	2,537	2,794
Physical	9,545,680	3,590,139	5,955,541	6,011	2,453	3,558
Mental	3,592,912	1,380,060	2,212,852	4,380	1,759	2,621
Self-care	3,183,840	1,044,910	2,138,930	2,248	803	1,445
Going outside the home	6,795,517	2,339,128	4,456,389	4,259	1,576	2,683
Population 18 to 34 years	64,654,308	31,973,108	32,681,200	40,472	20,470	20,002
With a disability	9,468,241	5,105,959	4,362,282	8,644	4,375	4,269
Percent enrolled in college or graduate school	14.5	13	16.2	9.7	7.2	12.2
Percent not enrolled and with a bachelor's degree	7.9	7.4	8.6	1.8	0.8	2.9
No disability	55,186,067	26,867,149	28,318,918	31,828	16,095	15,733
Percent enrolled in college or graduate school	21.4	20.1	22.7	12.5	8.6	16.4
Percent not enrolled and with a bachelor's degree	17.5	16.2	18.6	3.6	2.7	4.5
Population 21 to 64 years	159,131,544	77,665,879	81,465,665	85,373	41,048	44,325
With a disability	30,553,796	15,700,589	14,853,207	25,518	12,529	12,989
Percent employed	56.6	61.2	51.7	35.6	37	34.3
No disability	128,577,748	61,965,290	66,612,458	59,855	28,519	31,336
Percent employed	77.2	84.7	70.2	44.6	46.5	42.8

CAP-12-79

Class "C" Resolution
No BIA Action Required.RESOLUTION OF THE
NAVAJO TRIBAL COUNCILApproving the Navajo Nation's Affirmative
Action Plan for the Handicapped

WHEREAS:

1. The Navajo Tribal Council Resolution CMY-40-77, directed the Office of the Chairman of the Navajo Tribal Council to develop an "Affirmative Action Plan" to insure that Navajo handicapped individuals have equal access to employment opportunities and to public buildings in the Navajo Nation; and
2. The Navajo Vocational Rehabilitation Department has made attempts to insure the directive was followed through; and
3. The Chairman's Task Force was established to research, coordinate and develop such a plan; and
4. The Navajo Nation's Affirmative Action Plan is attached as Exhibit "A"; and
5. The Navajo Nation Developmental Disabilities Council has been established previously but addresses only four specific categories of handicap conditions; and
6. The Navajo Nation Council on the Handicapped is most needed to effectively implement and monitor the Navajo Nation's Affirmative Action Plan for all the categories of handicap conditions.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council hereby adopts the Navajo Nation Affirmative Action Plan for the Handicapped, attached hereto as Exhibit "A".
2. The name Navajo Nation Developmental Disabilities Council shall be changed to Navajo Nation Council on the Handicapped and shall operate in accordance with the Navajo Nation Council on Handicapped "Plan of Operation", attached hereto as Exhibit "B".
3. Hereforth, all contractual agreements with the Navajo Nation will include a "Certificate of Compliance", attached hereto as Exhibit "C".

RECEIVED

AUG 21 1995

NAD&P

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 66 in favor and 0 opposed, this 25th day of April, 1979.



Vice Chairman
Navajo Tribal Council

NAVAJO NATION'S AFFIRMATIVE ACTION PLAN FOR THE HANDICAPPED

I. AUTHORITY

II. DEFINITION OF HANDICAPPED

III. STATEMENT OF POLICY

- A. Philosophy
- B. Applicability
- C. Non-Discrimination in Hiring
- D. Accomodation

IV. ADMINISTRATION OF POLICY

- A. Navajo Nation Council on the Handicapped
- B. Specific Program Responsibilities
 - 1. Personnel Service Departments
 - 2. Equal Opportunity Offices
 - 3. Navajo Vocational Rehabilitation Program - The Navajo Tribe
 - 4. Design and Engineering - The Navajo Tribe
 - 5. Navajo Housing Authority & Other Housing Committees
 - 6. Office of Navajo Labor Relations

V. EMPLOYMENT PROCEDURES

- A. Employment Outreach
- B. Placement
- C. Interviewing
- D. Follow-up

VI. AMENDMENTS

I. Authority

A. Legal authority is contained in:

1. Rehabilitation Act of 1973:

Section 501 - Employment of Handicapped Individuals
Section 502 - Architectural and Transportation-Barrier Compliance Bo:
Section 503 - Employment Under Federal Contracts
Section 504 - Non-Discrimination Under Federal Grants

2. Education for all Handicapped Children - Public Law 94-142

3. Navajo Tribal Council Resolution CMY-40-77 - Equal Access to Employment and Removal of Architectural Barriers

4. Architectural Barriers Act of 1968

5. Department of Labor, Code of Federal Regulations, Title 20, Chap. VI.

II. Definition of Handicapped

A. A Handicapped individual is an individual:

1. who has a physical or mental impairment which substantially limits on or more of his major life activities, or
2. who has a record of such an impairment, or
3. who is regarded as having such an impairment.

B. A "qualified" handicapped individual is a handicapped individual who is capable of performing a particular job with reasonable accommodation to his or her handicap, at the minimum acceptable level of productivity applicable to a non-handicapped incumbent.

III. Statement of Policy

A. Philosophy:

"ALL PERSONS SHOULD HAVE AN OPPORTUNITY TO REALIZE THEIR GREATEST POTENTIAL TO THE EXTENT OF THEIR MENTAL AND/OR PHYSICAL CAPABILITIES"

B. Applicability:

1. The Navajo Nation's Affirmative Action Plan stated herein shall apply to all employers operating within the Navajo Nation, including the Navajo Tribal government, the Bureau of Indian Affairs, the U.S. Public Health Service, public school districts, Tribal enterprises, private profit and non-profit corporations, or any other entities conducting business on or near the reservation.
2. In addition to the policies stated herein, all affected employers are subject to the Rules and Regulations set forth in the Federal Register Vol. 42, No. 86, Wednesday, May 4, 1977 - Title 45 - Public Welfare, Subtitle A, Part 84, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance".

C. Non-Discrimination in Hiring:

Within the framework of Indian Preference, the Navajo Nation maintains and enforces a policy which prohibits discrimination against any employee or applicant for employment on the basis of physical or mental handicap in regard to any position in an agency for which the applicant or employee is qualified. The Navajo Nation, in recognition of and as a remedy to the effects of past discrimination, will take "Affirmative" action to employ, advance in employment and otherwise treat qualified handicapped Indian individuals without discrimination based upon their physical and/or mental handicap in all personnel practices relating to: Recruitment, employment, promotions, transfers, demotions, reclassifications, reduction in force, terminations, salary rates and other forms of compensation and selection for training or career development.

D. Accommodation:

1. The Navajo Nation will make reasonable attempts to accommodate the physical and/or mental limitations to individuals. This concept of accommodation assures that the handicapped applicant and/or employee can get into buildings, job sites and restrooms. The concept of accommodation is the major obstacle for employing the handicapped. Accommodation also refers to removal of attitudinal barriers on the part of the non-handicapped staff.
2. The Navajo Nation will take necessary action to make all public buildings, private businesses, community services and community activities accessible to the handicapped.

IV. Administration of Policy

A. Navajo Nation Council on the Handicapped:

Shall be established to oversee and direct the action items contained in this Affirmative Action Plan, including complaints in reference to removing architectural barriers, per the NNCCI Plan of Operation.

B. Specific Program Responsibilities:

1. Personnel Services Departments - All Agencies/Programs
 - a. Conduct an analysis of employees to determine the number, the types and the needs of the qualified handicapped individuals employed within the Navajo Nation.
 - b. Review its personnel procedures to assure careful, thorough and systematic consideration of the job qualifications of handicapped applicants and employees for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.
 - c. Review all policies and practices relating to employee benefits (including leave policies, retirement plans, insurance programs, educational compensation, grievance procedures), to ensure they are available to all employees on an equal basis without discrimination due to physical or mental handicap.

2. Equal Opportunity Offices

- a. Provide a discrimination complaint/conciliation procedure for all employees and applicants for employment which will be directed at resolving discrimination complaints at the lowest organizational level within the agency through the executive of precise and calculated action in a relatively short time frame. If the decision reached is adverse to the employee, the agency shall inform the complainant's right to file a complaint with Office of Labor Relations, and if necessary, right to file a complaint with the United States Department of Labor.
- b. Ensure that an exit interview program is developed and implemented in order to check on whether or not discrimination was the factor in an employee's dismissal.
- c. Establish a monitoring system in order to ensure that all policies, procedures, requirements and actions taken in recruiting, employing, promoting and transferring employees are in strict adherence to merit system principles, are nondiscrimination regarding handicapped status and in compliance to the guidelines set forth by the Navajo Nation and by the Federal Equal Employment Opportunity Coordinating Council.
- d. Assure that all program directors are informed of the Navajo Nation Affirmative Action Plan for the Handicapped.

3. Navajo Vocational Rehabilitation Program - The Navajo Tribe

- a. Provides technical assistance to agency management on all key employment and personnel policies and issues as regards equal employment opportunity within a framework of Indian preference.
- b. Ensures that a career development or upward mobility programs be developed and implemented in order to provide opportunity for career advancement for employees presently in deadend and non-professional positions.
- c. To coordinate with the Maintenance Department and Design and Engineering to determine what architectural barriers exist. Whenever feasible ramps will be installed, doorways, wash rooms and drinking fountains will be modified to accommodate persons in wheelchairs. Parking areas will be provided adjacent to the work site. Additional accommodations will be made on an individual basis as needs arise.

4. Design and Engineering Department - The Navajo Tribe

Reviews all new construction to insure accessibility to the handicapped. Design and Engineering Department incorporates design features into all plans and specifications and reviews and signs off on final plans and specifications prior to bid advertisement.

5. Navajo Housing Authority and other Housing Committees

- a. In coordination with Agency/Program housing departments, Navajo Housing Authority and other housing committees will insure handicapped persons are given due consideration for housing needs.
- b. Conduct an analysis to determine number of houses currently accessible to handicapped persons and number of houses currently occupied by handicapped individuals.

6. Office of Navajo Labor Relations

- a. Work cooperatively with the Navajo Nation Council on the Handicapped to insure that the Navajo Nation Affirmative Action Plan for the Handicapped is implemented.
- b. Assure that all employers affected by said Plan carry out the policies stated herein in a satisfactory manner.
- c. Receive complaints and take appropriate action to insure that handicapped applicants and employees are afforded their rights as set forth in this Plan.
- d. Assure that the "affirmative action" statement contained herein is included in all contracts and subcontracts between the Tribe and other entities on the Navajo reservation.
- e. Take appropriate action to insure compliance with these policies, including the withholding of funds or cancellation of contracts, leases, or other agreements in the event of non-compliance.

V. Employment Procedures

A. Employment Outreach:

1. Serious efforts will be made to search for qualified handicapped applicants through:
 - a. Direct contact with Federal, Tribal and Local Agencies
 - b. Positive statements in media advertising to solicit qualified handicapped applicants, i.e., "eligible handicapped individuals are invited to apply."
2. Any questions concerning the physical or mental impairment of an applicant will be deleted from all job application forms.

B. Placement:

1. Proper placement of the handicapped will be done jointly through the efforts of a Vocational Rehabilitation Specialist, Navajo Vocational Rehabilitation Program and a designated representative of Program Personnel Service Department. Minor accommodations in the work environment will be made when required.

2. The assignments of a handicapped person to a job should be based on what the person has to offer, using the "whole person concept," not on what the individual has lost or lacks, thus the individual's impairment should not interfere with job performances.
3. Whenever necessary, health examinations and medical release may be obtained prior to job placement.

C. Interviewing:

1. Ensure that all hiring agents ask only questions that can be proven to be job-related and are not discriminatory due to race, color, sex, national origin, age, religious creed, political affiliation and handicapped status or other nonrelated inquiries.
2. In each case where a handicapped employee or applicant is rejected for employment, promotion, or training, a statement of the reasons will be appended to the application form or personal file. This statement must include a comparison of the qualifications of the handicapped applicant or employee and the person selected, as well as a description of the accommodation considered.
3. The application or personnel form for each known handicapped applicant must be annotated to identify each vacancy for which the applicant was considered, and the form must be quickly retrievable for review by the Navajo Tribe, Office of Navajo Labor Relations, and the agency's personnel officials for use in investigations and internal compliance activities.

D. Follow-up:

1. Once the handicapped individual is placed on a job or on-the-job training the individual shall be subject to the usual probationary requirements and job procedures.
2. The Vocational Rehabilitation Specialist will make sufficient job visits during the first thirty (30) days to assure the individual every reasonable supportive and counselling service to maximize his or her success.

VI. Amendments

Deletion, addition, changes can be made by two-thirds (2/3) vote of the Navajo Nation Council on the Handicapped.



CJY-37-05

RESOLUTION OF THE
NAVAJO NATION COUNCIL

20TH 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.

§ 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:



EXECUTIVE ORDER NO. 14-2014

**ENSURING THE RIGHTS OF NAVAJOS WITH DISABILITIES TO FULL
ACCESS TO ALL NAVAJO NATION BUILDINGS AND SERVICES**

**THE NAVAJO NATION
EXECUTIVE ORDER NO. 14-2014**

November 17, 2014

WHEREAS:

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo Nation government with full authority to conduct, supervise, and coordinate personnel and program matters. 2 N.N.C. § 1005 (A);
2. The President shall have the enumerated power of issuing an executive order for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation in the manner set forth in such status. 2 N.N.C. § 1005 (C) (14);
3. An executive order shall have the force of law upon the recipient. *Id.*
4. 13 N.N.C. § 4801 *et. al.*, established the Navajo Nation Advisory Council on Disability, which is responsible for insuring that individuals with disabilities shall have equal access to employment, education, housing, public safety, communication, recreation, medical treatment, and socialization opportunities. Further, the Navajo Nation Advisory Council on Disability assists individuals with disabilities to realize their potential to the full extent of their mental and physical capabilities.
5. With the support of the Navajo Nation Advisory Council on Disability, on November 14, 1984, the Navajo Nation Council passed CN-61-84, codified at 10 N.N.C. § 1402, the Vocational Rehabilitation and Opportunities for Persons with Disabilities Act. This resolution confirmed that 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 physical and mental capabilities.

6. The Navajo Nation Vocational Rehabilitation Act mandated every public and private entity to:
 - a. Recognize Navajo people with disabilities as potentially productive members of society;
 - b. Encourage the Navajo population with disabilities to reach optimum levels of economic independence and political, societal and cultural participation; and
 - c. Make reasonable accommodation to the special needs of persons with disabilities, including the need to 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.

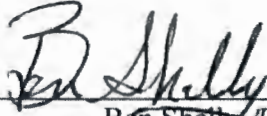
THEREFORE:

I, Ben Shelly, President of the Navajo Nation, by the authority vested, I hereby issue the following order:

1. To ensure access to all community services, Navajo Nation government offices, including but not limited to buildings owned, leased and/or operated by the Navajo Nation, Chapter Houses, Enterprise Buildings, and private businesses shall make reasonable accommodations for all people with disabilities regardless of the nature or extent of the disability. Reasonable accommodations include physical access as well as necessary reasonable alterations to services, policies and procedures to ensure that people with disabilities can benefit from the facilities and services within the exterior boundaries of the Navajo Nation.
2. In order to comply with this mandate, all Navajo Nation Divisions, Departments, Enterprises or Entities shall develop, update or amend current policies and procedures to insure that services are provided in an equitable and non-discriminatory manner so that individuals with disabilities have access to community services, employment opportunities, housing, social services, transportation, recreation, education, training, and elections.
3. Responsibility for implementation. The Division Directors, Chapter Managers, General Managers, Corporate Executive Officers, and all private business owners are responsible for implementing and ensuring compliance with these provisions.
4. Consistency with the other laws. The provisions of this order shall be implemented consistent with the laws and highest welfare of the people.

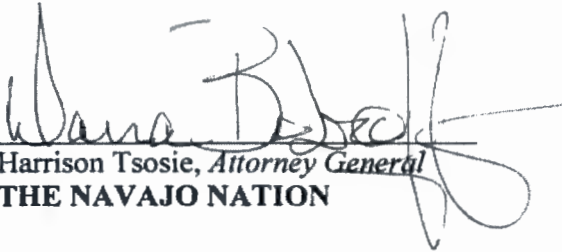
Executed at the Office of the President and Vice President of the Navajo Nation

On this 17 day of November 2014.



Ben Shelly, *President*
THE NAVAJO NATION

ATTEST:



Harrison Tsosie, *Attorney General*
THE NAVAJO NATION



NAVAJO NATION DEPARTMENT OF JUSTICE



REQUEST FOR SERVICES



DOJ 11-16-17 1:36 pm DATE / TIME RFS #: 17-2724 UNIT: HSGU

RESUBMITTAL

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

gm

CLIENT TO COMPLETE

DATE OF REQUEST: 11/6/2017 ENTITY/DIVISION: Legislative Services CONTACT NAME: Jonathan Hale, Council Delegate DEPARTMENT: Council Delegates' Office PHONE NUMBER: 871-6380 E-MAIL: jonathanhale@navajo-nsn.gov

COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (Attach Documents): Legal review of the Civil Rights of Individuals with Disabilities Act of 2017.

DEADLINE: Click here to enter a date. REASON: Limited to 40 characters

#10 DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 11/16/17 2:00 REVIEWING ATTORNEY/ADVOCATE: Chris

DATE TIME OUT OF UNIT: 11/16/17 4:35 PREPARED BY (initial):

DOJ ATTORNEY / ADVOCATE COMMENTS

Sufficient. DOJ Comments previously shared with HEHSC, Legislative Counsel, & Native American Disability Law Center see attached November 3, 17 memo.

REVIEWED BY: (PRINT) Chris Schneider DATE / TIME: 16 Nov. 17 / 4:17

DOJ Secretary Called: Ida for Document Pick Up on 11/16/17 at 4:35 By: gm

PICKED UP BY: (PRINT) DATE / TIME:



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

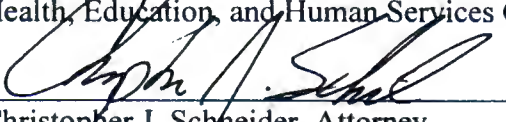
ETHEL B. BRANCH
ATTORNEY GENERAL

RODGERICK T. BEGAY
DEPUTY ATTORNEY GENERAL

ATTORNEY-CLIENT PRIVILEGED

MEMORANDUM

TO: Jonathan Hale, Chairman
Health, Education, and Human Services Committee

FROM: 
Christopher J. Schneider, Attorney
Human Services & Government Unit/NNDOJ
Office of the Attorney General

DATE: November 3, 2017

SUBJECT: Civil Rights of Individuals with Disabilities Act

The Navajo Nation Department of Justice (NNDOJ) received a request from Jonathan Hale, Chairman of the Health, Education, and Human Services Committee, to review and provide comments on the draft "Civil Rights of Individuals with Disabilities Act." This memorandum provides NNDOJ's comments.

- Title to document, page 1. "DELETING TITLE 10, CHAPTER 13, §1402." It would be cleaner just to cite 10 N.N.C. §1402 and not state the chapter.
- §2 (D), page 3. members of society", should be members of society,"
- §2(E), page 4. "No other entities would be eliminated by this change[.]" This is not elimination. A prior sentence states that that the HANDI-Capable and NN Council on Handicapped actually refer to NNACD.
- §2(F), page 4. "training, and elections", should be "training, and elections,"
- §5, page 8 (referring to 15 N.N.C §604(C)(3), adds language that states "Should two or more Navajos be equally qualified and should one of the Navajos be an individual with a disability, the Navajo with a disability, the Navajo with the disability shall be selected or retained, as the case may be." This creates a preference in favor of the

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disabled individual. DOJ's concern is that this newly created preference violates the Navajo Preference in Employment Act as well as the established employment preference in favor of military veterans.

If you have any questions regarding this matter, contact me at extension 6275.

CJS/gm.368

NAVAJO NATION

RCS# 1182

2018 Summer Session

7/18/2018

06:35:59 PM

Amd# to Amd#	Legislation 0469-17: Enacting	PASSED
MOT Begay, S	the Civil Rights of Individuals	
SEC Brown	with Disabilities Act of 2017	

Yea : 14

Nay : 2

Excused : 2

Not Voting : 6

Yea : 14

Begay, K
Begay, S
Bennett
Chee

Crotty
Damon
Daniels
Hale

Jack
Perry
Phelps

Slim
Smith
Tso

Nay : 2

Tsosie

Pete

Excused : 2

Filfred

Shepherd

Not Voting : 6

Bates
Begay, NM

BeGaye, N
Brown

Witherspoon

Yazzie