

LEGISLATIVE SUMMARY SHEET

Tracking No. 0142-18

DATE: April 17, 2018

SUBJECT AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; SUPPORTING THE FORT DEFIANCE CHAPTER IN ITS CONCERNS REGARDING THE ACTIONS OF THE DISTRICT'S SUPERINTENDENT OF SCHOOLS AND ITS REQUEST TO THE WINDOW ROCK UNIFIED SCHOOL DISTRICT NO. 8 TO CONDUCT A FORENSIC AUDIT

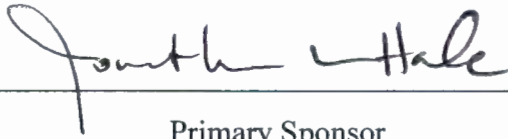
PURPOSE: The purpose of this legislation is to support the concerns expressed by the Fort Defiance Chapter in Resolutions submitted to the Health, Education and Human Services Committee

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 review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 4:28pm 4/20/18
Posting End Date: 4/25/2018
Eligible for Action: 4/24/2018

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 23RD NAVAJO NATION COUNCIL—Third Year, 2017

3 INTRODUCED BY

4 
5 _____

6 Primary Sponsor

7 TRACKING NO. 0142-18

8
9 AN ACTION

10 RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES
11 COMMITTEE; SUPPORTING THE FORT DEFIANCE CHAPTER IN ITS
12 CONCERNS REGARDING THE ACTIONS OF THE DISTRICT'S
13 SUPERINTENDENT OF SCHOOLS AND ITS REQUEST TO THE WINDOW
14 ROCK UNIFIED SCHOOL DISTRICT NO. 8 TO CONDUCT A FORENSIC
15 AUDIT

16
17 **WHEREAS:**

18 **Section One. Authority**

19 The Health, Education and Human Services Committee of the Navajo Nation Council
20 has legislative authority and oversight over all matters related to education on the
21 Navajo Nation. 2 N.N.C. § 401 (C) (1)

22
23 **Section Two: Findings**

- 24 A. The Health, Education and Human Services Committee of the Navajo Nation Council is
25 in receipt of the Fort Defiance Resolutions FDC-2018-03-11-05 and FDC-2018-03-11-
26 06 respectively. See Exhibits A and B.
- 27 B. The Health, Education and Human Services Committee of the Navajo Nation Council
28 finds it to be in the best interest of the Navajo Nation for the concerns of the Fort
29 Defiance Chapter as expressed in Resolution FDC-2018-03-11-05 be appropriately
30 addressed. See Exhibit A.

1 C. The Health, Education and Human Services Committee of the Navajo Nation Council
2 finds it to be in the best interest of the Navajo Nation that the request of the Fort
3 Defiance Chapter as expressed in Resolution FDC-2018-03-11-06 regarding
4 performance of a forensic with respect to all schools within the Window Rock Unified
5 School District No. 8 be recognized and implemented. See Exhibit B.
6

7 **NOW THEREFORE, BE IT RESOLVED:**

8 A. The Health, Education and Human Services Committee of the Navajo Nation Council
9 hereby supports the concerns of the Fort Defiance Chapter as expressed in Resolution
10 FDC-2018-03-11-05, as found at Exhibit A, and requests that these concerns be
11 addressed by the appropriate authorities and in the manner provided.

12 B. The Health, Education and Human Services Committee of the Navajo Nation Council
13 hereby requests that the Fort Defiance Chapter's request as expressed in Resolution FDC-
14 2018-03-11-06, as found at Exhibit B, regarding performance of a forensic audit with
15 respect to all schools within the Window Rock Unified School District No. 8 be
16 recognized and implemented.
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THE NAVAJO NATION
FORT DEFIANCE CHAPTER
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Aaron Sam, Vice-President
Brenda Wauneka, Secretary/Treasurer
Herman Billie, Grazing Official
Benjamin Bennett Council Delegate

RUSSELL BEGAYE
Navajo Nation President

JONATHAN NEZ
Navajo Nation Vice President

FDC-2018-03-11-05

RESOLUTION OF FORT DEFIANCE CHAPTER

REQUESTING THE GOVERNING SCHOOL BOARD OF THE WINDOW ROCK UNIFIED SCHOOL DISTRICT NO. 8 FOR THE IMMEDIATE REMOVAL OF SUPERINTENDENT LYNETTE MICHALSKI

WHEREAS:

1. Pursuant to 26 N.N.C., Section 3 (A), the Fort Defiance Chapter is a duly recognized certified Chapter of the Navajo Nation government, as listed under 11. N.N.C., Part 1, Section 10 and;
2. Pursuant to 26 N.N.C., Section 1 (B), the Fort Defiance Chapter is vested with the authority to review all matters affecting the community and to make appropriate corrections when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions, and;
3. The Fort Defiance Chapter requests the governing school board of the Window Rock School District No. 8 for the removal of superintendent Lynette Michalski for the following reasons: and;
4. The Fort Defiance Chapter requests the governing school board of the Window Rock School District No. 8 for the removal of superintendent Lynette Michalski for the reason being she has promoted and advocated adverse actions against Navajo jurisdiction and therefore undermining the Navajo Nation law, and;
5. The Fort Defiance Chapter requests the governing school board of the Window Rock School District No. 8 for the removal of superintendent Lynette Michalski for the reason being she is disrespectful and unreasonable in personnel management of the district; where she has placed district personnel on leave with strict compliance of policies and procedures, and;
6. The Fort Defiance Chapter requests the governing school board of the Window Rock School District No. 8 for the removal of superintendent Lynette Michalski for the reason being she does not adhere to policies and has replaced a qualified Navajo employce with her own daughter as an administrative assistant, who is allowed to travel on district time and expense; this is nepotism at the highest level of the school district, and;
7. The Fort Defiance Chapter requests the governing school board of the Window Rock School District No. 8 for the removal of superintendent Lynette Michalski and has hired district employees with unfavorable backgrounds and findings, and;
8. The Fort Defiance Chapter requests the governing school board of the Window Rock School District No. 8 for the removal of superintendent Lynette Michalski for the reason being she is allowing a high turn-over of administrative staff, and;
9. The Fort Defiance Chapter requests the governing school board of the Window Rock School District No. 8 for the removal of superintendent Lynette Michalski for the reason being she has allowed the degradation of students in the classroom and at the same time forcing students out of the school district and violating the "Every Student Succeeds Act,"

10. Fort Defiance Chapter requests the governing board of the Window Rock School District No. 8 for the removal of superintendent Lynette Michalski for the reason of providing a hostile working environment for the teaching staff, and
11. Fort Defiance Chapter requests the governing board of Window Rock School District No. 8 for the reason of violating the Navajo Nation Anti Bullying Act passed recently through the legislative branch.

NOW THEREFORE BE IT RESOLVED THAT:

The Fort Defiance Chapter hereby requests the governing school board of the Window Rock School District No. 8 to immediately remove superintendent Lynette Michalski from the position of Superintendent of Window Rock School District No. 8

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called regular meeting at Fort Defiance Chapter, Navajo Nation, Arizona, at which a quorum was present and at the same time was passed by a vote of 18 in favor, 3 opposed and 8 abstained, on this 11 day of March 2018.

Motioned by: Kathryn Arizo

Seconded by: Larry Foster

Wilson C Stewart
Wilson C. Stewart, Jr., Chapter President



THE NAVAJO NATION
 FORT DEFIANCE CHAPTER
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Stewart, Jr. President
 Aaron Sam, Vice-President
 Secretary/Treasurer
 Billie, Grazing Official
 Benjamin Bennett Council Delegate

RUSSELL BEGAYE
 Navajo Nation President

JONATHAN NEZ
 Navajo Nation Vice President

FDC-2018-03-11-06

RESOLUTION OF FORT DEFIANCE CHAPTER

Requesting the Governing Board of Window Rock School District No. 8 for a Forensic Audit of all Schools, Departments and Accounts

WHEREAS:

1. Pursuant to 26 N.N.C. Section 3(A) the Fort Defiance Chapter is a duly recognized certified chapter of the Navajo Nation government, as listed under 11 N.N.C. Part 1, Section 10, and
2. Pursuant to 26 N.N.C. Section 1(B), the Fort Defiance Chapter is vested with the authority to review all matters affecting the community and to make appropriate motions when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions, and
3. Fort Defiance Chapter request the governing board of Window Rock School District No. 8 for a forensic audit of all schools and department and accounts

NOW THEREFORE BE IT RESOLVED THAT:

Fort Defiance Chapter hereby requests the governing board of Window Rock School District No. 8 for a forensic audit of all schools, departments and accounts

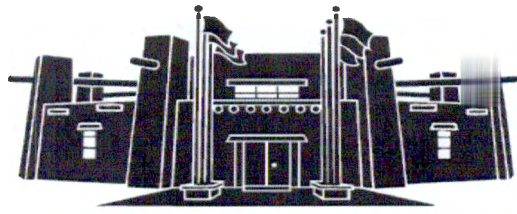
CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called regular meeting at which a quorum was present and that same was approved by a vote of 21 in favor, 0 opposed, and 5 abstained this 11th day of March 2018.

MOTIONED: Ben Bennett


SECONDED: Kathryn Amiso

Wilson C. Stewart, Jr.
 Wilson C. Stewart, Jr. Chapter President



MEMORANDUM

TO: Honorable Jonathan Hale
Navajo Nation Council

FROM: 
Edward A. McCool, Principal Attorney
Office of Legislative Counsel

DATE: April 20, 2018

SUBJECT: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; SUPPORTING THE FORT DEFIANCE CHAPTER IN ITS CONCERNS REGARDING THE ACTIONS OF THE DISTRICT'S SUPERINTENDENT OF SCHOOLS AND ITS REQUEST TO THE WINDOW ROCK UNIFIED SCHOOL DISTRICT NO. 8 TO CONDUCT A FORENSIC AUDIT

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0142-18 _____ SPONSOR: Jonathan Hale

TITLE: An Action Relating to Health, Education and Human Services Committee; Supporting the Fort Defiance Chapter in its concerns regarding the actions of the District's Superintendent of School and its request to the Window Rock Unified School District No. 8 to conduct a forensic audit

Date posted: April 20, 2018 at 4:28pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*