

WAGANAKISING ODAWAK STATUTE 2018-010
MICHELLE CHINGWA EDUCATION HONORARIUM ACT

SECTION I. PURPOSE

This Michelle Chingwa Education Honorarium Act is hereby enacted to provide a gift to honor Tribal Citizens that are obtaining post-secondary educational opportunities and repeals and replaces the original and amended Michelle Chingwa Education Assistance Act including WOS 2007-005 and WOS 2014-010.

SECTION II. GENERAL WELFARE EXCLUSION

As stated by the requirements of the United States Internal Revenue Section 139E, the Michelle Chingwa Education Honorarium meets the criteria of the United States Public Law 113-168, Tribal General Welfare Exclusion Act of 2014 and WOS 2017-002 General Welfare Statute.

SECTION III. DEFINITIONS

A. “Accredited” shall apply to those post-secondary institutions of higher education that are accredited by an agency, organization or state agency recognized by either the United States Department of Education or a foreign government accrediting agency that processes validations for colleges, universities and other institutions of higher learning.

B. “Citizen” shall mean an enrolled member of the Little Traverse Bay Bands of Odawa Indians.

C. “Department” means the Education Department located within the Executive Branch of the Tribe.

D. “Executive Directive” in accordance with the WOS 2015-019, means a directive issued by the Tribal Chairperson that establishes basic internal rules of procedure, or guidelines for Executive departments and employees and does not impact Tribal Citizens or entities out-side of the Executive Branch.

E. “Tribe” or “LTBB” shall mean the Little Traverse Bay Bands of Odawa Indians.

SECTION IV. APPLICATION

A. The program shall be administered by the Education Department.

B. Honorariums shall be paid directly to the student.

C. The program shall fund Honorariums to Tribal Citizens attending:

1. Accredited post-secondary institutions of higher education, colleges and universities whether located within a Tribal Reservation, the United States or a foreign country;

2. Tribally controlled colleges that are seeking accreditation;

3. Other colleges or programs approved by Tribal Resolution.

D. Honorariums shall be administered in the following manner:

1. Deadlines are established as follows:

a. Fall, October 1st

b. Winter/Spring, February 15th

c. Summer, June 15th

d. Deadlines for trimesters, quarters or non-standard terms shall be thirty (30) days after the beginning of the session. “Non-standard Term” shall mean a course term that is not considered to be a semester, trimester or quarter as defined by the United States Department of Education.

- e. Deadlines for accelerated courses that fall within a standard term but begin after the term begins shall be thirty (30) days after the beginning of the session.
- 2. The Honorariums shall be granted up to the deadline for each semester, trimester, quarter, non-standard term, or accelerated course.
 - 3. Honorarium applications submitted after the deadlines shall be classified as late. Late applications shall not be funded, but such late applications may be appealed to the Education Appeals Board for further review.
 - 4. The Honorariums shall be calculated on a per credit hour basis with five (5) classifications: (Credits at foreign accredited post-secondary institutions of higher education, colleges and universities shall be calculated using the appropriate United States credit equivalency rate).
 - a. Classifications:
 - i. Class one (1) are courses or College programs that are sponsored by Little Traverse Bay Bands of Odawa Indians and provided nearly free or minimal cost to the student.
 - ii. Class two (2) are Junior or community colleges classes.
 - iii. Class three (3) are Four-year colleges or four-year degree programs classes.
 - iv. Class four (4) are Graduate level courses.
 - v. Class five (5) are free courses such as the free online courses.
 - b. The limit and level of each Honorarium classification shall be:
 - i. Set by the Executive Directive.

- ii. Credit limits should not exceed eighteen (18) credits per semester for undergraduate courses or twelve (12) credits per semester for graduate courses.
- iii. Honorarium levels for Class 1 shall cover actual expenses plus smaller amount to cover other student expenses (i.e. \$25 per credit hour to cover travel, meals, etc).
- iv. Honorarium levels for Class 2, 3, & 4 respectively shall follow a general ratio of 2/3/4 (i.e. Class 2, \$150, Class 3, \$250, Class 4, \$350) and should be raised or lowered to accommodate the budget but an attempt should be made to keep the levels as consistent as possible to help students plan from semester to semester.
- v. Honorarium levels for Class 5 shall be limited to a small per credit hour amount to cover miscellaneous expenses (i.e. \$15 per credit to cover books, materials, etc.).
- vi. Students enrolled in multiple level of classes, the Honorarium shall be awarded at the appropriate level for each course or class.

E. To be eligible for an Honorarium the student must:

- 1. Be an enrolled Citizen of the Tribe.
- 2. Be enrolled in an educational institution or program as delineated in Section III., C.
- 3. Maintain a 2.0 overall GPA (subject to appeal to the Education Appeals Board).

SECTION V. RESTRICTIONS

A. If a student withdraws from a course, their next Honorarium shall be reduced by that equivalent amount, unless otherwise appealed to the Education Appeals Board.

B. Students will not be funded for a course more than twice unless the student can prove they need to take the class over to complete a degree requirement but shall be limited to three (3) times.

SECTION VI. REGULATIONS REQUIRED

A. The Department shall develop regulations for this statute for Tribal Council approval; however, the implementation of the statute shall not be delayed by approval of regulations.

B. The regulations shall define the appeal process. Appeals authorized by this statute shall be heard by the Education Appeals Board, or its successor.

C. The regulations shall require the following minimum reports to Tribal Council:

1. Three (3) summary reports for each semester's Honorariums in March, July, and October and a year-end summary each January for all the previous year's Honorariums.

2. Each report submitted to Tribal Council shall contain at a minimum:

a. A list of names of Honorarium recipients, the type of degree sought or earned and most recent contact information.

b. Number of students in each class of Honorariums

c. Number of semester credits in each class of Honorariums

d. Total dollar amount of Honorariums for each period and the year

e. Present Honorarium rates and predicted rates needed to meet budget for the next cycle

3. The list of Honorarium recipients, the type of degree sought or earned, and most recent contact information shall also be provided to other Tribal sub-entities by the Education Department, upon request.

D. Publication required. The Department shall publish the award levels for the next Honorarium cycle in November, April, and June of each year.

SECTION VII. APPROPRIATIONS AUTHORIZED

This Education Honorarium Act shall be included in the Executive budget and funded annually with a minimum budget of million (\$1,000,000.00) dollars per fiscal year.

SECTION VIII. SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION IX. EFFECTIVE DATE

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

SECTION X. OTHER RELATED STATUTES

See Waganakising Odawak Statute (WOS) 2009-011 Education Appeals Board, or as may be amended.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on July 28, 2018 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

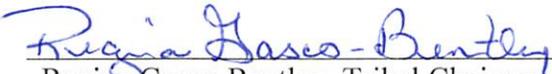
	In Favor	Opposed	Abstained	Absent
Frank Bernard	X			
David Harrington	X			
Dexter McNamara	X			
Emily Proctor	X			
Julie Shananaquet				X
Shanna Wemigwase	X			
Marcella R. Reyes	X			
Tamara Kiogima	X			
Fred Harrington, Jr.	X			

Date: 07.31.18 
 Legislative Leader, Fred Harrington, Jr.

Date: 07/31/18 
 Tribal Council Secretary, Tamara Kiogima

Received by the Executive Office on 8/1/18 by 

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 8-2-18 
 Regina Gasco Bentley, Tribal Chairperson



Secretary Kiogima TK

