

An Act

Legislative Act: 05-24

A COMPREHENSIVE CHEROKEE NATION EDUCATION SCHOLARSHIP ACT

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Legislative Act shall be titled as the "The Comprehensive Cherokee Nation Education Act of 2024" and codified under Title ____ Section _____ of the Cherokee Nation Code Annotated ("CNCA").

Section 2. Findings and Purpose

The Council of the Cherokee Nation finds that consolidating and updating existing statutes relating to the higher education scholarship programs is warranted. The purpose of this act is to repeal existing higher education scholarship statutes and replace those statutes with a comprehensive approach to scholarship administration in the Cherokee Nation, align the fiscal years 2023 and 2024 increases in the college scholarship legislated by appropriation with updated statutory language, create a Cherokee Nation Leadership Scholarship Fund through the Cherokee Nation Foundation, formalize an at-large scholarship fund through the Cherokee Nation Foundation, provide for an annual report on scholarship programs and other related purposes.

Section 3. Legislative History

Article VI Section 7 of the Cherokee Nation Constitution states:

"The Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution. The style of all bills shall be: "Be It Enacted By the Cherokee Nation." The style of all resolutions shall be "Be It Resolved By the Cherokee Nation."

Article X Section 2 of the Cherokee Nation Constitution states:

"The Council shall provide by law for annual expenditure of funds, and the source from which funds are to be derived, to defray the estimated expenses of the Executive, Legislative, and Judicial Branches and the departments of the government of the Cherokee Nation for each fiscal year. The budget shall not exceed estimated revenues."

Article X Section 8 of the Cherokee Nation Constitution states:

"All laws authorizing the expenditures of money by and on behalf of the Cherokee Nation shall specify the purpose for which the money is to be used, and the money so designated shall be used for no other purpose. No monies or resources of the Cherokee Nation or any of its entities shall be used to pay for the representation of a defendant in a criminal matter, except where a public defender is authorized under Cherokee law. Annual expenditures shall not exceed the available funds".

Legislative Act 31-07

Legislative Act 02-11

Legislative Act 01-21

Section 4. Definitions

For purposes of this Act:

- A. Cherokee Nation Scholarship:** educational grant dollars provided through the Cherokee Nation Education department for eligible recipients.
- B. Concurrent enrollment:** enrollment in an eligible public institution, less than full-time by a high school junior or senior for the purpose of gaining general education requirements.
 - i. Courses considered for concurrent enrollment include general education required courses; Composition I, Composition II, College Algebra, General Physical Science or General Biology, History, Government, Political Science, Speech, Humanities, Computer Science and Personal Health
- C. College enrollment:** enrollment in an eligible public institution either part-time or full-time by a student who has a high school diploma.
- A. D. Cherokee Nation Leadership Scholarship fund:** scholarship dollars provided by the Cherokee Nation annually as provided by any available funding source including, but not limited to; the General Fund and administered through the annual Charitable Contributions budget.
- E. Cherokee Nation Education Policies:** policies maintained by the Cherokee Nation Education Department pertaining to procedures, scholarship requirements or other guidelines.
- F. Cherokee Nation Foundation Policies:** policies maintained by the Cherokee Nation Foundation and its governing board.

Section 5. Cherokee Nation General Scholarships

- A.** Cherokee Nation students who are considered "college enrolled" are eligible for an opportunity for a college scholarship according to Cherokee Nation Education Scholarship policy.
- B.** Cherokee Nation students who are considered as participating in concurrent enrollment are eligible for financial support for up to six (6) credit hours of per academic year, and according to Cherokee Nation Education Scholarship Policy.

- C. The funding source for scholarship expenditure shall be the Cherokee Nation General Fund. Scholarship awards shall be contingent upon available funding.
- D. Scholarship awards shall not require a demonstration of need but may require;
 - i. Community service hours be completed in coordination with Cherokee Nation Education Department and Cherokee Nation College Resources Office.
 - ii. Cherokee language study in coordination with the Cherokee Nation Language Department and Cherokee Nation College Resources Office and/or
 - iii. Participation as a Gadugi Corps Volunteer or National Service participant, within the meaning of the Cherokee Nation Gadugi Corps Volunteer and National Service Act of 2023 and any amendments thereto

Section 6. Cherokee Nation Leadership Scholarship Fund through the Cherokee Nation Foundation

- B. The Council authorizes the establishment of the Cherokee Nation Leadership Scholarship Fund through a partnership with the Cherokee Nation Foundation commencing with the 2024-2025 academic year, funded by any available funding source including, but not limited to; the general fund and administered through the annual charitable contributions budget.
- C. The Cherokee Nation Leadership Scholarship Fund shall allocate equal scholarships in each council district on the Cherokee Nation Reservation fifteen (15), two (2) such scholarships for at-large citizens, a scholarship named for the Office of Principal Chief, and a scholarship named for the Office of Deputy Principal Chief, at an equal amount of up to \$5,000 each.
 - i. A Cherokee Nation Leadership Scholarship shall be designated for:
 - a) Council district applicants, one (1) per fifteen (15) geographic districts within the reservation designated as “Cherokee Nation Leadership Scholarship – District [x] Scholar”
 - b) At-Large applicants, two (2) scholarships with at-large residency required, designated as “Cherokee Nation Leadership Scholarship – At-Large Scholar(s)”
 - c) Office of Principal Chief, one (1) scholarship of universal geographic eligibility, designated as “Cherokee Nation Leadership Scholarship – Principal Chief Scholar”
 - d) Office of Deputy Principal Chief, one (1) scholarship of universal geographic eligibility designated as “Cherokee Nation Leadership Scholarship – Deputy Principal Chief Scholar”
 - ii. These scholarships shall be merit-based, with uniform academic eligibility requirements for all scholarships, including a minimum 3.0 GPA, memorialized in a Memorandum of Understanding between Cherokee Nation and the Cherokee Nation Foundation.
 - iii. Upon enactment of this Act, all memoranda of understandings or other agreements between the Cherokee Nation Foundation and Cherokee Nation relating to Council district-based scholarships shall be null and void, replaced by the agreements described herein:
 - iv. The Cherokee Nation Leadership Scholarship Fund shall be the exclusive Council District, Principal Chief or Deputy Chief designated scholarship available through

the Cherokee Nation Foundation, though nothing herein prohibits the Council from earmarking or otherwise requesting funds be provided to Cherokee Nation Foundation from Community Assistance or Special Projects funds on a general and unrestricted basis and without respect to designating a particular scholarship name or purpose.

- v. Cherokee Nation Leadership Scholarship shall be memorialized in a “Cherokee Leadership Scholarship Memorandum of Understanding between Cherokee Nation and the Cherokee Nation Foundation [name of scholarship],” the term of which shall not exceed 5 years, subject to renewal, signed by the Principal Chief after consultation with the relevant district Council member, with and copy of which shall be provided to the Speaker of the Council of the Cherokee Nation.
- vi. Each Cherokee Nation Leadership Scholarship shall be named pursuant to this Act and shall bear no other name, other than abbreviations or summaries of names for convenience of communications.
- vii. Nothing in this Act prohibits the donation of Cherokee Nation funds to the Cherokee Nation Foundation for any other purpose and nothing in this Act prohibits the donation of personal funds by a Cherokee Nation elected official to the Cherokee Nation Foundation for any purpose, including establishing a scholarship.

Section 7. Cherokee Nation At-Large Scholarships through the Cherokee Nation Foundation

- A. In addition to extant eligibility of at-large citizens to Cherokee Nation’s scholarship program under the policies of Cherokee Nation Education Services, and in addition to the Cherokee Nation Leadership Scholarship authorized by this Act, the Council authorizes the establishment of the Cherokee Nation At-Large Scholarship Supplemental Fund through a partnership with Cherokee Nation Foundation, funded by any available funding source included but not limited to the general fund and administered through the annual charitable contributions budget with Cherokee Nation Foundation, at a minimum annual appropriation of \$30,000 commencing with Fiscal Year 2023, consistent with the appropriations for the same purpose in Fiscal Year 2023 and 2024.
- B. The “Cherokee Nation At-Large Scholarship Supplemental Fund” shall be subject to a Memorandum of Understanding between Cherokee Nation and Cherokee Nation Foundation, the term of which shall not exceed five (5) years, subject to renewal, signed by the Principal Chief after consultation with the at-large Council members, a copy of which shall be provided to the Speaker of the Council of the Cherokee Nation, with terms substantially aligned with the extant at-large scholarships that are available through Cherokee Nation Foundation in fiscal year 2023 and 2024.

Section 8. Cherokee Nation Employee Matching Fund

- A. Commencing with fiscal year 2023, the Council authorizes the Cherokee Nation to match donations, in aggregate, to the Cherokee Nation Foundation by Cherokee Nation employees through payroll deductions, of up to \$50,000 per fiscal year, for the purpose of supplementing Cherokee Nation Foundation's general scholarship funds.

Section 9. Annual Review of Scholarship Programs

- A. Commencing with fiscal year 2023, the Principal Chief, by his or her designee, shall provide a report to the Council of the Cherokee Nation on the "Annual Status Report of Cherokee Nation Higher Education Programs and Partnerships," with said report provided to the Council of the Cherokee Nation by December 31 each year with a copy made available for public inspection, including the following information:
- i. Current and historic scholarship expenditures and student count.
 - ii. Summary of existing higher education partnerships with third party entities, institutions, colleges universities and non-profits.
 - iii. Total funding provided by Cherokee Nation or any of its entities to the Cherokee Nation Foundation during the most recent fiscal year.
 - iv. Measurements of success of Cherokee Nation's higher education program, including graduation rates and job placement.
 - v. Analysis of the cost of higher education relative to Cherokee Nation's scholarship programs, including projected costs.
 - vi. Summary of, or entire recitation of Cherokee Nation higher education policies, highlighting any recent or anticipated changes.
 - vii. Recommendations regarding any necessary legislative changes to this or any other Cherokee Nation law relating to higher education.

Section 10. Provisions as Cumulative

The provisions of this act shall be cumulative to existing law. This Act shall repeal and replace Legislative Act 31-07; Legislative Act 02-18 and Legislative Act 01-21.

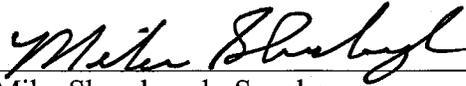
Section 11. Severability

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

Section 12. Effective Date

This Act shall become effective _____, 2023 in accordance with the Cherokee Nation Constitution.

Passed by the Cherokee Council on the 22nd day of January, 2024


Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:


Dora Patzkowski, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23rd day of January, 2024


Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:


Shella Bowlin, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Sasha Blackfox-Qualls	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Absent</u>
Lisa Hall	<u>Yea</u>	Dora Patzkowski	<u>Yea</u>
Dr. Mike Dobbins	<u>Absent</u>	Joe Deere	<u>Yea</u>
E.O. "Jr." Smith	<u>Yea</u>	Kevin Easley, Jr.	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Josh Sam	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Codey Poindexter	<u>Yea</u>	Julia Coates	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

<u>ADMINISTRATIVE CLEARANCE</u>	
Dept/Program:	
Signature/Initial	Date
Executive Director:	
Signature/Initial	Date
Treasurer (Required: Grants/Contracts/Budgets):	
Signature/Initial	Date
Government Relations:	
Signature/Initial	Date
Administration Approval:	
	11/9/24
Signature/Initial	Date

TITLE:

A COMPREHENSIVE CHEROKEE NATION EDUCATION SCHOLARSHIP ACT

DEPARTMENT CONTACT: Chuck Hoskin Jr.

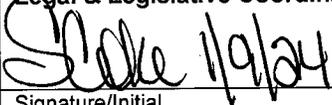
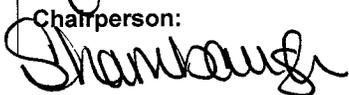
RESOLUTION PRESENTER: Taralee Montgomery

COUNCIL SPONSOR: _____

Candessa Tehee, Mike Shambaugh, Victoria Vazquez, Josh Sam, Daryl Legg, Kevin Easley, Codey Poindexter

NARRATIVE:

The Council of the Cherokee Nation finds that consolidating and updating existing statutes relating to the higher education scholarship programs is warranted. The purpose of this act is to repeal existing higher education scholarship statutes and replace those statutes with a comprehensive approach to scholarship administration in the Cherokee Nation, align the fiscal years 2023 and 2024 increases in the college scholarship legislated by appropriation with updated statutory language, create a Cherokee Nation Leadership Scholarship Fund through the Cherokee Nation Foundation, formalize an at-large scholarship fund through the Cherokee Nation Foundation, provide for an annual report on scholarship programs and other related purposes.

<u>LEGISLATIVE CLEARANCE:</u>	
Legal & Legislative Coordinator:	
	11/9/24
Signature/Initial	Date
Standing Committee & Date:	
	
Chairperson:	
	

JAN 9 '24 PM 1:40