

TITLE 70

SCHOOLS AND EDUCATION

Code of Federal Regulations

Education, Bureau of Indian Affairs,

Administration of educational loans, grants and other assistance for higher education, see 25 C.F.R. § 40.1 et seq.

Education personnel, see 25 C.F.R. § 38.1 et seq.

Federal schools for Indians, see 25 C.F.R. § 31.0 et seq.

Indian education policies, see 25 C.F.R. § 32.1 et seq.

Indian school equalization program, see 25 C.F.R. § 39.1 et seq.

Minimum academic standards, see 25 C.F.R. § 36.1 et seq.

Student rights, see 25 C.F.R. § 42.1 et seq.

Indian Self-determination and Education Assistance Act program, see 25 C.F.R. § 273.1 et seq.

United States Code

Educational programs, Bureau of Indian Affairs, see 25 U.S.C. § 2000 et seq.

Education in agriculture management, see 25 U.S.C. § 3731 et seq.

Education of Indians, see 25 U.S.C. § 271 et seq.

Enforcement of state laws affecting health and education; entry of state employees on Indian lands, see 25 U.S.C. § 231.

Indian education assistance, see 25 U.S.C. § 458 et seq.

Indian higher education programs, see 25 U.S.C. § 3301 et seq.

National fund for excellence in American Indian education, see 25 U.S.C. § 458ddd et seq.

Payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, and schools; payment of rewards, see 25 U.S.C. § 13b.

Tribally controlled colleges and universities assistance, see 25 U.S.C. § 1801 et seq.

Tribally controlled school grants, see 25 U.S.C. § 2501 et seq.

Vocational education funds, see 25 U.S.C. § 309b.

CHAPTER 1

GENERAL PROVISIONS

§ 1. Neglect or refusal to compel child to attend school

A. It shall be unlawful for a parent, guardian, custodian or other person having control of a child who is over the age of five (5) years, unless such child has been screened by the Cherokee Nation, or an educational or behavioral health expert and such child is determined not to be ready for kindergarten, and under the age of eighteen (18) years, to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school including home school, unless other means of education are provided for the full term the schools of the district are in session. One-half (1/2) day of kindergarten shall be required of all children five (5) years of age or older as appropriately provided, or as otherwise excepted from same by this section. A kindergarten program shall be directed toward developmentally appropriate objectives for such children. The program shall require that any teacher employed on program within the public school system shall be certified in early childhood education.

B. It shall be unlawful for any child who is over the age of sixteen (16) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school including home school, or receive an education by other means for the full term the schools of the district are in session.

Provided, that this section shall not apply:

1. If any such child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician.
2. If any such child is excused from attendance a school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child.
3. If any such child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between:
 - a. The school administrator of the school district where the child attends school, and
 - b. The parent, guardian or custodian of the child. Provided, further, that no child shall be excused

from attending school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen (18) years; or

4. If any such child is excused pursuant to subsection (C) of this section.

C. A school shall excuse a student from attending school for the purpose of observing religious days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the days.

D. It shall be the duty of the juvenile and law enforcement officers to enforce the provisions of this section. Any parent, guardian, custodian, child or other person violating any of the provisions of this section shall be guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00) for the first offense, not less than Ten Dollars (\$10.00) nor more Fifty Dollars (\$50.00) for the second offense, and not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each subsequent offense. Each day the child remains out of school after the written warning has been given or the child ordered to school by the juvenile court may constitute a separate offense. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.

Library References

Education <KEY>690.

Indians <KEY>140.

Westlaw Topic Nos. 141E, 209.

C.J.S. Indians § 56.

CHAPTER 2

FAMILY ADULT EDUCATION UNIT

§ 101. Purpose

The purpose of this act is to establish permanent funding for educational opportunities and learning experiences to enable Cherokee adults to be literate and to obtain the necessary academic skills and knowledge needed to gain meaningful employment and to exercise the rights and responsibilities of tribal and national citizenship.

History

Source. LA 01–97, eff. March 10, 1997.

Library References

Indians <KEY>140.

Westlaw Topic No. 209.

C.J.S. Indians § 56.

§ 102. Establishment of the program

Cherokee Nation does hereby officially establish the Family Adult Education Unit as a permanent recurring program to be funded from the General Fund Budget.

History

Source. LA 01–97, eff. March 10, 1997.

Library References

Indians <KEY>140.

Westlaw Topic No. 209.

C.J.S. Indians § 56.

§ 103. Education

The Cherokee Nation Family Adult Education Unit promotes lifelong learning which will allow every Cherokee an opportunity to obtain necessary academic skills to achieve meaningful employment, personal development and spiritual growth. It is therefore necessary for Cherokee Nation:

1. To provide community-based Adult Basic Education/GED classes to eligible Indian adults throughout the Nation's jurisdictional boundaries;
2. To provide adult students with instruction which incorporates Cherokee language and culture concepts;
3. To incorporate in all academic adult education programs scheduled sessions that focus on developing or enriching the sense of individual pride and dignity of being a Cherokee, American Indian and citizen of the U.S., utilizing the expertise of tribal elders, Tribal Council Members and local community leaders;

4. To implement curriculum materials that reflect the special cultural and academic needs of Cherokee adult learners and thereby increasing the efficiency and effectiveness of learning;

5. To achieve computer literacy for all Cherokee adults to the level that all Cherokee families may have access to updated computer systems in their homes or in a nearby Cherokee Indian Adult Education Program where adults may continue learning and upgrading their skills, becoming better informed and increasing their employability opportunities.

History

Source. LA 01–97, eff. March 10, 1997.

Library References

Indians <KEY>140.

Westlaw Topic No. 209.

C.J.S. Indians § 56.

CHAPTER 3

SCHOLARSHIPS

GENERAL PROVISIONS

§ 201. Short title

This act shall be known and may be cited as the Cherokee Nation Higher Education Scholarship Reform Act of 2011.

History

Source. LA 31–07, eff. October 1, 2007.

Amended. LA 02–11, eff. February 16, 2011.

Library References

Education <KEY>1233.

Indians <KEY>140.

Westlaw Topic Nos. 141E, 209.

C.J.S. Indians § 56.

§ 202. Purpose

The purpose of this act is to increase the amount of scholarships available to Cherokee students: Two Thousand Dollars (\$2,000.00) per semester, up to Four Thousand Dollars (\$4,000.00) per academic year inside the higher education scholarship boundary map and PELL eligible students that are at-large.

History

Source. LA 31–07, eff. October 1, 2007.

Amended. LA 03–12B, eff. March 24, 2012.

Library References

Education <KEY>1233.

Indians <KEY>140.

Westlaw Topic Nos. 141E, 209.

C.J.S. Indians § 56.

§ 203. Definitions

For purposes of this chapter:

1. **"Education Group"** means the Department within the Cherokee Nation Executive Branch that administers educational programs for the Nation.
2. Repealed by LA 03-12B, eff. March 24, 2012.
3. Repealed by LA 03-12B, eff. March 24, 2012.

History

Source. LA 31–07, eff. October 1, 2007.

Amended. LA 02–11, eff. February 16, 2011.

Amended. LA 03–12B, eff. March 24, 2012.

§ 204. Scholarships for eligible students

Cherokee Nation students who are eligible for PELL and non-PELL grant educational assistance and who are enrolled in a qualified educational facility shall receive a scholarship of Two Thousand Dollars (\$2,000.00) per academic semester, up to Four Thousand Dollars (\$4,000.00) per academic year or equal distribution pending the allocation of the comprehensive budget. Said scholarship shall be automatically renewed for ten (10) semesters provided that the student remains enrolled in good standing at a qualified educational facility. Scholarship awards shall not require demonstration of need.

The funding source for this expenditure shall be the Cherokee Nation General Fund. Scholarship awards shall be contingent upon available funding.

History

Source. LA 31–07, eff. October 1, 2007.

Amended. LA 03–12B, eff. March 24, 2012.

Library References

Education <KEY>1233.

Indians <KEY>140.

Westlaw Topic Nos. 141E, 209.

C.J.S. Indians § 56.

§ 205. Administration of scholarship program

A. Cherokee Nation shall administer, through the Education Group, the Cherokee Nation Higher Education Scholarship Program. The purpose of this program is to provide financial support to qualified Cherokee citizens in order to attend educational institutions beyond the high school level. These institutions include but are not limited to universities, colleges, and junior colleges. The Council of Cherokee Nation shall appropriate funds for this program subject to the availability of resources.

Nothing herein shall impact the administration of funds to assist students attend nursing programs, vocational trade schools or other types of job training administered by the Career Services Group.

B. The Education Group shall promulgate regulations, rules, policies and procedures to administer the scholarship program consistent with this act. Beginning with Fiscal Year (FY) 2012, such rules, policies and procedures and any changes thereto shall be null and void unless they have been provided to the Council of Cherokee Nation, in writing, at least ninety (90) days prior to the effective date of the regulation, rule, policy or procedure, unless such time frame is waived by resolution of the Council.

History

Source. LA 02–11, eff. February 16, 2011.

Library References

Education <KEY>1233.

Indians <KEY>140.

Westlaw Topic Nos. 141E, 209.

C.J.S. Indians § 56.

CONCURRENT ENROLLMENT

§ 251. Short title

This Act shall be known and may be cited as the Concurrent Enrollment Scholarship Act of 2011.

History

Source. LA 23–11, eff. December 16, 2011.

Library References

Education <KEY>1233.

Indians <KEY>140.

Westlaw Topic Nos. 141E, 209.

C.J.S. Indians § 56.

§ 252. Purpose

The purpose of this Act is to create a scholarship program to benefit Cherokee high school students residing in the Cherokee Nation Scholarship Program service area (see map available at Cherokee Nation College Resource Center) who are currently enrolled in an accredited public or private institution of higher learning.

History

Source. LA 23–11, eff. December 16, 2011.

Library References

Education <KEY>1233.

Indians <KEY>140.

Westlaw Topic Nos. 141E, 209.

C.J.S. Indians § 56.

§ 253. Definitions

"Concurrent enrollment" means students who are either a high school junior or senior who are taking college courses through an accredited public or private institution.

History

Source. LA 23–11, eff. December 16, 2011.

§ 254. Scholarships for high school students enrolled in college courses

The Cherokee Nation College Resource Center shall establish a scholarship program to benefit Cherokee high school students residing in the Cherokee Nation Scholarship Program service area (see map available at Cherokee Nation College Resource Center) who are currently enrolled in college courses through an accredited public or private institution of higher learning. The establishment of said program and scholarship awards shall be contingent upon the availability of funding.

History

Source. LA 23–11, eff. December 16, 2011.

Library References

Education <KEY>1233.

Indians <KEY>140.

Westlaw Topic Nos. 141E, 209.

C.J.S. Indians § 56.

