



Council of the Cherokee Nation

Cherokee Nation Tribal Council
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TITLE 70 SCHOOLS AND EDUCATION (INCLUDES 2019 POCKET PART)

TITLE 70

SCHOOLS AND EDUCATION

Chapter

1. General Provisions
2. Family Adult Education Unit
3. Scholarships
4. Head Start Funding
5. Career Readiness Act

CHAPTER 1

GENERAL PROVISIONS

Section

1. Neglect or refusal to compel child to attend school

§ 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.

CHAPTER 2

FAMILY ADULT EDUCATION UNIT

Section

101. Purpose

102. Establishment of program

103. Education

§ 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.

LA 01-97, eff. March 10, 1997.

§ 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.

LA 01-97, eff. March 10, 1997.

§ 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.

LA 01-97, eff. March 10, 1997.

CHAPTER 3

SCHOLARSHIPS

GENERAL PROVISIONS

Section

201. Short title

202. Purpose

203. Definitions

204. Scholarships for eligible students

205. Administration of scholarship program

CONCURRENT ENROLLMENT

251. Short title

252. Purpose

253. Definitions

254. Scholarships for high school students enrolled in college courses

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.

LA 31-07, eff. October 1, 2007. Amended LA 02-11, eff. February 16, 2011.

§ 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.

LA 31-07, eff. October 1, 2007. Amended LA 03-12B, eff. March 24, 2012.

§ 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.

LA 31-07, eff. October 1, 2007. Amended LA 02-11, eff. February 16, 2011; 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.

LA 31-07, eff. October 1, 2007. Amended LA 03-12B, eff. March 24, 2012.

§ 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.

LA 02-11, eff. February 16, 2011.

CONCURRENT ENROLLMENT

§ 251. Short title

This Act shall be known as the 2017 Amendment to the Concurrent Enrollment Scholarship Act of 2011.

LA 23-11, eff. December 16, 2011. Amended LA 18-17, eff. July 21, 2017.

§ 252. Purpose

The purpose of this Amendment is to revise the eligibility requirements for this scholarship program to benefit all Cherokee high school students residing in the Cherokee Nation Scholarship Program service area who are currently enrolled in an accredited public or private institution of higher learning.

LA 23-11, eff. December 16, 2011. Amended LA 18-17, eff. July 21, 2017.

§ 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. **General Education Required Courses: Composition I, Composition II, College Algebra, General Physical Science or General Biology, History, Government, Political Science, Speech, Humanities, Computer Science, Personal Health**

LA 23-11, eff. December 16, 2011. Amended LA 18-17, eff. July 21, 2017.

§ 254. Substantive Provisions

A. Policies for this program under the Cherokee Nation College Resource Center shall be as follows:

1. Eligibility:

a. Students must be a Cherokee Nation citizen that resides in the Cherokee Nation Higher Education Scholarship boundaries (see map attached).

b. The student must submit a verification letter from their school counselor (showing concurrent enrollment eligibility).

c. If a student is home schooled, the student must submit verification from the individual who is providing home schooling (showing concurrent enrollment eligibility).

d. Student must submit a current college class schedule and current high school transcript.

e. Each high school Junior who meets eligibility requirements will receive funding for up to 6 (six) credit hours of tuition, books and required fees for spring and/or fall semesters. Funding will be paid upon receipt of a detailed invoice from the college/university.

f. Each high school Senior who meets eligibility requirements will receive funding for up to 6 (six) credit hours of books and required fees for spring and/or fall semesters. The tuition is waived by the State. Funding will be paid upon receipt of a detailed invoice from the college/university.

g. Scholarships will be limited to general education required courses.

h. Each high school Junior and Senior Concurrent Enrollment scholarship recipient must maintain a minimum cumulative grade point average of 2.50 and complete self-help hours to continue receiving the scholarship.

i. Private and proprietary colleges/universities are not eligible to participate in the Cherokee Nation Concurrent Enrollment scholarship.

B. Funding for this program and scholarship awards shall be contingent upon the availability of funding. Funding for this program and scholarship awards shall be contingent upon the availability of funding beginning the Fall Semester of 2018. If there is not sufficient funding, scholarships priority will be given to high school seniors, using the unweighted GPA multiplied by the ACT score until funding is depleted.

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LA 23-11, eff. December 16, 2011. Amended LA 07-13, eff. March 17, 2013; LA 12-14, eff. July 20, 2014; LA 18-17, eff. July 21, 2017; LA 02-18, eff. March 18, 2018.

Historical and Statutory Notes

2018 Legislation

LA 02-18, Section 2, provides:

"Section 2. Purpose. The purpose of this Amendment is to revise the eligibility requirements for this scholarship program to benefit all Cherokee high school students residing in the Cherokee Nation Scholarship Program service area who are currently enrolled in an accredited public or private institution of higher learning."

CHAPTER 4

HEAD START FUNDING

Section

401. Short title

402. Purpose

403. Head Start funding

§ 401. Short title

This Act shall be known and may be cited as the Cherokee Nation Head Start Funding Act.

LA 16-13, eff. August 17, 2013.

§ 402. Purpose

The purpose of this Act is to assure that sufficient funding from the Tribe's General Fund shall continue the Head Start Program, which is the #1 Tribal Head Start program in the country, showing Cherokee Nation's investment in the Tribe's future through their commitment to its children and to enable the Head Start program to recruit and retain qualified staff.

LA 16-13, eff. August 17, 2013.

§ 403. Head Start funding

A. In order to assure permanent and sufficient funding to the Cherokee Nation Head Start program, the Tribe shall annually fund the remaining needs of the program to provide at least a twelve and one half percent (12.5%) cash match of the funding provided by the

federal government to keep the program in operation and to keep the level of pay for program personnel at a competitive rate in the local market.

B. That this funding shall be funded through the Cherokee Nation General Fund subject to the constitutional requirement of availability of funding.

LA 16-13, eff. August 17, 2013.

CHAPTER 5

CAREER READINESS ACT

Section

501. Definitions

502. Amounts Authorized

503. Policy of Accountability

504. Reporting Requirements

Historical and Statutory Notes

2019 Legislation

LA 18-19, Section 3, provides:

"Section 3. Purpose. The purpose of this Act is to authorize increased operating funding for Career Readiness Programs beginning in fiscal year 2020 and require an annual report on Career Readiness."

§ 501. Definitions

A. Career Readiness Program: Any program of study, other than college degree programs, which prepares students to achieve marketable skills for job opportunities or workplace advancement.

LA 18-19, eff. October 17, 2019.

§ 502. Amounts Authorized

A. Operational funds shall be no less than \$1 million in excess of fiscal year 2020 Comprehensive Budget Act general fund revenue appropriations for Career Readiness Programs associated with Cherokee Nation's Career Services Department, with such authorization expiring September 30, 2024, unless specially reauthorized by act of the Council of the Cherokee Nation.

B. The funding source is dividends received from those governmental revenue entities in which Cherokee Nation is the sole or majority shareholder, and that are organized under Cherokee Nation law. Other sources of funding, such as grants, miscellaneous sources and contributions, revenues of enterprises, taxes, and special and general fund sources, may be used to supplement this funding in order to maximize the beneficial impact through a cohesive strategy to achieve the Purpose as identified herein.

C. The Principal Chief is authorized to execute memoranda of agreement with Cherokee

Nation Businesses to effectuate the funding requirements of this Act.

D. The Executive Director of Career Services is authorized to develop, with the approval of the Principal Chief, assistance programs to meet market demands, employing flexibility in establishing Career Readiness Program eligibility requirements to maximize opportunities for Cherokee citizens living within the Cherokee Nation reservation boundaries. Such Career Readiness Programs may include, but may not be limited to the following priority areas: building trades, HVAC repair and maintenance, healthcare and information technology.

E. All funding set forth herein is subject to the Council appropriation's process.

LA 18-19, eff. October 17, 2019.

§ 503. Policy of Accountability

A. All funds pursuant to this Act under the care of the Cherokee Nation shall be expended as authorized by this enactment unless amended.

B. Any official who intentionally and willfully misuses, misapplies, diverts or embezzles the application or use of any public funds entrusted to the care of the Cherokee Nation from any sources may be prosecuted according to applicable criminal statutes.

LA 18-19, eff. October 17, 2019.

§ 504. Reporting Requirements

Prior to the end of each fiscal year, the Principal Chief shall designate an official to compile a report to be delivered to his office and to the Speaker of the Council on the efficacy of the Cherokee Nation Career Readiness Program, which shall include recommendations for changes and improvements to program design and organization.

LA 18-19, eff. October 17, 2019.