



## Legislation Text

File #: 11-004, Version: 3

### **AN ACT SETTING CERTAIN REQUIREMENTS FOR THE CHEROKEE NATION HIGHER EDUCATION SCHOLARSHIP PROGRAM; AND DECLARING AN EMERGENCY BE IT ENACTED BY THE CHEROKEE NATION:**

#### **Section 1. Title and Codification**

This Legislative Act shall be titled as the "Cherokee Nation Higher Education Scholarship Reform Act of 2011" and codified under Title 70 of the Cherokee Nation Code Annotated ("CNCA").

#### **Section 2. Purpose**

The purpose of this Act is to set certain requirements for individuals who apply for Cherokee Nation Higher Education Scholarships and to set requirements on the Education Group of the Cherokee Nation in the administration of the Higher Education Scholarship Program.

#### **Section 3. Legislative History**

None

#### **Section 4. Definitions**

~~Good Standing: Means that minimum grade point average that allows a student to continue to be enrolled and take classes at the institution.~~

Education Group: Means the department within the Cherokee Nation Executive Branch that administers educational programs for the Nation.

#### **Section 5. Substantive Provisions**

A. The 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 ~~and vocational trade schools~~. The Council of the Cherokee Nation shall appropriate funds for this program subject to the availability of resources.

1. 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 ~~and as limited by the and provisions set forth in subsection C of this subsectionAct~~. Beginning with fiscal year 2012, such rules, policies and procedures and any changes thereto shall be null and void unless they have been provide to the Council of the Cherokee Nation, in writing, at least 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.

**A. The Education Group shall not:**

1. Reject an applicant for a scholarship solely on the basis of the applicant having failed to achieve a particular GPA other than a GPA which is considered to be a GPA of good standing as defined in this Act.
1. Where the applicant seeks a renewal of an undergraduate scholarship, reject an applicant on the basis of the applicant having failed to complete a bachelor's degree in 8 semesters, where the applicant shows good cause for continued funding towards a bachelor's degree for an additional semester as the Education Group may deem appropriate, up to 2 additional semesters. In determining whether good cause has been shown, the Education Group shall consider: (a) the applicant's GPA, (b) the personal, financial or academic issues which necessitate additional semesters of coursework for the applicant and (c) any other factor bearing on the likelihood that the applicant will complete the bachelor's degree with an additional semester of funding.

**Section 6. Provisions as Cumulative/Severability**

The provisions of this act shall be cumulative to existing law.

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 7. Emergency Declared**

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect and be in full force after its passage and approval.

**Section 8. Self-Help Contributions**

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.