

## **Chapter 3. Michelle Chingwa Education Honorarium Act**

### **11.301 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, WOS 2014-010 and WOS 2018-010.

(Source: WOS 2020-003, January 28, 2020, Section I)

### **11.302 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.

(Source: WOS 2020-003, January 28, 2020, Section II)

### **11.303 DEFINITIONS**

- A.** “**Accredited**” shall apply to those post-secondary institutions of higher education, including vocational schools, that are accredited by an agency or organization recognized by either a domestic or foreign government or another 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**” shall mean the Niigandiwin Education Department that is overseen by the Executive Branch.

- D.** “**Executive**” shall mean the Tribal Chairperson or his/her designee.
- E.** “**Executive Directive**” in accordance with the WOS 2015-19, means a directive issued by the Tribal Chairperson that establishes basic internal rules of procedure, or guidelines for the Executive Department and employees and does not impact Tribal Citizens or entities outside of the Executive Branch.
- F.** “**GPA**” shall mean a student’s Grade Point Average reported by an institution on a student’s transcript for the academic term.
- G.** “**LTBB**” shall mean The Little Traverse Bay Bands of Odawa Indians.
- H.** “**MCEH**” shall mean the Michelle Chingwa Education Honorarium Program.
- I.** “**Release of the Information Form**” shall mean a form completed by the student and provided by the LTBB Education Department that gives permission to the department for 3<sup>rd</sup> party communication with the institution.
- J.** “**Student Success Plan**” shall mean a plan that is designed for the student by the Education Department that addresses financial and/or academic goals of the student ensure student success.
- K.** “**Student Success Planning Session**” shall mean a meeting facilitated by the Higher Education Specialist, the Academic Services Coordinator, and/or the Education Director with the student which is intended to develop a plan which addresses financial and/or academic goals and connect them to the appropriate supports and resources that are available.
- L.** “**Tribe**” or “**LTBB**” shall mean the Little Traverse Bay Bands of Odawa Indians.

(Source: WOS 2020-003, January 28, 2020, Section II)

### **11.303 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 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 15<sup>th</sup>
    - b.** Winter/Spring, February 15<sup>th</sup>
    - c.** Summer, June 15<sup>th</sup>
    - 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 petitioned to the Education Department 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 prior learning credit courses or courses 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 college classes.
    - iii. Class three (3) are Four-year colleges or four-year degree program 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 (1,2,3, 5) or twelve (12) credits per semester for graduate courses (class 4).

- iii. Honorarium levels for Class 1 shall assist with the cost of program 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 expense (i.e. \$15 per credit to cover books, material, 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 GPA during the course of an academic term (subject to petition).

(Source: WOS 2020-003, January 28, 2020, Section III)

### **11.304 RESTRICTIONS**

**A.** If a student withdraws from a course, their next Honorarium shall be reduced by that equivalent amount, unless otherwise petitioned.

**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.

(Source: WOS 2020-003, January 28, 2020, Section IV)

### **11.305 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 any petition process. Petitions authorized by this statute shall be heard by the Education Department.

**C.** The regulations shall require the following minimum reports to Tribal Council, and upon request to other Tribal sub-entity:

**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 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

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

(Source: WOS 2020-003, January 28, 2020, Section V)

### **11.306 APPROPRIATIONS AUTHORIZED**

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

(Source: WOS 2020-003, January 28, 2020, Section VI)

### **11.307 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.

(Source: WOS 2020-003, January 28, 2020, Section VII)

### **11.308 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.

(Source: WOS 2020-003, January 28, 2020, Section VIII)