

## **WAGANAKISING ODAWAK STATUTE 2009-011**

### **EDUCATION APPEALS BOARD**

#### **SECTION I: SHORT TITLE, PURPOSE AND DEFINITIONS**

##### **A. Short Title**

This statute shall be entitled “The Education Appeals Board Statute”. This Statute repeals and replaces WAGANAKISING ODAWAK STATUTE (WOS) 2007-012.

##### **B. Purpose**

The purpose of this Statute is to create a Board to hear appeals on educational programs administered by the Department of Education.

##### **C. Definitions**

As used in this Statute:

1. “Board” shall mean “The Education Appeals Board”.
2. “Education Programs” means the Education Department.
3. “Emergency” means an unexpected situation that requires immediate action.
4. “LTBB” mean the Little Traverse Bay Bands of Odawa Indians or the Waganakising Odawa.

#### **SECTION II: CREATION OF THE BOARD**

The Education Commission is hereby renamed the Education Appeals Board, which shall consist of three (3) Members. Education Commission Members currently serving shall take the

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position as Education Appeal Board Members until their current terms expire. Upon expiration of their term, a member may reapply for a position on the Board.

**SECTION III: DUTIES AND AUTHORITY OF THE BOARD**

Conduct hearings for appeals of programs administered by the Education Department such as Higher Education Scholarship Program, Adult Vocational Training Scholarship Program and Direct Employment Program.

**SECTION IV: MEETINGS AND EMERGENCY MEETINGS/HEARINGS**

- A. Regularly scheduled meetings shall be held to conduct business and hearings of the Board as deemed necessary.
- B. An emergency meeting shall be held only for matters involving the needs of a student.

**SECTION V: REGULATIONS**

The Executive may develop Regulations as it deems necessary for the implementation of the intent of this Statute and shall forward such Regulations to the Tribal Council for approval.

**SECTION VI: SAVINGS CLAUSE**

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws, ordinances or statutes of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

**SECTION VII: EFFECTIVE DATE**

Effective upon signature of the Executive or 30 days from Tribal Council approval which ever

comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

**CERTIFICATION**

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on May 3, 2009 at which a quorum was present, by a vote of 8 in favor, 1 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Melvin L. Kiogima	<u>          </u>	<u>X</u>	<u>          </u>	<u>          </u>
Dexter McNamara	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Marvin Mulholland	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Rita Shananaquet	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Alice Yellowbank	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Gerald V. Chingwa	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Regina Gasco Bentley	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Beatrice A. Law	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

Date: May 5, 2009

Beatrice Law, Legislative Leader

Date: May 3, 2009

Regina Gasco Bentley, Secretary

Received by the Executive Office on May 6, 2009 by Lisa Flynn

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date:                                   

Frank Ettawageshik, Tribal Chairperson