

**MESCALERO APACHE TRIBE  
MESCALERO, NEW MEXICO**

**ORDINANCE 23-01**

**WHEREAS**, the Mescalero Apache Tribe, an Indian tribe organized under the Indian Reorganization Act of June 18, 1934 (25 U.S.C. § 5123), and under its Revised Constitution, has full power to act for the Tribe; and

**WHEREAS**, pursuant to Article XI, Section 1(i) of the Revised Constitution, the Mescalero Apache Tribal Council has the power to represent the Tribe and act in all matters that concern the welfare of the Tribe and to make decisions not inconsistent with, or contrary to, the Revised Constitution; and

**WHEREAS**, pursuant to Article XI, Section 1(l) of the Revised Constitution, the Mescalero Apache Tribal Council has the power to administer any funds or property within the exclusive control of the Tribe, and to make expenditures from available funds for public purposes of the Tribe; and

**WHEREAS**, the Mescalero Apache Tribal Code at Chapter 23, "Educational Assistance Programs," provides that the Tribal President shall appoint a Scholarship Committee, comprised of the Community Services Sub-Committee of the Mescalero Apache Tribal Council ("Community Services") and two representatives of the Tribal Education Department (the "Department"), and

**WHEREAS**, however, in practice, Community Services has acted as the Scholarship Committee; and

**WHEREAS**, Chapter 23 provides that the Scholarship Committee is empowered to administer the Tribe's Scholarship Program (the "Program"), including the awarding of scholarships under the Program; and

**WHEREAS**, however, the Mescalero Apache Tribal Council believes that the Program could be more efficient and fair if the Department alone awarded scholarships while Community Services acted as an appeal panel for applicants to the Program for the following reasons: 1) the Department already performs and has expertise in the review of scholarships to determine compliance with Chapter 23; 2) Community Services is tasked with many issues and, on occasion, is not able to attend to the Program on a timely basis; and 3) applicants wishing to appeal scholarship awards or denials will be able to appeal to a panel that has not already made a determination in regard to the same, as is the case under Chapter 23 as it currently exists; and

**WHEREAS**, Chapter 23 does not provide for the appeal of scholarship award denials or determinations related to the amount of an award; and

**WHEREAS**, the Mescalero Apache Tribal Council believes that it is necessary to make revisions to Chapter 23 to address the issues stated above.

**NOW, THEREFORE, BE IT ORDAINED** that the Mescalero Apache Tribal Council does hereby adopt the below revisions to Chapter 23 and all other contrary provisions are hereby repealed:

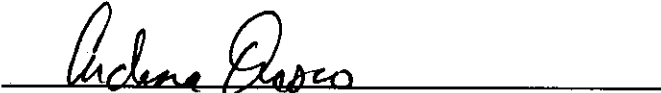
**ORDINANCE 23-01**

**CERTIFICATION**

The foregoing enactment of the Mescalero Apache Tribal Council is duly adopted and approved on the 4<sup>th</sup> day of January 2023, at a legally called session of the Mescalero Apache Tribal Council, by a vote of 6 in favor, 0 opposed, 2 abstained and 0 absent at which a quorum was present and at which a majority of the members voted in favor thereof. This enactment is approved by the President of the Mescalero Apache Tribe under authority of Article XII, Section 1, of the Revised Constitution.



**Eddie Martinez, President**



**Ardena Orosco, Secretary**

**CHAPTER 23**  
**EDUCATION ASSISTANCE PROGRAMS**  
**SECTION 1. GENERAL**

23-1-1. PURPOSE. The purpose of the Tribal Scholarship Program (the "Scholarship Program" or "Program") funds are to assist Tribal members in meeting higher education costs that cannot be met through other programs or resources. Program funds are to be used for unexpected direct school-related purposes only.

23-1-2. SOURCE OF SCHOLARSHIP FUNDS. A source for the scholarship funds shall be the revenue from automated teller machines ("ATMs") at the Inn of the Mountain Gods Resort and Casino. These funds shall remain segregated and shall not be transferred into the general fund, but shall only be used as specifically authorized by the Mescalero Apache Tribal Council (the "Tribal Council").

23-1-3. ELIGIBILITY. Eligibility for the Scholarship Program is limited to Mescalero Apache Tribal members as defined in the Revised Constitution of the Mescalero Apache Tribe (the "Tribe") at Article IV, Sections 1 through 5. An applicant's name must appear on the Tribal Census Roll.

23-1-4. ADMINISTRATIVE AUTHORITY. The Mescalero Apache Tribal Education Department (the "Education Department") shall have the authority to administer all programs under this Chapter.

23-1-5. SINGLE CAREER GOAL. To the greatest degree possible, the Scholarship Program shall encourage students to pursue one career goal for each student. Funds shall only be used for a single degree program at each of the following levels for college/university students: associate, bachelor, master, and doctoral; or a single vocational/technical school certificate, diploma, or license for vocational/technical schools. A college/university student may change his or her major one time at the associate or bachelor level before he or she receives a diploma. In addition, a college/university student may change majors one time when moving from associate to bachelor, bachelor to master, bachelor to doctoral, or master to doctoral. A student may *not* receive funding for a college/university degree program and a vocational/technical school.

*\*Revised by Ordinances 21-04 & 22-09*

23-1-6. AUTHORIZED PROGRAMS. Funds shall only be used to pay for classes relevant to a curriculum or degree plan with attendance at 1) a college, university, community college, or junior college that is accredited by the North Central Accreditation Association or other federal or state accreditation program; or 2) a nationally or regionally known vocational/technical school that has been in existence for at least ten (10) years and is able to show that its graduates are able to be licensed by appropriate governmental authorities or obtain employment in the field for which they received training from that vocational/technical school.

*\*Revised by Ordinance 21-04*

23-1-7. CAREER COUNSELOR.

- A. A career counsel may be appointed by the Scholarship Program to visit students in grades 9 through 12 at the Mescalero Apache School, Tularosa Schools, Ruidoso Schools, and Cloudcroft Schools to advise students, assist students in the college application process when funding allows.

- B. A part-time counselor may be appointed by the Scholarship Program to visit Program students on campuses within the State of New Mexico during the school year to assist them in resolving problems of a personal, social and/or academic nature.

23-1-8. TUTORIAL SERVICES. The Program may assist, when funding allows, in paying for tutorial services to students participating in the Scholarship Program if such services are not available for students through their university or college. These services may be arranged through the school counselor or advisor or through campus Native American student programs at the school the Program student is attending.

23-1-9. SCHOOL TRIPS.

- A. The Scholarship Program may pay the cost of school trips, whether at the primary, secondary, or college level under the following circumstances:
1. When school officials provide class credit for the trip;
  2. If Tribal officials authorize the trip;
  3. For primary and secondary school students who are not eligible for Johnson-O'Malley funds; or
  4. For college students who are either juniors or seniors.
- B. Up to sixty (60) percent of the cost for an eligible student may be paid so long as the amount does not exceed One Thousand Dollars (\$1,000.00).
- C. Trips outside the United States shall not be eligible for Scholarship Program funds.
- D. If funds are not utilized for the purpose intended, the entire amount must be repaid to the Program.

23-1-10. HEALTH CARE EXPENSES.

- A. Program funds shall not be used to pay health care expenses for students who must leave the Reservation for educational purposes.
- B. All students shall be encouraged to apply for:
1. Indian Health Service (IHS) services; and
  2. Private health insurance at the student's own expense.

23-1-11. GED CLASSES. Funds shall not be used to pay for General Education Diploma (GED) classes or testing since funds are available from other sources for these classes.

23-1-12. TRAINING FUNDS. Tribal Scholarship funds shall not be used to supplement Education Department or program training funds. Each Education Department or program is responsible for its own training funds.

**SECTION 2. SCHOLARSHIP PROGRAM.**

23-2-1. FUNDS ARE SUPPLEMENTAL IN NATURE. Funds provided under the Scholarship Program shall only supplement other educational financial aid programs.

23-2-2. FUNDS TO BE CONSIDERED LOAN UNTIL COMPLETION OF PROGRAM. All funds awarded under this program shall be considered a loan until the student presents acceptable evidence of successful completion of an approved education program by receiving a certificate,

diploma, or degree, for which the funds were advanced. After the Education Department Director has received the certificate, diploma, or degree, the Director shall change the status of the Program funds from a loan to a grant.

23-2-3. REPAYMENT OF FUNDS.

- A. If a student does not complete his/her studies, that student shall be liable for repayment of all funds awarded under the Scholarship Program after three (3) years of nonattendance upon demand by the Tribe.
- B. Repayment may be arranged through payroll deductions or direct pay.
- C. If no other repayment arrangements have been made or successfully implemented, dividend deductions of no more than one-half (1/2) the total dividend amount shall be made until the loan is paid in full. In the absence of dividends, the Scholarship Program may take action against the student in the Mescalero Apache Tribal Court.

23-2-4. PURPOSES FOR WHICH FUNDS MAY BE USED.

- A. Funds awarded under this program may only be used toward direct educational cost such as the following:
  - 1. Tuition and fees;
  - 2. Room and board;
  - 3. Transportation costs, except as provided in 23-2-4 (B) below;
  - 4. Books and supplies; and
  - 5. Other direct education costs.
- B. Funds shall NOT be used to pay for indirect educational costs such as:
  - 1. Child care expenses;
  - 2. Personal vehicle maintenance or repairs;
  - 3. Telephone installation and monthly billing;
  - 4. Medical and prescription costs; and
  - 5. Other costs deemed unrelated to direct education by the Committee.
- C. The Scholarship Program shall not pay for pre-registration costs.

23-2-5. SUMMER SESSIONS.

- A. It is the recommendation of the Scholarship Program that the primary source of funding for undergraduate summer sessions be a Bureau of Indian Education (BIE) Higher Education grant, as long as sufficient funds are available under that grant program.
- B. The Scholarship Program may provide funding for undergraduate summer enrollment when funds are available, but only as a secondary source.

23-2-6. REPEAT CLASSES. Funds under this program shall pay for the two repeat classes a student is required to take for any reason. Any further repeat classes, whether for the same class or another, shall not be funded by the Scholarship Program.

23-2-7. VOCATIONAL OR TECHNICAL SCHOOLS. Assistance may be provided to pay the costs of attending vocational or technical training schools, including stand-alone business schools, may assist students with the cost of attending them.

A. STUDENT STATUS & DURATION OF SCHOLARSHIP.

1. Full-time vocational/technical training school students:
  - a. Are those students who are considered full-time by their respective vocational/technical schools; and
  - b. Shall be assisted for the length of the program as set forth by the respective vocational/technical schools.
2. Part-time vocational/technical training school students:
  - a. Are those students who are considered part-time by their respective vocational/technical schools; and
  - b. Shall be assisted for the length of the program as set forth by the respective vocational/technical schools.

B. SCHOLARSHIP DISBURSEMENTS. Scholarship disbursements will be determined by the needs analysis and the availability of funding.

1. The maximum amount disbursed to a vocational/technical training school student is Six Thousand Dollars (\$6,000.00) per twelve (12) month period for no more than twenty-four (24) months. This amount shall be prorated for programs that are of different lengths. For example, an eighteen (18) month program will be funded at no more than Nine Thousand Dollars (\$9,000.00) (1.5 X \$6,000.00).
2. Scholarship disbursements shall be made as required by the vocational/technical school; where possible, disbursements will be made on a periodic basis and not all at once.
3. In determining the amount each student will receive, consideration will be given to each student's character, interests, ability, and academic rank or GPA.
4. In determining the amount to be awarded to vocational/technical students, consideration will be given to the applicant's high school GPA, academic rank, character, interests, ability, and the applicant's interview with the Education Department.
5. Awards shall be adjusted such that vocational/technical students not eligible for grants or other grants or scholarships contribute at least Eight Hundred Dollars (\$800.00) toward the total cost of attending their chosen program.

C. GENERAL REQUIREMENTS.

1. Each vocational/technical school applicant must be a high school graduate or the recipient of a GED.
2. Each vocational/technical school applicant must meet all vocational/technical training program entrance requirements.

3. Vocational/technical students must apply for any grants, scholarships or fellowships available to such students.
- D. **GRADE POINT AVERAGE.** Vocational/technical training school students shall maintain a passing grade throughout the program, whether attending full-time or part-time.

*\*Revised by Ordinance 21-04*

23-2-8. INCENTIVE GRANTS. Incentive grants of Two Hundred Dollars (\$200.00) per semester:

- A. May be made to full-time undergraduate students who have earned at least twelve (12) credit hours and a grade point average (GPA) of at least 3.5 on a 4.0 scale for the preceding semester. Developmental classes may not be included in the number of credit hours earned in the context of incentive grants.
- B. May be made to graduate students who have earned at least nine (9) credit hours and a grade point average (GPA) of at least 3.5 on a 4.0 scale for the preceding semester
- C. Shall not be considered loans, and do not have to be repaid, if a student does not complete the education program for which the grant was awarded.

### **SECTION 3. SCHOLARSHIP APPROVAL, DURATION, AND AMOUNT**

23-3-1. APPROVAL OF FUNDING. The Education Department shall review all applications and make all final scholarship award decisions according to the needs of the student and the mandates of this Chapter.

23-3-2. STUDENT STATUS AND DURATION OF SCHOLARSHIP.

- A. Full-time undergraduate students:
  1. Are those students who have registered for twelve (12) credit hours or more per semester or trimester; and
  2. Shall be assisted for a maximum of six (6) years or a total of twelve (12) semesters or eighteen (18) trimesters.
- B. Full-time graduate students:
  1. Are those students who have enrolled in nine (9) credit hours per semester in order to obtain a master's or other graduate degree; and
  2. Shall be assisted for a maximum of four (4) years or a total of eight (8) semesters.
- C. Part-time students:
  1. Are those students who have registered for between one (1) and eleven (11) credit hours per semester or trimester; and
  2. Shall be encouraged to enroll full-time after three (3) years as a part-time student.
- D. Part-time graduate students:
  1. Are those who have enrolled for eight (8) or less credit hours per semester; and
  2. Shall be encouraged to enroll full-time after three (3) years as a part-time graduate student.

23-3-3. SCHOLARSHIP DISBURSEMENTS. Scholarship disbursements will be determined by the needs analysis and the availability of funding.

- A. The maximum amount disbursed to undergraduate students per semester is Five Thousand Dollars (\$5,000.00). First-semester freshmen will receive partial payment until the student submits mid-term grades to the Education Department after which any additional funding to which the student is to be granted may be provided.
- B. The maximum amount disbursed to a graduate student is Five Thousand Dollars (\$5,000.00).
- C. In determining the amount each student will receive, consideration will be given to each student's character, interests, ability, and academic rank or GPA.
- D. In determining the amount to be awarded to freshmen undergraduate students, consideration will be given to the applicant's high school GPA, academic rank, character, interests, ability, and the applicant's interview.
- E. Awards shall be adjusted such that students not eligible for Pell grants or other grants or scholarships contribute at least Eight Hundred Dollars (\$800.00) toward the total cost of attending their chosen program.

23-3-4. APPLICANT INTERVIEWS.

- A. All entering freshman applicants shall meet personally with the Education Department prior to determining eligibility for the Program and the amount of the award. The Education Department shall review the student's application and advise the student as to scholarship application process and school selection matters.
- B. The Education Department Director may request a meeting with other applicants as well.
- C. Meetings with applicants shall commence in April each year prior to the academic year for which funding is sought.

23-3-5. DISBURSEMENT OF FUNDS.

- A. The Education Department shall direct disbursement of funds once it has selected recipients from the applicant pool.
- B. The Education Department shall contact each student's technical school, college, or university to arrange for the timely payment of tuition and other fees by the Education Department directly to such technical school, college, or university. There may be cases where the scholarship funds available to a particular student are greater than the tuition and fees that can be paid directly to the school (for example, if tuition is paid in full and there is still money available to him or her but the student must live off-campus and pay a non-school affiliated landlord). In such cases, any excess amount shall be paid to such student, for the payment of those expenses listed in Section 23-2-4(A), one (1) week prior to the first day of class with the exception of incoming freshmen as noted above at 23-3-3(A) (who will receive partial payment at the beginning of the semester and the remainder after mid-term grades are submitted to the Education Department).
- C. The Education Department may elect to provide the funding in partial payments throughout the semester or academic year at its sole discretion.



D. No advances or early disbursements shall be made.

23-3-6. SUPPLEMENTAL LOANS. No additional loans shall be made in excess of the amount initially approved and designated by the Education Department.

#### **SECTION 4. SCHOLARSHIP APPLICATIONS**

##### 23-4-1. GENERAL REQUIREMENTS.

- A. Each applicant must be a high school graduate or the recipient of a GED.
- B. Each applicant must meet all undergraduate or graduate program entrance requirements.
- C. Undergraduate students taking six (6) or more credit hours must apply for other available financial aid such as a federal Pell grant, and other state, federal or private grants or scholarships and must submit a Free Application for Federal Student Aid (FAFSA) each year for which the applicant is applying for funds from the Scholarship Program.
- D. Graduate students must apply for any grants, scholarships or fellowships available to graduate students such as scholarships offered by the American Indian Graduate Center.

23-4-2. APPLICATION REQUIREMENTS. All first time applicants are required to submit the following documents or forms to the Education Department:

- A. A completed and signed Scholarship Application Form which the applicant may obtain from the Education Department;
- B. A signed Privacy Statement Form which may be obtained from the Education Department and which authorizes the Education Department to solicit information, personal or educational data about the student;
- C. A copy of the Student Aid Report (SAR) which the student will receive after submitting the FAFSA;
- D. A completed Needs Analysis Form (see § 23-4-4 below);
- E. A signed Agreement Form provided by the Education Department stating that the student has read and agrees to all the terms of this Chapter;
- F. A letter from the applicant stating the applicant's educational objectives;
- G. Two (2) letters of recommendation from individuals such as teachers, supervisors, or coworkers who know the applicant well;
- H. An official final transcript from the applicant's high school or a copy of the applicant's GED certificate or an official college transcript if the applicant attended college prior to applying for funding through the Scholarship Program;
- I. A current photograph of the applicant;
- J. A signed Grade Release Form provided by the Education Department for each semester the student applied for funding;
- K. Proof of admission to the college or university for which funding is being requested; and
- L. A Contract Health Service Information Form provided by the Education Department if the applicant will be attending a college or university outside the Tribe's service area.

### 23-4-3. RENEWAL REQUIREMENTS.

- A. Each applicant shall be required to renew his/her application at the end of the individual funding cycle by resubmitting certain documents listed in § 23-4-2, specifically, the:
1. Scholarship Application Form;
  2. Signed Privacy Statement Form;
  3. Student Aid Report;
  4. Needs Analysis Form;
  5. Agreement Form;
  6. Grade Release Form;
  7. Contract Health Information Form; and
  8. An official transcript from the previous semester.
- B. If a student has transferred to another college or university, the student must also provide proof of admission to the new institution to the Education Department.

23-4-4. RECOMMENDATION TO MAINTAIN APPLICATION ON FILE. Although a student may believe that he or she does not need funds from the Scholarship Program, it is recommended that he or she maintain an application on file by submitting a new application each year in the case that such funding is in fact needed at a later date. Applications will be considered only when filed in accordance with the deadlines listed below.

### 23-4-4. NEEDS ANALYSIS FORM.

- A. The Education Department shall prepare and make available to each applicant a Needs Analysis form which each applicant must submit to his/her campus financial aid office.
- B. The applicant shall request that the financial aid office calculate the needs of the applicant for the coming year or semester based on the results of the SAR and the cost of tuition, books, fees, and supplies.
- C. The applicant shall either return the form to the Education Department personally or request that the financial aid office do so.
- D. The Education Department shall not consider certain information provided on the Needs Analysis Form, specifically, the expected parent contribution versus any expected student contribution in determining the amount of funding that will be provided.

### 23-4-5. APPLICATION DEADLINES.

- A. For college or university applicants, all application materials must be submitted according to the following schedule:
1. June 1<sup>st</sup> if students are applying for funding for the entire academic year;
  2. June 1<sup>st</sup> if students are applying for the fall semester only;
  3. November 1<sup>st</sup> if students are applying for the spring semester only; and
  4. April 1<sup>st</sup> if students are applying for summer terms.

- B. For vocational/technical school applicants, all application materials must be submitted at least thirty (30) days prior to the beginning of the respective vocational/technical school session start date.

*\*Revised by Ordinance 21-04*

## **SECTION 5. CONDITIONS OF AWARDS**

### 23-5-1. REPORTING OF FINAL GRADES.

- A. All students receiving funds under the Scholarship Program shall request that official transcripts be sent to the Education Department as soon as the term is completed.
- B. No facsimiles or copies of transcripts shall be accepted.
- C. No further funds will be disbursed until the official transcript is received by the Education Department.

### 23-5-2. GRADE POINT AVERAGE.

- A. Undergraduate students shall maintain a 2.0 GPA based on a 4.0 scale throughout the terms for which they receive funding, whether attending full-time or part-time.
- B. Graduate students shall maintain a 3.0 GPA throughout the terms for which they receive funding, whether attending full-time or part-time.

### 23-5-3. CREDIT HOURS.

- A. Full-time undergraduate students must be registered for twelve (12) credit hours or more during the time they receive funding from the Scholarship Program.
- B. Full-time graduate students must be registered for nine (9) credit hours or more during the time they receive funding from the Scholarship Program.
- C. Part-time students (whether undergraduate or graduate) have no credit hour requirement.

23-5-4. PROBATIONARY PERIOD. If a student does not meet the GPA or credit hour requirements:

- A. The student shall be funded for another semester, but shall be on probation.
- B. The Education Department may refer the student to on-campus financial aid services.
- C. The Education Department may suggest the student take a semester off.

23-5-5. SUSPENSION AFTER PROBATIONARY PERIOD. If a student on probation does not attain the requisite GPA or enroll for the required number of credit hours during the probationary period, the student shall not receive further funding from the Scholarship Program. Costs during the period after termination and until eligibility is regained must be met from other sources.

23-5-6. REGAINING ELIGIBILITY AFTER SUSPENSION. In order to be eligible for further funding under the Scholarship Program, a student who has been suspended following a probationary period must achieve a GPA of 2.0 or higher for the number of credit hours for which the student originally received funding.

23-5-7. SCHOOL DISCIPLINARY ACTION. Student behavior such as abuse of alcohol and/or drugs resulting in disciplinary action by campus or off-campus authorities shall result in the immediate termination of funding under the Scholarship Program.

23-5-8. FALSIFIED DOCUMENTS.

- A. Falsification or forgery of any documents or forms required herein shall not be tolerated.
- B. Should the Education Department Director have reasonable suspicion that any documents have been falsified or forged, there will be immediate revocation of any approved or disbursed funds.
- C. Any documents or forms found to have been falsified or forged in the application process shall result in the student repaying all funds disbursed and the student shall not be allowed to re-apply for funding under the Scholarship Program.

23-5-9. WITHDRAWAL AND REPAYMENT. All students who withdraw from a semester for which Program funding was awarded shall repay all funds as provided in § 23-2-3 prior to the student being eligible for consideration for any further funding.

23-5-10. APPEAL PROCESS FOR SUSPENSION OR REPAYMENT OF FUNDING.

- A. All appeals under this Chapter shall be heard by the Tribal Council. The decision of the Tribal Council shall be final.
- B. APPEAL OF AWARD DENIAL/AMOUNT.
  - 1. Any applicant may appeal a decision to deny a scholarship or the amount of an award by submitting a written appeal to the Tribal Council explaining the basis for the appeal within five (5) business days of receipt of notice of the decision.
  - 2. A student may initiate the appeal process by submitting the following documents to the Education Department:
    - i. A letter containing a written explanation of the relevant circumstances and requesting an appeal;
    - ii. A copy of current registration documents;
    - ii. An official transcript; and
    - iv. Invoices for tuition, fees, books, and other education-related costs.
  - 3. The Education Department shall receive a copy of the appeal and be allowed to present the reasons for the denial/amount of the award.
  - 4. The Tribal Council must hear the appeal within ten (10) working days of receipt of the appeal.
- C. APPEAL OF SUSPENSION OR REPAYMENT DECISION.
  - 1. Any student may appeal a suspension or finding that repayment is needed by submitting a written appeal within five (5) days of receipt of notice of the decision where he or she:
    - i. Is hospitalized due to a severe medical issue;
    - ii. Suffers from a severe medical condition that prevented him or her from attending classes;

- iii. Has a member of the student's immediate family that is hospitalized or suffers from a severe medical condition requiring the student to miss classes or withdraw to care for such family member; or
    - iv. Has suffered a death within the student's immediate family.
2. For purposes of this Section, immediate family shall include a student's spouse, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, nephew, niece, grandmother, grandfather or grandchildren.
3. A student may initiate the appeal process by submitting the following documents to the Education Department:
  - i. A letter containing a written explanation of the relevant circumstances and requesting an appeal;
  - ii. A copy of current registration documents;
  - ii. An official transcript; and
  - iv. Invoices for tuition, fees, books, and other education-related costs.
4. The student shall be prepared to pay all fees if the appeal fails.
5. The Education Department shall receive a copy of the appeal and be allowed to present the reasons for its decision.
6. The Tribal Council must hear the appeal within ten (10) working days of receipt of the appeal.

# **“REDLINE”**

## **CHAPTER 23 EDUCATION ASSISTANCE PROGRAMS**

### **SECTION 1. GENERAL**

23-1-1. PURPOSE. The purpose of the Tribal Scholarship Program (the “Scholarship Program” or “Program”) funds are to assist Tribal members in meeting higher education costs that cannot be met through other programs or resources. Program funds are to be used for unexpected direct school-related purposes only.

23-1-2. SOURCE OF SCHOLARSHIP FUNDS. A source for the scholarship funds shall be the revenue from automated teller machines (“ATMs”) at the Inn of the Mountain Gods Resort and Casino. These funds shall remain segregated and shall not be transferred into the general fund, but shall only be used as specifically authorized by the Mescalero Apache Tribal Council (the “Tribal Council”).

23-1-3. ELIGIBILITY. Eligibility for the Scholarship Program is limited to Mescalero Apache Tribal members as defined in the Revised Constitution of the Mescalero Apache Tribe (the “Tribe”) at Article IV, Sections 1 through 5. An applicant’s name must appear on the Tribal Census Roll.

23-1-4. ADMINISTRATIVE AUTHORITY. The Mescalero Apache Tribal Education Department (the “Education Department”) shall have the authority to administer all programs under this Chapter.

23-1-5. SINGLE CAREER GOAL. To the greatest degree possible, the Scholarship Program shall encourage students to pursue one career goal for each student. Funds shall only be used for a single degree program at each of the following levels for college/university students: associate, bachelor, master, and doctoral; or a single vocational/technical school certificate, diploma, or license for vocational/technical schools. A college/university student may change his or her major one time at the associate or bachelor level before he or she receives a diploma. In addition, a college/university student may change majors one time when moving from associate to bachelor, bachelor to master, bachelor to doctoral, or master to doctoral. A student may *not* receive funding for a college/university degree program and a vocational/technical school.

*\*Revised by Ordinances 21-04 & 22-09*

23-1-6. AUTHORIZED PROGRAMS. Funds shall only be used to pay for classes relevant to a curriculum or degree plan with attendance at 1) a college, university, community college, or junior college that is accredited by the North Central Accreditation Association or other federal or state accreditation program; or 2) a nationally or regionally known vocational/technical school that has been in existence for at least ten (10) years and is able to show that its graduates are able to be licensed by appropriate governmental authorities or obtain employment in the field for which they received training from that vocational/technical school.

*\*Revised by Ordinance 21-04*

23-1-7. CAREER COUNSELOR.

- C. A career counselor may be appointed by the Scholarship Program to visit students in grades 9 through 12 at the Mescalero Apache School, Tularosa Schools, Ruidoso Schools, and Cloudcroft Schools to advise students, assist students in the college application process when funding allows.
- D. A part-time counselor may be appointed by the Scholarship Program to visit Program students on campuses within the State of New Mexico during the school year to assist them in resolving problems of a personal, social and/or academic nature.

23-1-8. TUTORIAL SERVICES. The Program may assist, when funding allows, in paying for tutorial services to students participating in the Scholarship Program if such services are not available for students through their university or college. These services may be arranged through the school counselor or advisor or through campus Native American student programs at the school the Program student is attending.

23-1-9. SCHOOL TRIPS.

- E. The Scholarship Program may pay the cost of school trips, whether at the primary, secondary, or college level under the following circumstances:
  - 5. When school officials provide class credit for the trip;
  - 6. If Tribal officials authorize the trip;
  - 7. For primary and secondary school students who are not eligible for Johnson-O'Malley funds; or
  - 8. For college students who are either juniors or seniors.
- F. Up to sixty (60) percent of the cost for an eligible student may be paid so long as the amount does not exceed One Thousand Dollars (\$1,000.00).
- G. Trips outside the United States shall not be eligible for Scholarship Program funds.
- H. If funds are not utilized for the purpose intended, the entire amount must be repaid to the Program.

23-1-10. HEALTH CARE EXPENSES.

- C. Program funds shall not be used to pay health care expenses for students who must leave the Reservation for educational purposes.
- D. All students shall be encouraged to apply for:
  - 3. Indian Health Service (IHS) services; and
  - 4. Private health insurance at the student's own expense.

23-1-11. GED CLASSES. Funds shall not be used to pay for General Education Diploma (GED) classes or testing since funds are available from other sources for these classes.

23-1-12. TRAINING FUNDS. Tribal Scholarship funds shall not be used to supplement Education Department or program training funds. Each Education Department or program is responsible for its own training funds.

## **SECTION 2. SCHOLARSHIP PROGRAM.**

23-2-1. FUNDS ARE SUPPLEMENTAL IN NATURE. Funds provided under the Scholarship Program shall only supplement other educational financial aid programs.

23-2-2. FUNDS TO BE CONSIDERED LOAN UNTIL COMPLETION OF PROGRAM. All funds awarded under this program shall be considered a loan until the student presents acceptable evidence of successful completion of an approved education program by receiving a certificate, diploma, or degree, for which the funds were advanced. After the Education Department Director has received the certificate, diploma, or degree, the Director shall change the status of the Program funds from a loan to a grant.

### 23-2-3. REPAYMENT OF FUNDS.

- D. If a student does not complete his/her studies, that student shall be liable for repayment of all funds awarded under the Scholarship Program after three (3) years of nonattendance upon demand by the Tribe.
- E. Repayment may be arranged through payroll deductions or direct pay.
- F. If no other repayment arrangements have been made or successfully implemented, dividend deductions of no more than one-half (1/2) the total dividend amount shall be made until the loan is paid in full. In the absence of dividends, the Scholarship Program may take action against the student in the Mescalero Apache Tribal Court.

### 23-2-4. PURPOSES FOR WHICH FUNDS MAY BE USED.

- C. Funds awarded under this program may only be used toward direct educational cost such as the following:
  - 6. Tuition and fees;
  - 7. Room and board;
  - 8. Transportation costs, except as provided in 23-2-4 (B) below;
  - 9. Books and supplies; and
  - 10. Other direct education costs.
- D. Funds shall NOT be used to pay for indirect educational costs such as:
  - 6. Child care expenses;
  - 7. Personal vehicle maintenance or repairs;
  - 8. Telephone installation and monthly billing;
  - 9. Medical and prescription costs; and
  - 10. Other costs deemed unrelated to direct education by the Committee.
- D. The Scholarship Program shall not pay for pre-registration costs.

### 23-2-5. SUMMER SESSIONS.

- C. It is the recommendation of the Scholarship Program that the primary source of funding for undergraduate summer sessions be a Bureau of Indian Education (BIE) Higher Education grant, as long as sufficient funds are available under that grant program.



D. The Scholarship Program may provide funding for undergraduate summer enrollment when funds are available, but only as a secondary source.

23-2-6. REPEAT CLASSES. Funds under this program shall pay for the two repeat classes a student is required to take for any reason. Any further repeat classes, whether for the same class or another, shall not be funded by the Scholarship Program.

23-2-7. VOCATIONAL OR TECHNICAL SCHOOLS. Assistance may be provided to pay the costs of attending vocational or technical training schools, including stand-alone business schools, may assist students with the cost of attending them.

E. STUDENT STATUS & DURATION OF SCHOLARSHIP.

3. Full-time vocational/technical training school students:

- c. Are those students who are considered full-time by their respective vocational/technical schools; and
- d. Shall be assisted for the length of the program as set forth by the respective vocational/technical schools.

4. Part-time vocational/technical training school students:

- c. Are those students who are considered part-time by their respective vocational/technical schools; and
- d. Shall be assisted for the length of the program as set forth by the respective vocational/technical schools.

F. SCHOLARSHIP DISBURSEMENTS. Scholarship disbursements will be determined by the needs analysis and the availability of funding.

- 6. The maximum amount disbursed to a vocational/technical training school student is Six Thousand Dollars (\$6,000.00) per twelve (12) month period for no more than twenty-four (24) months. This amount shall be prorated for programs that are of different lengths. For example, an eighteen (18) month program will be funded at no more than Nine Thousand Dollars (\$9,000.00) (1.5 X \$6,000.00).
- 7. Scholarship disbursements shall be made as required by the vocational/technical school; where possible, disbursements will be made on a periodic basis and not all at once.
- 8. In determining the amount each student will receive, consideration will be given to each student's character, interests, ability, and academic rank or GPA.
- 9. In determining the amount to be awarded to vocational/technical students, consideration will be given to the applicant's high school GPA, academic rank, character, interests, ability, and the applicant's interview with the Education Department.
- 10. Awards shall be adjusted such that vocational/technical students not eligible for grants or other grants or scholarships contribute at least Eight Hundred Dollars (\$800.00) toward the total cost of attending their chosen program.

G. GENERAL REQUIREMENTS.

4. Each vocational/technical school applicant must be a high school graduate or the recipient of a GED.
5. Each vocational/technical school applicant must meet all vocational/technical training program entrance requirements.
6. Vocational/technical students must apply for any grants, scholarships or fellowships available to such students.

H. GRADE POINT AVERAGE. Vocational/technical training school students shall maintain a passing grade throughout the program, whether attending full-time or part-time.

*\*Revised by Ordinance 21-04*

23-2-8. INCENTIVE GRANTS. Incentive grants of Two Hundred Dollars (\$200.00) per semester:

- D. May be made to full-time undergraduate students who have earned at least twelve (12) credit hours and a grade point average (GPA) of at least 3.5 on a 4.0 scale for the preceding semester. Developmental classes may not be included in the number of credit hours earned in the context of incentive grants.
- E. May be made to graduate students who have earned at least nine (9) credit hours and a grade point average (GPA) of at least 3.5 on a 4.0 scale for the preceding semester
- F. Shall not be considered loans, and do not have to be repaid, if a student does not complete the education program for which the grant was awarded.

**SECTION 3. SCHOLARSHIP APPROVAL, DURATION, AND AMOUNT**

23-3-1. APPROVAL OF FUNDING. The Education Department shall review all applications and make all final scholarship award decisions according to the needs of the student and the mandates of this Chapter.

23-3-2. STUDENT STATUS AND DURATION OF SCHOLARSHIP.

- E. Full-time undergraduate students:
  3. Are those students who have registered for twelve (12) credit hours or more per semester or trimester; and
  4. Shall be assisted for a maximum of six (6) years or a total of twelve (12) semesters or eighteen (18) trimesters.
- F. Full-time graduate students:
  3. Are those students who have enrolled in nine (9) credit hours per semester in order to obtain a master's or other graduate degree; and
  4. Shall be assisted for a maximum of four (4) years or a total of eight (8) semesters.
- G. Part-time students:
  3. Are those students who have registered for between one (1) and eleven (11) credit hours per semester or trimester; and
  4. Shall be encouraged to enroll full-time after three (3) years as a part-time student.

- H. Part-time graduate students:
  - 3. Are those who have enrolled for eight (8) or less credit hours per semester; and
  - 4. Shall be encouraged to enroll full-time after three (3) years as a part-time graduate student.

23-3-3. SCHOLARSHIP DISBURSEMENTS. Scholarship disbursements will be determined by the needs analysis and the availability of funding.

- F. The maximum amount disbursed to undergraduate students per semester is Five Thousand Dollars (\$5,000.00). First-semester freshmen will receive partial payment until the student submits mid-term grades to the Education Department after which any additional funding to which the student is to be granted may be provided.
- G. The maximum amount disbursed to a graduate student is Five Thousand Dollars (\$5,000.00).
- H. In determining the amount each student will receive, consideration will be given to each student's character, interests, ability, and academic rank or GPA.
- I. In determining the amount to be awarded to freshmen undergraduate students, consideration will be given to the applicant's high school GPA, academic rank, character, interests, ability, and the applicant's interview.
- J. Awards shall be adjusted such that students not eligible for Pell grants or other grants or scholarships contribute at least Eight Hundred Dollars (\$800.00) toward the total cost of attending their chosen program.

23-3-4. APPLICANT INTERVIEWS.

- D. All entering freshman applicants shall meet personally with the Education Department prior to determining eligibility for the Program and the amount of the award. The Education Department shall review the student's application and advise the student as to scholarship application process and school selection matters.
- E. The Education Department Director may request a meeting with other applicants as well.
- F. Meetings with applicants shall commence in April each year prior to the academic year for which funding is sought.

23-3-5. DISBURSEMENT OF FUNDS.

- A. The Education Department shall direct disbursement of funds once it has selected recipients from the applicant pool.
- E. The Education Department shall contact each student's technical school, college, or university to arrange for the timely payment of tuition and other fees by the Education Department directly to such technical school, college, or university. There may be cases where the scholarship funds available to a particular student are greater than the tuition and fees that can be paid directly to the school (for example, if tuition is paid in full and there is still money available to him or her but the student must live off-campus and pay a non-school affiliated landlord). In such cases, any excess amount shall be paid to such student, for the payment of those expenses listed in Section 23-2-4(A), one (1) week prior to the first day of class with the exception of incoming freshmen as noted above at 23-3-3(A)

(who will receive partial payment at the beginning of the semester and the remainder after mid-term grades are submitted to the Education Department).

- F. The Education Department may elect to provide the funding in partial payments throughout the semester or academic year at its sole discretion.
- G. No advances or early disbursements shall be made.

23-3-6. SUPPLEMENTAL LOANS. No additional loans shall be made in excess of the amount initially approved and designated by the Education Department.

#### **SECTION 4. SCHOLARSHIP APPLICATIONS**

##### 23-4-1. GENERAL REQUIREMENTS.

- E. Each applicant must be a high school graduate or the recipient of a GED.
- F. Each applicant must meet all undergraduate or graduate program entrance requirements.
- G. Undergraduate students taking six (6) or more credit hours must apply for other available financial aid such as a federal Pell grant, and other state, federal or private grants or scholarships and must submit a Free Application for Federal Student Aid (FAFSA) each year for which the applicant is applying for funds from the Scholarship Program.
- H. Graduate students must apply for any grants, scholarships or fellowships available to graduate students such as scholarships offered by the American Indian Graduate Center.

23-4-2. APPLICATION REQUIREMENTS. All first time applicants are required to submit the following documents or forms to the Education Department:

- A. A completed and signed Scholarship Application Form which the applicant may obtain from the Education Department;
- B. A signed Privacy Statement Form which may be obtained from the Education Department and which authorizes the Education Department to solicit information, personal or educational data about the student;
- C. A copy of the Student Aid Report (SAR) which the student will receive after submitting the FAFSA;
- D. A completed Needs Analysis Form (see § 23-4-4 below);
- E. A signed Agreement Form provided by the Education Department stating that the student has read and agrees to all the terms of this Chapter;
- F. A letter from the applicant stating the applicant's educational objectives;
- G. Two (2) letters of recommendation from individuals such as teachers, supervisors, or coworkers who know the applicant well;
- H. An official final transcript from the applicant's high school or a copy of the applicant's GED certificate or an official college transcript if the applicant attended college prior to applying for funding through the Scholarship Program;
- I. A current photograph of the applicant;
- J. A signed Grade Release Form provided by the Education Department for each semester the student applied for funding;

- K. Proof of admission to the college or university for which funding is being requested; and
- L. A Contract Health Service Information Form provided by the Education Department if the applicant will be attending a college or university outside the Tribe's service area.

23-4-3. RENEWAL REQUIREMENTS.

- A. Each applicant shall be required to renew his/her application at the end of the individual funding cycle by resubmitting certain documents listed in § 23-4-2, specifically, the:
  - 9. Scholarship Application Form;
  - 10. Signed Privacy Statement Form;
  - 11. Student Aid Report;
  - 12. Needs Analysis Form;
  - 13. Agreement Form;
  - 14. Grade Release Form;
  - 15. Contract Health Information Form; and
  - 16. An official transcript from the previous semester.
- C. If a student has transferred to another college or university, the student must also provide proof of admission to the new institution to the Education Department.

23-4-4. RECOMMENDATION TO MAINTAIN APPLICATION ON FILE. Although a student may believe that he or she does not need funds from the Scholarship Program, it is recommended that he or she maintain an application on file by submitting a new application each year in the case that such funding is in fact needed at a later date. Applications will be considered only when filed in accordance with the deadlines listed below.

23-4-4. NEEDS ANALYSIS FORM.

- E. The Education Department shall prepare and make available to each applicant a Needs Analysis form which each applicant must submit to his/her campus financial aid office.
- F. The applicant shall request that the financial aid office calculate the needs of the applicant for the coming year or semester based on the results of the SAR and the cost of tuition, books, fees, and supplies.
- G. The applicant shall either return the form to the Education Department personally or request that the financial aid office do so.
- H. The Education Department shall not consider certain information provided on the Needs Analysis Form, specifically, the expected parent contribution versus any expected student contribution in determining the amount of funding that will be provided.

23-4-5. APPLICATION DEADLINES.

- C. For college or university applicants, all application materials must be submitted according to the following schedule:
  - 1. June 1<sup>st</sup> if students are applying for funding for the entire academic year;
  - 2. June 1<sup>st</sup> if students are applying for the fall semester only;

3. November 1<sup>st</sup> if students are applying for the spring semester only; and
  4. April 1<sup>st</sup> if students are applying for summer terms.
- D. For vocational/technical school applicants, all application materials must be submitted at least thirty (30) days prior to the beginning of the respective vocational/technical school session start date.

*\*Revised by Ordinance 21-04*

## **SECTION 5. CONDITIONS OF AWARDS**

### 23-5-1. REPORTING OF FINAL GRADES.

- D. All students receiving funds under the Scholarship Program shall request that official transcripts be sent to the Education Department as soon as the term is completed.
- E. No facsimiles or copies of transcripts shall be accepted.
- F. No further funds will be disbursed until the official transcript is received by the Education Department.

### 23-5-2. GRADE POINT AVERAGE.

- C. Undergraduate students shall maintain a 2.0 GPA based on a 4.0 scale throughout the terms for which they receive funding, whether attending full-time or part-time.
- D. Graduate students shall maintain a 3.0 GPA throughout the terms for which they receive funding, whether attending full-time or part-time.

### 23-5-3. CREDIT HOURS.

- D. Full-time undergraduate students must be registered for twelve (12) credit hours or more during the time they receive funding from the Scholarship Program.
- E. Full-time graduate students must be registered for nine (9) credit hours or more during the time they receive funding from the Scholarship Program.
- F. Part-time students (whether undergraduate or graduate) have no credit hour requirement.

23-5-4. PROBATIONARY PERIOD. If a student does not meet the GPA or credit hour requirements:

- D. The student shall be funded for another semester, but shall be on probation.
- E. The Education Department may refer the student to on-campus financial aid services.
- F. The Education Department may suggest the student take a semester off.

23-5-5. SUSPENSION AFTER PROBATIONARY PERIOD. If a student on probation does not attain the requisite GPA or enroll for the required number of credit hours during the probationary period, the student shall not receive further funding from the Scholarship Program. Costs during the period after termination and until eligibility is regained must be met from other sources.

23-5-6. REGAINING ELIGIBILITY AFTER SUSPENSION. In order to be eligible for further funding under the Scholarship Program, a student who has been suspended following a probationary period must achieve a GPA of 2.0 or higher for the number of credit hours for which the student originally received funding.

23-5-7. SCHOOL DISCIPLINARY ACTION. Student behavior such as abuse of alcohol and/or drugs resulting in disciplinary action by campus or off-campus authorities shall result in the immediate termination of funding under the Scholarship Program.

23-5-8. FALSIFIED DOCUMENTS.

- D. Falsification or forgery of any documents or forms required herein shall not be tolerated.
- E. Should the Education Department Director have reasonable suspicion that any documents have been falsified or forged, there will be immediate revocation of any approved or disbursed funds.
- F. Any documents or forms found to have been falsified or forged in the application process shall result in the student repaying all funds disbursed and the student shall not be allowed to re-apply for funding under the Scholarship Program.

23-5-9. WITHDRAWAL AND REPAYMENT. All students who withdraw from a semester for which Program funding was awarded shall repay all funds as provided in § 23-2-3 prior to the student being eligible for consideration for any further funding.

23-5-10. APPEAL PROCESS FOR SUSPENSION OR REPAYMENT OF FUNDING.

- A. All appeals under this Chapter shall be heard by the Tribal Council. The decision of the Tribal Council shall be final.
- B. APPEAL OF AWARD DENIAL/AMOUNT.
  - 7. Any applicant may appeal a decision to deny a scholarship or the amount of an award by submitting a written appeal to the Tribal Council explaining the basis for the appeal within five (5) business days of receipt of notice of the decision.
  - 8. A student may initiate the appeal process by submitting the following documents to the Education Department:
    - i. A letter containing a written explanation of the relevant circumstances and requesting an appeal;
    - ii. A copy of current registration documents;
    - ii. An official transcript; and
    - iv. Invoices for tuition, fees, books, and other education-related costs.
  - 9. The Education Department shall receive a copy of the appeal and be allowed to present the reasons for the denial/amount of the award.
  - 10. The Tribal Council must hear the appeal within ten (10) working days of receipt of the appeal.
- C. APPEAL OF SUSPENSION OR REPAYMENT DECISION.
  - 1. Any student may appeal a suspension or finding that repayment is needed by submitting a written appeal within five (5) days of receipt of notice of the decision where he or she:
    - i. Is hospitalized due to a severe medical issue;

- ii. Suffers from a severe medical condition that prevented him or her from attending classes;
  - iii. Has a member of the student's immediate family that is hospitalized or suffers from a severe medical condition requiring the student to miss classes or withdraw to care for such family member; or
  - iv. Has suffered a death within the student's immediate family.
2. For purposes of this Section, immediate family shall include a student's spouse, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, aunt, uncle, nephew, niece, grandmother, grandfather or grandchildren.
3. A student may initiate the appeal process by submitting the following documents to the Education Department:
  - i. A letter containing a written explanation of the relevant circumstances and requesting an appeal;
  - ii. A copy of current registration documents;
  - ii. An official transcript; and
  - iv. Invoices for tuition, fees, books, and other education-related costs.
4. The student shall be prepared to pay all fees if the appeal fails.
11. The Education Department shall receive a copy of the appeal and be allowed to present the reasons for its decision.
12. The Tribal Council must hear the appeal within ten (10) working days of receipt of the appeal.