

RESOLUTION NO. 126 -19
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

A Resolution Approving the Amended Yavapai-Apache Nation Student Clothing Allowance Program Policies and Procedures

WHEREAS: The Yavapai-Apache Tribal Council (“Council”) is authorized to represent the Yavapai-Apache Nation (“Nation”) and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation (“Constitution) as provided under Article V(a) of the Constitution; and

WHEREAS: The Council, as the legislative body of the Nation, is authorized to enact laws, ordinances, and resolutions necessary or incidental to the exercise of its legislative powers as provided under Article V(v) of the Constitution; and

WHEREAS: The Council is authorized to manage all tribal economic affairs of the Nation as provided under Article V(i) of the Constitution; and

WHEREAS: The Nation has previously adopted the Yavapai-Apache Nation Student Allowance Program Policies and Procedures (“Policies and Procedures”) as a means of assisting tribal member students and their families with the expense of school clothing and supplies; and

WHEREAS: The Council wishes to amend the Policies and Procedures to include: (1) removing the school attendance requirements, (2) adding a passing and minimum GPA requirement for students in grades 6 to 12, with an exception for IEP students, (3) adding a reimbursement requirement for parents or guardians that use Allowance funds for unauthorized purchases, and (4) adding provisions to the Parent/Guardian Verification form regarding enforcement of the reimbursement requirement; and

WHEREAS: The Council has reviewed the amended Policies and Procedures (*attached to this Resolution as Exhibit A*) and deems it in the Nation’s best interest to approve the same.

NOW THEREFORE BE IT RESOLVED that the Yavapai-Apache Nation Tribal Council, in Council assembled, at which a quorum is present, hereby approves the amended Yavapai-Apache Nation Student Allowance Program Policies and Procedures (*attached to this Resolution as Exhibit A and incorporated herein by reference*).

BE IT FURTHER RESOLVED that the amended Yavapai-Apache Nation Student Allowance Program Policies and Procedures shall be effective starting with the second distribution of the 2019-2020 school year.

BE IT FINALLY RESOLVED that the Chairwoman and Vice-Chairman are hereby authorized to take such further action as deemed necessary to carry out the intent and purposes of this Resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, with a quorum in attendance, presented for approval on July 25 2019, by a vote of 6 5 in favor, 1 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation as cited above.

Jane Russell-Winiecki
Jane Russell-Winiecki, Chairwoman

ATTEST:

Karla Reimer
Karla Reimer, Council Secretary

Approved as to Form:

Lisa Blue Lake
Office of the Attorney General

EXHIBIT A

Amended Yavapai-Apache Nation Student Allowance Program Policies and Procedures

July 25, 2019

**YAVAPAI-APACHE NATION
STUDENT CLOTHING ALLOWANCE PROGRAM
POLICIES AND PROCEDURES**

A. ESTABLISHMENT:

The Student Clothing Allowance Program (“Program”) was established in July 1996 within the Executive Department of the Yavapai-Apache Nation Tribal Government (the “Nation”).

B. PURPOSE:

The purpose of the Program is to assist students who are enrolled tribal members of the Yavapai-Apache Nation by providing a funding allowance for purchase of clothing and school supplies.

C. STUDENT QUALIFICATIONS:

In order to qualify for funding under the Student Clothing Allowance Program, each student must file with the Program an application demonstrating that they meet all of the following qualifications:

1. Proof of enrollment with the Nation as verified by the Enrollment Department of the Nation;
2. Students must be between the ages of 3 and 19 years of age **BEFORE JULY 1st** of each year; and
3. Students must provide proof that they are registered and enrolled in school on a full-time basis (as defined by the student’s school) for the entire year.

D. STUDENTS AWAITING TRIBAL ENROLLMENT/MEMBERSHIP:

In cases where the student is not yet a member of the Nation but has applied for membership, applications for the Student Clothing Allowance Program will be placed on hold and not processed until the Program receives proof of the student’s membership from the Yavapai-Apache Enrollment Department; including:

1. A copy of the Tribal Council Resolution approving the student’s membership in the Nation; or
2. Certification from the Enrollment Department that the student is a member of the Nation. The student’s parent or guardian is responsible for obtaining the required proof of membership from the Enrollment Department and providing it to the Program.

Students attending school prior to being enrolled as a member of the Nation shall not receive the Allowance prior to completion of the membership enrollment process.

E. ALLOWANCE AMOUNTS PER STUDENT AND ACCOUNTABILITY:

The clothing and school supply allowance is paid in the following amounts:

1. Student(s) ages 3 through 9 receive \$300.00 in July (1st distribution) and \$250.00 in January (2nd distribution);

2. Student(s) ages 10 through 19 receive \$450.00 in July (1st distribution) and \$400.00 in January (2nd distribution).

The Student Clothing Allowance Program requires that all original receipts for clothing and school supplies be returned to the Program Coordinator within 30 calendar days following expenditures of all funds for allowable purchases by the parent or guardian who is the cardholder on behalf of the student. Failure to return all original receipts within 30 calendar days may cause a delay in the processing of future applications for the Student Clothing Allowance Program.

F. MAINTAINING CONTINUING ELIGIBILITY FOR THE STUDENT CLOTHING ALLOWANCE PROGRAM; REQUIRED INFORMATION

In order to maintain continuing eligibility for the Student Clothing Allowance Program on an annual basis, students must:

1. Be in pre-school, grade school or high school on a full-time basis; and
2. For students in grades 6 to 12, be passing with a GPA of 1.5 or higher. Failure to meet passing and GPA requirements will disqualify students from receiving the 2nd distribution. GPA exceptions will be made for IEP students.

The students' parents or guardians shall periodically submit to the Program Coordinator copies of quarterly report cards/progress reports as verification that the participant maintains eligibility.

G. COMMERCIAL CREDIT CARD CHARGES:

The Allowance is provided to the students through the issuance to their parent or guardian of a commercial credit card credited with the amount of the Allowance. Any changes concerning the issued credit cards are governed by the following requirements:

1. Name change on the card: Any change to the cardholder name on the credit card must be made before the July and January disbursement dates of each school year. In order to change the cardholder name, the current cardholder must provide the Program Coordinator with a written statement authorizing the name change. The name of the new cardholder must be verified by the new cardholder before the next Student Clothing Allowance Program disbursement.
2. The name change process required by the bank requires that the appropriate information be submitted to the bank with enough time to ensure that the name change can be processed by the bank and allow the Program Coordinator to deliver the card to the cardholder by certified mail. This process requires a minimum of 10 business days.
3. Parents and guardians requesting to add additional students to the Program should complete the application process before the disbursement in July or January of each school year. All information concerning a student(s) must be completed before your application can be submitted to the bank to assure the proper amount per student and that there will be no confusion with the bank or the Program.

H. PROOF OF GUARDIANSHIP FOR A MINOR CHILD:

In all cases where a student is placed with a guardian or custodial parent, the Student Clothing Allowance Program requires documentation verifying the guardianship or other custodial arrangement before a disbursement can be made to the guardian. The guardian shall provide official documented proof of the guardianship or other arrangement as follows:

1. Court decree of divorce showing custody;
2. Court order of spousal separation showing custody;
3. Social Service Department verification of custody or guardianship;
4. Child Protective Service verification of custody or guardianship;
5. Court decree of adoption of a minor child with name change; or
6. In cases where a parent(s) is unable to care for a child and has given a Power of Attorney for the custody and care of the child to the child's grandparent(s); the grandparent must provide the Program with a copy of the Power of Attorney, which must be signed by the grandparent or the parent releasing custody of the child and it must be verified by a notary public.

I. STUDENTS WHO ARE NOT ELIGIBLE TO RECEIVE THE ALLOWANCE

Any of the following factors shall serve to disqualify a student from receiving the Allowance:

1. Dropping out of school;
2. GED participants do not qualify;
3. College Students are not eligible but need to see or call Lisa Sandoval, Higher Education Director at (928) 649-7111 to determine eligibility for other education benefits;
4. Home schooled students are not eligible;
5. Day care is not considered a school;
6. Job Corps training students are not eligible;
7. Students on a pending/waiting list for school enrollment are not eligible;
8. Incarceration/Juvenile Detention

J. MISUSE OF THE ALLOWANCE

Use of the Allowance is limited to the purchase of school clothes and supplies. Any use of the Allowance funds for purchase of other items shall be cause to deny the cardholder any further disbursements. **The parent/guardian shall be responsible for reimbursing the Nation for any portion of the Allowance funds used for unauthorized purchases.** Examples of unauthorized purchase include but are not limited to:

1. Appliances, Furniture, Electronics, Groceries;
2. Down payment on a vehicle;
3. Utilities: Propane, APS (Electric Bill), Phone;
4. Lockers, Textbooks;
5. Contact lenses, Eyeglasses, Dental – Contact the Medical Center at (928)567-2168;
6. Paying for other items that the Program deems inappropriate (such as infant clothing or toiletries, etc).

The Student Clothing Allowance is specifically for students attending school so they can purchase clothing and school supplies, **NOT** for any other unauthorized purpose/items, which do not apply to this Program. The parent or guardian must sign the Parent/Guardian Verification form attached to these Policies and Procedures.

Parent/Guardian Verification

I, the undersigned parent/guardian, verify that I have read the Yavapai-Apache Nation Student Clothing Allowance Program Policies and Procedures. By signing below, I agree to abide by all requirements of the Program and to provide to all necessary documents for my student to qualify for assistance under the Student Clothing Allowance Program. I further understand that if I fail to abide by the terms of these Policies and Procedures, my participation in the Yavapai-Apache Nation Student Clothing Allowance Program may be terminated or denied.

I, the undersigned parent/guardian, understand and agree that I am responsible for reimbursing the Nation for any portion of the Allowance funds used for unauthorized purchases.

I understand and agree I may exercise a payment plan through voluntary payroll deductions if I am an employee of the Yavapai-Apache Nation or one of its subordinate economic organizations, and that I must reimburse the Nation for the total amount of the unauthorized purchases before the next Allowance distribution.

If I am a Yavapai-Apache Nation tribal member, I understand and agree that failure to reimburse the Nation for any unauthorized purchases shall constitute a "debt owed to the Nation by a tribal member receiving per capita distributions" and a debt "agreed to by the member in writing..." within the meaning of Article III, Section 2 (1) of the Yavapai-Apache Nation's Indian Gaming Revenue Allocation Plan ("RAP"), and that the collection of said debt may be accomplished by the Nation by offsetting any unreimbursed amounts against any gaming revenue per capita distribution otherwise payable to me. I acknowledge that the Nation may also collect any unreimbursed amounts by withholding such amounts from any "Holiday Bonus" that may be appropriated by the Nation's Tribal Council and otherwise payable to me.

If I am not a Yavapai-Apache Nation tribal member, I understand and agree that the Nation may pursue collection of any unreimbursed amounts by any legal means necessary and hereby consent to the jurisdiction of the Yavapai-Apache Nation Tribal Court for actions taken by the Nation to collect any unreimbursed amounts.

Printed name of parent/guardian

Signature of parent/guardian

Date