RESOLUTION NUMBER TMBC142-03-13 OF THE DULY ELECTED AND CERTIFIED GOVERNING BODY OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA

WHEREAS, the Turtle Mountain Band of Chippewa Indians, hereinafter referred to as the Tribe, is an unincorporated Band of Indians acting under a revised Constitution and Bylaws approved by the Secretary of the Interior on June 16, 1959, and amendments thereto approved; and

WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and Bylaws empowers the Tribal Council with the authority to represent the Band and to negotiate with the Federal, State and local governments and with private persons; and

WHEREAS, The Tribe is empowered, under the Constitution and Bylaws of the Turtle Mountain Band of Chippewa Indian Tribe to promote and protect the health, peace, morals, education and general welfare of the Community and its members; and

WHEREAS, by Resolution Number 678-11-782 of the Tribe, the Turtle Mountain Community College was authorized for operation under a tribal charter issued by the tribe; and

WHEREAS, the aforementioned tribal charter grants authority to the Turtle Mountain Community College to develop and operate education programs on the Turtle Mountain Indian Reservation; and

WHEREAS, Turtle Mountain Community College is fully accredited by the Higher Learning Commission and as part of the institutional mission, is committed to provide general studies, undergraduate education, career and technical education, scholarly research, and continuous improvement of student learning; and

WHEREAS, Turtle Mountain Community College, a Tribally Controlled Community College, will provide Career and Technical Education training in coordination with the Tribal Economic Development Plan, and

WHEREAS, Turtle Mountain Community College is applying for the Native American Career and Technical Education program, administered by the Office of Vocational and Adult Education of the U.S. Department of Education; and

WHEREAS, The purpose of the Native American Career & Technical Education Program is to provide grants to improve career & technical education programs that are consistent with the purposes of the Act and that Benefit American Indians and Alaska Natives; now

THEREFORE BE IT RESOLVED that the Turtle Mountain Band of Chippewa Tribal Government directs Turtle Mountain Community College to apply for the Native American Career and Technical Education Program (NACTEP), administered by the Office of Vocational and Adult Education, Department of Education and whereby the NACTEP proposal will be incorporated into the tribe’s overall Economic Development Plan.

CERTIFICATION

I, the undersigned Tribal Secretary of the Turtle Mountain Band Chippewa Indians, do hereby certify that the Tribal Council is composed of nine (9) members of whom seven (7) constituting a quorum were present at a meeting duly called, convened and held on the 19th day of March, 2013, the foregoing resolution was adopted by an affirmative vote of six (6) in favor Representatives Cindy Malaterre, Zelma Pelier, Jim Baker, Edward Falcon, Carson Belgarde and Elmer Davis, Jr.; two (2) absent-Rep. Patrick J. Marcellais and Troy DeCoteau; with the Chairman not voting.

( ) SIGNED INTO LAW/Dated the 23rd day of March, 2013
( ) VETOED/Dated this _______ day of ______, 2013

Joleen A. Morin, Tribal Secretary 3/23/13

Richard W. McCloud, Tribal Chairman

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U.S. Department of Education
Office of Vocational and Adult Education
Washington, D.C. 20202-6200

FISCAL YEAR 2013

APPLICATION FOR GRANTS UNDER THE
NATIVE AMERICAN CAREER AND
TECHNICAL EDUCATION PROGRAM

CFDA Number: 84.101A

FORM APPROVED

OMB no. 1830-0542, Expiration Date:

DATED MATERIAL-OPEN IMMEDIATELY

Closing Date: March 28, 2013
SPECIAL CONSIDERATIONS

In addition to the points to be awarded to applicants based on the selection criteria, under section 116(e) of the Act, the Secretary awards—

(a) Up to 10 points to applications that propose approaches that involve, coordinate with, or encourage tribal economic development plans; and
(b) Five points to applications from tribally controlled colleges or university that—
   (1) Are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary career and technical education; or
   (2) Operate career and technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization and issue certificates for completion of career and technical education programs. (20 U.S.C. 2326(e)).

Special Conditions: Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

PROGRAM REQUIREMENTS

Reporting Requirements

(a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110 (b).
(b) If you receive a multi-year award, you must submit a semi-annual and an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720 (c). At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.
Note that we changed the introductory paragraph in section II of the requirements to more accurately reflect the definition of "career and technical education" in section 3(5) of the Act.

Change: We changed the introductory paragraph in section II of the requirements from stating we announce the requirements "to align NACTEP with other authorized programs that require recipients of funds under the Act to develop challenging academic standards and improve career and technical education" to specify that we announce the requirements "to align NACTEP with other authorized programs that require recipients of funds under the Act to provide coherent and rigorous content aligned with challenging academic standards and improve career and technical education programs."

Comment: None.

Discussion: We inadvertently left out the word "race" in paragraph (e)(1) of the proposed selection criteria. We correct this omission in the final selection criteria.

Change: With the addition of the word, "race," paragraph (e)(1) now reads, "the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability."

Final Requirements, Definitions, and Selection Criteria:
Final Requirements:

I. Demonstration of Eligibility

(a) The Assistant Secretary for Vocational and Adult Education announces that an eligible applicant (as determined by the Act) must include documentation in its application showing that it and, if appropriate, its consortium members, are eligible to apply.

(b) As defined in the Indian Self-Determination and Education Assistance Act (ISDEA) (25 U.S.C. 450b(1)), the term "tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; provided, that in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant. In accordance with this statutory definition, any tribal organization proposing to provide NACTEP services for the benefit of more than one Indian tribe must first obtain the approval of each Indian tribe it proposes to serve and must submit documentation of such approval with its NACTEP application and that documentation of tribal approval is a prerequisite to the awarding of a NACTEP grant to any tribal organization proposing to serve more than one Indian tribe.
RESOLUTION NUMBER TMBC221-05-09 OF THE DUTY ELECTED AND CERTIFIED GOVERNING BODY OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA

WHEREAS, the Turtle Mountain Band of Chippewa Indians, hereinafter referred to Tribe, is an unincorporated Band of Indians acting under a revised Constitution and By-laws approved by the Secretary of the Interior on June 16, 1959, and amendments thereto approved; and

WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and By-Laws empowers the Tribal Council with the authority to represent the Band and to negotiate with the Federal, State and local governments and with private persons; and

WHEREAS, The Tribe adopted in 2007, the Americans with Disabilities Act (ADA) to provide for the welfare of the people with disabilities, in particular Title II of the Turtle Mountain ADA code relating to employment; and

WHEREAS, the tribe is eligible to apply for funds under discretionary grant award competition for the Vocational Rehabilitation Service Projects for American Indians with Disabilities. (This program is authorized by the Rehabilitation Act of 1973, as amended (the Act) and implemented by the subsequent program regulation at 34 CFR Part 371); and

WHEREAS, the Tribe intends to apply for these funds; and

WHEREAS, by Tribal Resolution Number 676-11-72, the Turtle Mountain Community College was authorized for operation under tribal charter insured by the Tribe; and

WHEREAS, the aforementioned tribal charter grants authority to the Turtle Mountain Community College to develop and operate programs for the advancement of employment/training for the Turtle Mountain people; and

WHEREAS, the Tribe, once notified that they are successful applicants will sub-contract with the Turtle Mountain Community College to implement/administer the grant, as written, and that the Tribe will remain fiscally responsible; now

THEREFORE BE IT RESOLVED that the Tribe will enter into a Memorandum of Understanding with Turtle Mountain Community College so the college may exercise full administrative authority and operations for any and all projects which may be funded under this Act (CFDA 84.250A) including indirect and all other fiscal drawdown's.

CERTIFICATION

I, the undersigned Tribal Secretary of the Turtle Mountain Band Chippewa Indians, do hereby certify that the Tribal Council is composed of nine (9) members of whom eight (8) constituting a quorum were present at a meeting duly called, convened and held on the 28th day of May, 2009, that the foregoing resolution was adopted by an affirmative vote of seven (7) in favor - Representatives Jim Baker, Janice Azure, Cindy Malaterre, Vince McCloud, Troy DeCoteau, Chuck DeCoteau and Betty Swain; one (1) absent-Representative Ted Henry; with the Chairman not voting.

[Signature]
Jolean A. Morin, Tribal Secretary

[Signature]
Richard Marcellais, Chairman

[Signature]

( ) SIGNED INTO LAW/Dated this 4th day of June, 2009

( ) VETOED/Dated this ___ day of __________, 2009

( ) VETO OVERRIDDEN/Dated this ___ day of __________, 2009