

MAINE STATE LEGISLATURE

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MAINE
TECHNICAL COLLEGE
S Y S T E M

OFFICE OF THE PRESIDENT
323 STATE STREET, AUGUSTA, MAINE 04330-7131
(207) 287-1070 Fax (207) 287-1037

February 5, 1999

To: Phil McCarthy, Analyst
Joint Standing Committee on Education & Cultural Affairs

From: 
John Fitzsimmons, President

Re: Native American Tuition Waivers

Attached is the policy that the Maine Technical College System (MTCS) inherited from the Department of Education when we left in 1986. Currently there is no official policy committing the MTCS to pay for Native American waivers. It has been our practice, however, to continue the State Board of Education policy.

As the Committee requested, we have researched Native American waivers in Maine and Michigan and have information to share with you. As you know this continues to be a delicate discussion and I want to be sure to engage the Tribal Councils if the discussions should lead to altering of our current practice of issuing waivers.

JF/ejc

Enclosure



c. Indians

Effective spring semester 1972, tuition and fees* will be waived for qualified and eligible North American Indians residing in Maine who are accepted as students at any vocational-technical institute or School of Practical Nursing campus. The State will subsidize room and board charges for those Indians living in school dormitories.

Academic qualifications and Tribal eligibility shall be determined by the campus at which application is made. Eligibility is extended to:

1. those Indians whose names are included on the current Tribal census of either the Passamaquoddy or Penobscot Tribe of Indians;
2. those persons who have resided in Maine for at least one year and at least one of whose parents or grandparents was either included on the census of a North American Indian Tribe or who held a band number of the Maliseet or Micmac Tribes.

State Board January, 1972

*Fees are interpreted to include application fee.

VTI Administrative Council
August, 1982

d. Senior Citizens

Tuition will be waived for any individual 62 and over who qualify and wish to register for upgrading and retraining programs at any campus of the VTI system. Permission to enroll will be on an individual basis by the Director of Admissions at each VTI. Enrollment will be considered on the basis of individual space.

State Board September, 1972

3. Student Activity Fee

All students at Maine's vocational technical institutes will be charged a student activity fee not to exceed \$35.00 per year per student, the amount to be determined by the student senate or council and administration at each school. Effective July, 1981.

State Board January, 1981

4. Accident, Health and Liability Insurance

Students enrolled in the VTI system may take health and accident insurance through the Institute in which they attend. This coverage is offered to VTI students on a voluntary basis.

Students enrolled in some programs are required to show evidence of liability insurance which covers them while they are participating in certain learning experiences.

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To: Phil McCarthy, Analyst,
Joint Standing Committee on Education and Cultural Affairs

From: Gary F. Crocker, Director,
State and Federal Programs

Subj: Native American Tuition Waiver Research

Date: February 8, 1999

At the request of the committee, we conducted additional research regarding Indian waiver policies and procedures here in Maine and in Michigan. Attached to this memo are several documents which may be of interest to the committee.

The first document is a legal and historical analysis of Native American waivers which was prepared by the Inter-tribal Council in Michigan. In addition, they provided a "Guideline for Financial Aid Offices," and a copy of the *Michigan Indian Waiver Tuition Handbook*.

Also included are the University of Maine System's tuition waiver program guidelines, application form and administrative letters regarding tuition, fees and scholarships. Finally, I have attached the University of Maine at Augusta's application form for Native American waivers.

I hope this information is helpful to the committee.

**TUITION WAIVER FOR NATIVE AMERICANS:
LEGAL AND HISTORICAL ANALYSIS**

July 27, 1995

In 1976 the Michigan Legislature enacted Public Act 174, "An act to provide free tuition for North American Indians" in public colleges and universities of the state. This tuition waiver program, codified as MCL §§390.1251 through 390.1252a, has provided almost a full generation of Michigan's Native Americans with free higher education, in fulfillment of a commitment made by Governor Comstock in 1934, and enshrined by a federal statute of that year as a mandate to the state.

On July 9, 1995 -- a few short weeks ago -- Governor John Engler expressed a desire to renege on this commitment and called the continued vitality of the tuition waiver program into question. While accepting the appropriation for the program for this year, Governor Engler stated:

As Michigan public colleges and universities begin the 1995-96 school year, they must understand that I will not support further appropriations to reimburse them for tuition waived for native American students.

This action had no legal significance, but it has caused turmoil in the lives of several thousand Native American students who depend on this waiver for their education, and confusion among the state's public colleges and universities as to their proper course of action.

We think that the only morally proper and legally mandated course of action is for the public colleges and universities of the state to continue to honor the tuition waiver program for the coming school year. To do otherwise would be to abandon a program still on the books which enjoys considerable legislative support, acquiesce in gubernatorial interference with university autonomy, and ignore the state's legal commitment backed by a federal legislative mandate.

The statutory scheme of the tuition waiver is still intact and is quite simple. The waiver is provided for in MCL §390.1251(1), which provides:

A Michigan public community college or public university ... shall waive tuition for any North American Indian who qualifies for admission as a full-time, part-time, or summer school student, and is a legal resident of the state for not less than 12 consecutive months.

The beneficiaries of the waiver are defined as persons of at least ¼ degree Indian blood, as certified by the student's tribe and verified by the Michigan Commission on Indian Affairs. MCL §390.1252.

1934, as the federal government took a hands-off approach based in the law and the state government and local school districts defaulted upon -- or wilfully ignored -- their new responsibilities and obligations. The only official recognition of the state's responsibility under the 1934 law has been the Indian tuition waiver program. It would bring shame upon the state and its institutions of higher learning if this one fulfillment of the promise made six decades ago were to yield to the "bully veto," bringing renewed rancor and contentiousness and the fading of dreams.

**WAIVER OF TUITION FOR NORTH AMERICAN INDIANS
(The Michigan Indian Tuition Waiver)**

GUIDELINES

for

**Financial Aid Offices
Michigan Universities and Community Colleges**

Michigan Law - P.A. 1976, No 174, as codified in MCL s390.1251-390.1252a, an ACT to provide free tuition for North American Indians in public state community or public junior colleges, public colleges or public universities.

390.1251 Waiver of Tuition

Sec. 1 A public state community or public junior college, public colleges or public university shall waive tuition for any North American Indian who qualifies for admission as full time, part time, or summer school student, and is a legal resident of the state for not less than 12 consecutive months.

390.1252 North American Indian; definition

Sec. 2 For purposes of this Act, "North American Indian" means a person who is not less than 1/4 quantum blood Indian as certified by the person's tribal association and verified by the Michigan Commission on Indian Affairs (currently Inter-Tribal Council of Michigan, Inc.).

FINANCIAL AID VS. ENTITLEMENT

Tuition waived for North American Indian Students is,

- *Not monetary financial aid.*
- *Not a gift*
- *Not a scholarship*
- *Not a tribal responsibility*

LEGAL BASIS:

Tuition waived for North American Indian student is an Entitlement, based upon,

- Treaty of 1836, that included provisions for education that included costs of teachers, school houses, and books.
- Treaty of Ft. Merg's whereby land was exchanged so a university could be established. Today, it is known as the University of Michigan. Furthermore, the

WAIVER OF TUITION FOR NORTH AMERICAN INDIANS

P.A.1976, No. 174, Eff. Aug. 1

AN ACT to provide free tuition for North American Indians in public state community or public junior colleges, public colleges, or public universities.

The People of the State of Michigan enact:

390.1251. Waiver of tuition

Sec. 1. A public state community or public junior college, public college, or public university shall waive tuition for any North American Indian who qualifies for admission as a full-time, part-time, or summer school student, and is a legal resident of the state for not less than 12 consecutive months.

Historical Note

Source:

P.A.1976, No. 174, § 1, Eff. Aug. 1.
C.L.1970, § 390.1251.
P.A.1978, No. 505, § 1, Imd. Eff. Dec. 13.

The 1978 amendment substituted "shall waive tuition" for "shall provide free tuition",

"any North American Indian who qualifies for admission as a full-time, part-time, or summer school student, and is" for "an academically qualified full-time student who is a North American Indian", and "12" for "18", and deleted "and a graduate of a high school" following "months".

Library References

Colleges and Universities ⇐9.20(1).
C.J.S. Colleges and Universities § 27.

WESTLAW Electronic Research

See WESTLAW guide following the Preface of this volume.

390.1252. North American Indian; definition

Sec. 2. For the purposes of this act, "North American Indian" means a person who is not less than $\frac{1}{4}$ quantum blood Indian as certified by the person's tribal association and verified by the Michigan commission on Indian Affairs.

Historical Note

Source:

P.A.1976, No. 174, § 2, Eff. Aug. 1.
C.L.1970, § 390.1252.
P.A.1978, No. 505, § 1, Imd. Eff. Dec. 13.

The 1978 amendment substituted " $\frac{1}{4}$ " for " $\frac{1}{2}$ " and inserted "certified by the person's tribal association and".

390.1252a. Reimbursement for tuition waived; report

Sec. 2a. The Michigan commission on Indian Affairs shall annually, upon application therefore, reimburse each institution for the total amount of tuition waived during the prior fiscal year under section 1 of this act. The commission shall report to the legislature annually the number of American Indians for whom tuition has been waived at each institution and the total amounts to be paid under this act.

Historical Note

Source:

P.A.1976, No. 174, § 2a, added by P.A.1978,
No. 505, § 1, Imd. Eff. Dec. 13, 1978.

C.L.1970, § 390.1252a.

Library References

Colleges and Universities ⇐4, 9.20(1).
C.J.S. Colleges and Universities §§ 9, 27.

390.1253. Effective date

Sec. 3. This act shall take effect on August 1, 1976.

Historical Note

Source:

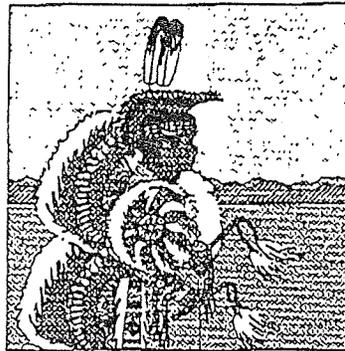
P.A.1976, No. 174, § 3, Eff. Aug. 1.
C.L.1970, § 390.1253.

State of Michigan petitioned the U.S. Government to turn over its interest in the Mt. Pleasant Indian school through House Concurrent Resolution No. 14 (1934). This resolution authorized the Governor to request the property and was done so, by telegram on January 4, 1934. Introduced into the U.S. Senate one week later, the federal government agreed,

PROVIDED THAT:

The State would take over responsibility for Indian education with the following

Inter-Tribal Council of Michigan, Inc.



Michigan Indian
Tuition Waiver
Handbook

BRIEF HISTORY - MICHIGAN TUITION WAIVER

In 1976 the Michigan Legislature enacted Public Act 174, "An act to provide free tuition for North American Indians" in public colleges and universities in the State. This legislation is most commonly known as the "Comstock Agreement".

In 1934 former governor, William A. Comstock petitioned the U.S. government to establish state responsibility for Indian education in trade for the Mt. Pleasant Indian School, which was to be utilized as a training facility for the developmentally disabled.

In 1976, Public Act 174 was passed by the Michigan House to enact 390.1251 Waiver of Tuition.

QUALIFICATION REQUIREMENTS

- 1) Must be not less than one-quarter blood (or more) Indian as certified by applicants tribal affiliation. (Federal or State Historic Tribe)
- 2) Must be a legal Michigan resident for not less than 12 consecutive months. Must provide adequate proof of Michigan residency.

TRIBAL CERTIFICATION

- Your tribal organization or the Bureau of Indians Affairs can certify your blood quantum by checking tribal or federal records.
- If you are not a registered member of a tribe and you want to trace your ancestry to certify your blood quantum you will need background information such as names of parents and grandparents, where they resided, and the name of the tribe, if known.
- The Bureau of Indian Affairs in Sault Ste. Marie may be able to help confirm or identify your tribal affiliation. Requests for assistance should be accompanied by a family tree and documentation of your relationship to the names on the family tree chart. Acceptable documents to verify ancestry include birth, marriage and death records. Church records such as baptismal, confirmation or marriage certificates may also be helpful. The B.I.A. can also

assist in obtaining information from adoptive birth records. Indicate that you are applying for the tuition waiver. Submit your family tree and documentation to:

Bureau of Indian Affairs
Attn: Tribal Operations
2901.5 I-75 Business Spur
Sault Ste. Marie, MI 49783

FREQUENTLY ASKED QUESTIONS

Q. What is the Michigan Indian Tuition Waiver?

A. An Act to provide free Tuition for North American Indians in public, state, community or public junior colleges, public colleges or universities, or federal tribally controlled community colleges.

Q. Do all North American Indians Qualify for this Program?

A. The program is for all North American Indians who: are Michigan residents for 12 consecutive months; are not less than 1/4 blood quantum as certified by the person's tribal association; and, are verified by the Inter-Tribal Council of Michigan, Inc.

Q. What if I am registered with a Canadian Tribe?

A. Canadian registered applicants may send their application along with their tribal registration card/document directly to the Inter-Tribal Council of Michigan. Only for Canadian registered applicants are tribal registration cards sufficient for certification.

Q. When should I begin the Tuition Waiver and Financial Aid Application process?

A. At the time you apply for admission. Remember, applying for admission is separate from the financial services process.

Q. Am I required to fill out any additional forms at the college I am applying to?

A. Yes. Each college has its own requirements for financial aid assistance. All higher education institutions have a short financial aid application that must be filled out in order to process the tuition waiver.

Q. Do I have to attend college as a full-time student to use the waiver program?

A. No. The tuition waiver program covers part-time and summer school students. It also covers Masters and Doctoral work.

FOR MORE INFORMATION:

Inter-Tribal Council of Michigan, Inc.
Michigan Indian Tuition Waiver
405 E. Easterday Avenue
Sault Ste. Marie, MI 49783

906-632-6896

fax - 906-632-1366

**UNIVERSITY OF MAINE SYSTEM
NATIVE AMERICAN SCHOLARSHIP PROGRAM**

Program Guidelines

1. The program covers tuition, mandatory fees, and room and board charges for:
 - a. Individuals whose names are included on the current tribal census of the Passamaquoddy Nation, the Penobscot Nation, the Houlton Band of Maliseet, the Aroostook Band of Micmac, or
 - b. Individuals who have resided in Maine for at least one year immediately prior to application and at least one of whose parents or grandparents were either included on the census of a North American Indian Tribe or held a band number of the Maliseet or Micmac Tribes.
2. **Tuition and mandatory fees** will be waived for qualified students, both matriculated and non-matriculated, who are enrolled in academic, credit-bearing courses at the undergraduate, graduate, or continuing education level at the universities of the University of Maine System.
3. To qualify for the **room and board scholarship***, applicants must be matriculated students in an undergraduate or graduate degree program within the University of Maine System, enrolled in a minimum of twelve (12) credit hours for undergraduates or nine (9) credit hours for graduate students, and living in a residence hall on one of the campuses of a University of Maine System institution. Room and board charges will be covered **ONLY** during the time period when the student is enrolled full time.
4. To be eligible for the Native American Scholarship, students must first apply for financial aid through the process outlined at their institution.
5. To maintain participation in the Program, students must continue to show satisfactory academic progress as defined by institutional policy and federal guidelines.
6. An eligible Native American student's university bill will be credited with room and board scholarship or waiver of tuition and mandatory fees after initial authorization from the campus staff member serving as coordinator of the Native American Student Scholarship Program, and the financial aid office.
7. The total amount a student receives from the Native American Scholarship Program and from all other sources of financial support from outside agencies for the same purpose may not exceed the total cost of attending the University.
8. A student who disagrees with a decision made under items #2 through #7 on his/her behalf may appeal through the appropriate campus appeals process.

** Please note the following additional provisions regarding the room and board scholarships:*

a) Room charges will be subsidized at double occupancy rate. Charges for single, double single or computer or telephone devices, for which there is a separate charge, will be the responsibility of the student tenant.

b) Students who maintain a permanent private residence, other than the parent's home, within commuting distance of the university are NOT eligible for room and board scholarships.

c) Persons employed by the University of Maine system on a half-time or greater basis and who are carried on the University employee payroll are NOT eligible for the room and board scholarship.

d) Students enrolled in course work during short sessions outside the regular fall and spring semesters may be considered for a room and board scholarship while carrying fewer than the minimum credit hours specified above. If granted, the scholarship will cover room and board charges only during that time period when the student is regularly enrolled and attending classes on a daily basis.

e) All students enrolled at UMS institutions on or before January 1, 1999 who are currently participating in the room and board program but who do not meet the criteria outlined above will be allowed to continue in the program through spring semester 2000.

Coordinator
Native American Student Scholarship Program

Student

Date

Date

**University of Maine System
Application for Native American Scholarship Program**

1. _____
Name Social Security Number

Other name under which records may be found: _____

2. _____
Address: Street City State Zip Telephone

3. I have been a resident of Maine for at least one year prior to my application date:
 yes no Date of Birth: _____

4. Name of high school you attended: _____

Please complete either 5. OR 6. below:

MEMBER

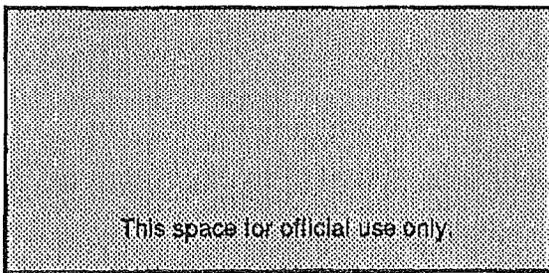
5. I am currently listed on the tribal census of the Passamaquoddy Penobscot
 Houlton Band of Maliseet Aroostook Band of Micmac Other _____

NON-MEMBER

6. One of my parents or grandparents was included in the census or band list of:
_____ Tribe/band located in _____
City State/Province
Name of parent or grandparent on list _____ Band # _____

Please attach official verification of tribal/band membership by a tribal official or proof of descendency from a tribal member. Documentation of residency may be required.

I certify the above statements to be correct to the best of my knowledge.



Signature

Date

**UNIVERSITY OF MAINE SYSTEM
OFFICE OF FINANCE AND TREASURER**

ADMINISTRATIVE PRACTICE LETTER NO. 5

- Issue 2
- Date 01/01/88

SUBJECT: WAIVERS OF STUDENT TUITION AND/OR FEES

GENERAL

The University of Maine System Board of Trustees has established a number of different tuition and fee waiver programs for the benefit of students attending the University. Waivers are like entitlement programs, if the student meets certain criteria, they are not required to pay all of the University tuition and in some cases, fees. It should be noted that waivers are calculated on a "revenue foregone" basis and are not an actual accounting cost. The amount shown for each program would only be realized if students now in the program or others taking their place, paid full tuition. For exchange programs, the amount waived would be realized only if full out-of-state tuition were received for every student now in such programs.

The various tuition waivers established by Board policy do not ordinarily apply to non-credit courses. These are courses that are not part of the normal curriculum and are often offered as a public service. The charges for such programs are established locally, and are not covered by tuition set by the Board of Trustees. Two exceptions are for employees and senior citizens, with each campus retaining the right to designate those non-credit courses to which tuition waivers will not apply.

For a complete listing and detailed description of the waivers available, see the **Annual Report of Student Financial Aid** produced by the Office of Finance and Treasurer.

GUIDELINES

1. Student tuition and fees should be recorded and reported as revenue at the full amount in the appropriate accounts (even though it might be known that a waiver will offset the charges).
2. The amount of the waivers should be offset against tuition by charging the account specifically provided for that purpose.

APPROVED

B. Russell Smith

Chief Financial Officer and Treasurer

71-1110

**UNIVERSITY OF MAINE SYSTEM
OFFICE OF FINANCE AND TREASURER**

ADMINISTRATIVE PRACTICE LETTER NO. 19

- Issue 1
- Date 05/04/87

SUBJECT: UNIVERSITY TUITION WAIVERS AND SCHOLARSHIPS

GENERAL

The current Board policy on Tuition Waivers (Policy 703.1, effective January 26, 1977) states: "University Tuition Waivers and Scholarships will be administered so that total financial aid does not exceed a student's total educational costs."

In some cases, applicants eligible to receive University tuition waivers or scholarships are also eligible to receive benefits from non-University financial aid programs, and the total available aid may exceed a student's total educational costs. This situation can occur particularly when Federal Pell Grants are involved. Since the Pell Grant application specifically excludes reporting "other financial aid", a student may receive a Pell Grant, which, in combination with other aid, results in financial aid in excess of cost.

The purpose of this letter is to set guidelines for administering University Tuition Waivers and Scholarships, so that the total financial aid a student may receive does not exceed a student's total educational cost based on interpretation of Board Policy and Federal Regulations.

GUIDELINES

1. University Tuition Waivers and Scholarships will be administered so that total financial aid does not exceed a student's total educational costs.
2. "Aid resources" is to be defined in accordance with Federal Title IV regulations [674.14 (d)]; i.e., resources include Pell Grants, waiver of tuition & fees, scholarships, fellowships, social security educational benefits, NDSL loans, Veterans benefits, net earnings (wages not included in the student's expected family contribution), etc.
3. Excess aid or "overawards" for Title IV recipients would be determined in accordance with Federal Regulations [674.14 (b 3.)]; e.g., if a student's resources exceed his or her need by more than \$200, the overaward is the amount that exceeds the \$200.
4. Sequence of reducing excess aid:
 1. Self-help aid, e.g., loan funds or work- study funds
 2. University Scholarships
 3. University Waivers
 4. Grants/Scholarships
5. Exception: A campus may change the sequence in reducing excess aid if requested by the student in writing and the Aid Director believes the change benefits the student. For example: A student employed may feel the experience gained from employment outweighs the benefit received from obtaining University scholarship funds; thus the student may want the University scholarship reduced instead of having work-study reduced.

APPROVED



UNIVERSITY OF MAINE *at Augusta*

Financial Aid

APPLICATION FOR INDIAN WAIVER PROGRAM

46 University Drive
Augusta, Maine 04330-9410
(207) 621-3495
1-800-696-6000
FAX: (207) 621-3491
TTY: 1-800-316-3600

Section I: To be completed by the Applicant

To be eligible to participate in the University of Maine Indian Waiver Program at the University of Maine at Augusta, a student must be a North American Indian residing in Maine for at least one year. Tuition and fees will be waived for qualified students. Eligibility is extended to:

- 1) Those persons whose names are included on the current tribal census of either the Passamaquoddy or Penobscot Tribes of Indians, and:
- 2) Those persons who have resided in Maine for at least one year and at least one of whose parents or grandparents were either included on the census of a North American Indian Tribe or held a band number of the Malacite or Micmac Tribes.

1. _____ ()
 Name of Applicant SS# Phone Date of birth

2. _____
 Address: Street City State Zip

3. When did you begin residing in the State of Maine? _____

4. Are you currently listed on the tribal census of the Passamaquoddy ()
 or Penobscot () Tribe? _____

5. Do you (), your parents (), or grandparents () belong to the
 Micmac or Malacite Tribe? _____
 If yes, Tribal Name _____ English Name _____
 Band Number _____

6. Are you (), your parents (), or grandparents () included on a
 Tribal census? _____
 If yes, Tribe _____
 Tribal Name English Name
 _____ Tribal
 Address # of Years

I certify the above statements to be true and correct to the best of my knowledge.

Signature of Applicant

Date

AFTER COMPLETING THE ABOVE, PLEASE SUBMIT TO THIS OFFICE ALONG WITH A COPIES OF BIRTH CERTIFICATES VERIFYING YOUR RELATIONSHIP TO THE TRIBAL MEMBER. (THIS WOULD BE A COPY OF YOUR BIRTH CERTIFICATE AND POSSIBLY YOUR PARENT'S BIRTH CERTIFICATE.) PLEASE SUBMIT A LETTER FROM YOUR TRIBAL CLERK ALSO, VERIFYING THAT YOU/YOUR PARENT/GRANDPARENT ARE ON THE TRIBAL CENSUS.

Name of Applicant

SECTION II: To be completed by Tribal Official

The above applicant is applying for an Indian Waiver/Scholarship at the University of Maine at Augusta. Your cooperation in completing this section is appreciated.

This is to certify that the applicant (), applicant's parent(s) (),
or applicant's grandparent(s) (),

Tribal Name

English Name

was included on the census of the _____ Tribe

for the years _____.

Band number (if any) _____.

Signature of Tribal Official

Date

RETURN TO:

Financial Aid Office
University of Maine at Augusta
University Heights
Augusta, Maine 04330

Name (Please print or type)

Title

Address: Street or Box Number

City or Town

State

Zip