



Equity for all students to achieve their full potential



Tribal Consultation

PART 1 - THE BASICS

Office of Indian Education

February 2021

3-Part Series

Part 1: The Basics

Part 2:
Meaningful
Consultation

Part 3:
Documenting
Consultation



TRIBAL CONSULTATION

OVERVIEW

Why?

Who?

What?

Where?

When?

How?



USE OF TERMS

- Tribal **Consultation**
 - Defined by Public **Law**
 - Every Student Succeeds Act (ESSA)
- Tribal **Collaboration**
 - Non legal discussions

American
Indian and
Alaskan Native



Local Educational Agency (LEA)

WHY?

Tribal students

- Funding
- Academic Progress



EDUCATION LAW

ESEA

- Elementary and Secondary Education Act of 1965
- Latest reauthorization

ESSA

- Every Student Succeeds Act, Public Law 114-95, 2015
- Replaced No Child Left Behind

Sec 8538

- Selected school districts (defined as "affected")
- Certain Federal Grants (defined as "covered")



SEC. 8538, 20 U.S.C. 7918 CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS

WHO?



Affected Local Educational Agency (LEA)



<https://easie.grads360.org/#program/easie-part-ii>

DEFINITION

What comes to mind
when you hear the term
Consultation?

EXPERT

consult

[kənˈsəlt] 

VERB

1. seek information or advice from (someone with **expertise** in a particular area).

"you should consult a financial advisor"

synonyms: **ask** · seek advice/information from · take counsel from · call on/upon/in · turn to · have recourse to · **pick someone's brains**

NOUN NORTH AMERICAN

1. an act of consulting a **professional** a consultation.

"after a consult with his attorneys, he retracted his previous statement"



22 Arizona Tribes

- Tribal Education Department/Director (TED)
 - Tribe's Education Expert
 - Assists with Nutrition, Safety & Family
- Each Tribe is Unique
 - Sovereign Government System
 - Language, Customs, Traditions & Education Needs
 - Federal, State, Local and Tribal level
 - Urban, Rural, and Remote Areas

Tribal
Education
Departments



WHERE?

"In the area served by the LEA"

LEA Address



Tribal Land
Boundary

Section 8538 of P.S. 114-95 states:

(a) IN GENERAL.—To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency prior to the affected local educational agency's submission of a required plan or application for a covered program under this Act or for a program under title VI of this Act. Such consultation shall be done in a manner and in such time that provides the opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to such plan.

50 MILE
RADIUS

WHAT?

COVERED PROGRAMS

- Title I, Indian, Native Hawaiian, and Alaska Native Education
 - Part A: Improving Basic Programs Operated by State and Local Educational Agencies
 - Part C: Education of Migratory Children
 - Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
- Title II, Part A: Supporting Effective Instruction
- Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act
- Title IV, 21st Century Schools
 - Part A: Student Support and Academic Enrichment Grants
 - Part B: 21st Century Community Learning Centers
- Title V, Part B, Subpart 2: Rural and Low-Income School Program
- Title VI, Part A, subpart 1, Indian, Native Hawaiian, and Alaska Native Education

<https://www2.ed.gov/policy/elsec/leg/essa/legislation/index.html>



WHAT?

COVERED PROGRAMS

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- Title II, Part A: Supporting Effective Instruction
- Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act
- Title IV, 21st Century Schools
 - Part A: Student Support and Academic Enrichment Grants
 - Part B: 21st Century Community Learning Centers
- Title V, Part B, Subpart 2: Rural and Low-Income School Program
- Title VI, Part A: Indian, Native Hawaiian, and Alaska Native Education

Title VII prior to
2017

Title VII is now Impact Aid



<https://www2.ed.gov/policy/elsec/leg/essa/legislation/index.html>

WHEN?

School Year Calendar

2020 to 2021

Aug 2020						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Sep 2020						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Oct 2020						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Nov 2020						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Dec 2020						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Jan 2021						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Feb 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

Mar 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Apr 2021						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2021						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Jun 2021						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Jul 2021						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Initial
Allocations

Application
Submissions

Title VI, Part II

Application
Submissions

Review

FY22 Funds

Title VI, Part I

Title VI, Part II

KEY COMPONENTS

- Timely
- Meaningful

Focus on
Students
Reaching
FULL potential



TIMELY

Formal
invitation to
the Tribe



Good Faith Effort

Recognize
technology
challenges



Well in advance of
deadlines

30/60/90
Guideline



Appropriate Officials

As defined by
ESSA Section
8538

HOW?



*"Alone we can
do so little,
together we
can do so
much."*

~ Helen Keller



MEANINGFUL

Share
Information



Background

ESSA
Title
Programs



Draft Plan

With
Supporting
Data



Questions

LEA to TED
TED to LEA

TRIBAL CONSULTATION

SUMMARY

Why? Public Law
Tribal Voice

Who? Affected LEAs (2 criteria)
Tribal Education Departments

What? Covered Programs

Where? 50-mile radius **Feb-May**

When? In advance of submission

How? Collaborate for success

Meaningful



ASSISTANCE

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REFLECT

Coming together is a beginning

Keeping together is progress

Working together is success

~ Henry Ford