

ESSA TRIBAL CONSULTATION

Section 8538 ESEA, amended through ESSA

As a legal requirement under ESSA, Tribal Consultation is a formal process between tribal representatives and Local Educational Agency (LEA) that serve American Indian/Alaska Native (AI/AN) populations to meet their educational needs.

Importance of Consultation

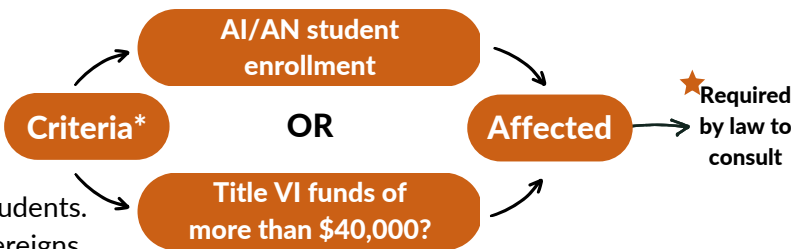
Through tribal consultation, school districts are in a unique position to place emphasis on understanding the beliefs, attitudes, educational priorities and additional resources tribal governments have for their youth.

Required Participants: Tribes & LEAs



Affected LEA Identification Process

Two entities are legally required to participate: Tribes and *affected* LEAs. LEAs that meet at least one of two criteria are considered *affected* and are required by law to consult with tribes in their area.



*the criteria are based on prior year data

Tribes

Tribes are the experts on issues affecting their citizens and students. The process recognizes the role of tribal governments as sovereigns in directing the education of students and the teamwork needed between LEAs and tribal communities to facilitate a child's academic progress. Tribal Education Department (TED) staff are typically the tribe representative.

Programs Covered in Consultation



Affected LEAs must consult with tribes about any funding they receive from these federal Title programs which directly impact Native American students:

- Title I, Part A
- Title I, Part C
- Title I, Part D
- Title II, Part A
- Title III, Part A
- Title IV, Part A
- Title IV, Part B
- Title V, Part B, Subpart 2
- Title VI, Part A, Subpart 1

Consultation Service Area

Federal law states consultation shall occur with tribes located in the area served by the LEA, defined as within a 50-mile radius to be consistent with the measure used in Title VI guidance. Boundary data is provided by the Maricopa Association of Governments at <https://bit.ly/MAG-BoundaryData>. Find general Information at <https://geodata-azmag.opendata.arcgis.com/>



ADE's Office of Indian Education (OIE) has defined 'in the area' to be within a 50-mile radius of the school district's boundary and a tribe's reservation border.



Although not required by law, OIE strongly encourages LEAs with at least 30 AI/AN students from a tribe to consult with those tribes, regardless of distance.

NOTE: The governance and management structure of each tribe's educational programs and services varies.

Suggested Consultation Timeline



LEAs must consult with tribes prior to submitting their grant plans and applications

February / March

- Initial allocation
- Schedule consultation

March / April

- Meaningful consultation
- Develop grant application

May / June

- Share submitted application with tribe(s)
- Funds available for July 1

Ongoing PERIODIC REVIEWS and COLLABORATION

Consultation Process

Consultation is an opportunity to build relationships and jointly analyze student outcome data to address student needs. This process requires thoughtful planning and coordination to be **meaningful** and **timely**.



TIMELY

Good Faith Effort

- Recognized technology challenges

Appropriate Officials

- As defined by ESSA Section 8538

Well in Advance of Deadlines

- 30/60/90 guidelines



MEANINGFUL

Ensure Background Knowledge

- ESSA and Title Programs

LEA Share

- Grant submission deadlines
- Current supporting data
- Relevant questions

Tribes Share

- Community resources
- Indigenous knowledge
- (culture, language, practices)
- Relevant questions

Collaborative Partnerships



Consultation is an opportunity to build relationships that result in improved Native student outcomes. Understanding and respecting tribal sovereignty and the government-to-government relationship between LEAs and tribes will strengthen the effectiveness of consultation.

Affirmation of Consultation

Section 8538 requires each affected LEA to maintain records on consultation activities and document consultation has occurred by providing to the state a written affirmation signed by the appropriate officials.



Tribe Non-response

LEA must document 3 good faith, timely attempts (i.e., letter, email, phone call)



Authorized Tribal Representative

Tribal representative must confirm they are authorized to sign on behalf of the tribe.



Signature Affirmation

Documents compliance with Section 8538 for Tribal Consultation.



Tribe Opt-Out Option

Tribes have the right to opt-out of consultation with the LEA. Tribe must sign.



Form Submission

ADE reviews and validates forms, if necessary, forms will be returned for correction.

Connect & Learn More!



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WEBSITE

https://bit.ly/OIE_ESSA

