

# Affirmation of Consultation with Tribal Representatives

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Updated September 2026

## Requirement for Tribal Consultation

Local educational agencies (LEAs) that receive Title VI, Part A Indian Education Formula Grant awards exceeding \$40,000, or that have a student enrollment consisting of more than 50 percent American Indian or Alaska Native students, are required to engage in tribal consultation pursuant to Section 8538 of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). Tribal consultation requirements apply to all applicable ESEA Title programs and are not limited to Title VI Indian Education programs.

Beginning in Fiscal Year 2017, affected LEAs must engage in timely and meaningful consultation with Indian Tribes, or Tribal organizations approved by those Tribes, that are located in the area served by the LEA prior to submitting plans or applications for the following ESEA programs:

- Title I, Part A: Improving Basic Programs Operated by State and Local Education Agencies
- Title I, Part C: Education of Migratory Children
- Title I, 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, Part A: Student Support and Academic Enrichment (SSAE) Grants
- Title IV, Part B: 21st Century Community Learning Centers (21st CCLC)
- Title V, Part B, Subpart 2: Rural and Low-Income School Program
- Title VI, Part A, Subpart 1: Indian Education Formula Grants to LEAs

The responsibility for initiating and preparing for tribal consultation rests with the local educational agency (LEA). To ensure timely and meaningful consultation on matters affecting American Indian and Alaska Native students, affected LEAs must engage with Tribal Nations or Tribal organizations serving the communities within the LEA's geographic area. Consultation should begin with outreach to the Tribal Nation(s) located in or near the school district's service area. While consultation participants may include Tribal elected officials, Tribal education directors, or other designated representatives, each Tribe retains the authority to determine who will represent its interests and provide its official input during the consultation process.

LEAs are encouraged to include Tribal parents, Native parent advisory committees, and other relevant stakeholders in collaborative discussions that support the consultation process. Tribal representatives participating in consultation may include, but are not limited to, Tribal chairpersons, Tribal council members, Tribal education coordinators or directors, and any additional individuals identified or recommended by the Tribal Nation as appropriate representatives.

Tribal consultation works best when time is allocated to build authentic trusting relationships.

## INSTRUCTIONS FOR FILLING OUT THE AFFIRMATION OF CONSULTATION FORM

1. Take note of the section that references the consultation requirement: ESSA Tribal Consultation is required for affected LEAs. The list of affected LEAs is posted on the Office of Indian Education website, <https://www.azed.gov/oie/tribal-consultation>. By law, LEA's must seek consultation prior to submitting the grant application and consultation must be timely and meaningful. Therefore, tribal nations need to receive adequate notice to prepare for consultation so they can provide meaningful feedback. Resources and training information to assist in creating meaningful consultation are available on the referenced website.
2. If the tribal nation has not responded to timely requests for consultation, the LEA should check the applicable box, identify the methods and dates when consultation was offered, and sign the form. For compliance monitoring, LEA's must retain evidence of their due diligence attempts. **CAUTION:** Be aware many tribal nations must go through their tribal council for approval to participate in consultation and the council may only meet once per month. Therefore, in many cases, tribal nations will need a minimum of 30 days' notice to be able to respond. Checking the tribal non-response box based on three attempts within the same week, does not satisfy timely notification.
3. Select all Title funding the LEA receives for the consultation period. If the tribe can meet for consultation, discussions should include how these funds are being used. Consultation is required for ESSA covered programs: **Titles 1-A, I-C, I-D, II-A, III-A, IV-A, IV-B, V-B Subpart 2 (RLIS) and VI-A Subpart 1**. Other programs, such as ESSER, Impact Aid or Johnson O'Malley could be addressed as well, if applicable.
4. Tribal nations can choose to opt out of consultation. In that case, the opt-out box would be marked, and the form must be signed by the tribal representative. Even if the LEA assumes the tribe would not be interested in consultation based on zero enrollment of students from the tribe, the LEA must offer consultation. It is up to the tribe whether to accept the offer. Student enrollment fluctuates over time. ESSA Tribal Consultation is an opportunity to build continuous relationships.
5. Take note of the agreement section where those signing the form agree that consultation occurred prior to the LEA submitting the first revision of the grant application and that consultation was timely and meaningful as defined by the ESSA regulation. Recognizing grant applications open in March for preliminary allocations, affirmation forms must be submitted prior to the first revision of the grant.
6. Consultation should be ongoing throughout the year and evolve into periodic opportunities to improve student achievement.
7. Signature information should be filled out completely with the LEA and tribal nation name and address. Each signee must include their name, title, phone number and email.
8. Completed forms should be submitted into EMAC for evaluation. Validated forms will be uploaded into the LEA's Document Library on GME by ADE Staff. Inaccurate forms will be returned to the LEA for corrections.

## Affirmation of Consultation with Tribal Representatives

### Every Student Succeeds Act (ESSA) – Public Law 114-95

Section 8538 – Consultation with Indian Tribes and Tribal Organizations for School Year 2027-2028

Each affected Local Educational Agency (LEA) must keep a written confirmation, signed by the appropriate tribal officials, showing that the consultation required under **Section 8538 of the Every Student Succeeds Act (ESSA), Public Law 114-95**, has taken place. The LEA must also provide this confirmation to the Arizona Department of Education. Before submitting any required plan or application for a covered ESSA program, the LEA must consult with officials from Indian tribes located within its service area. This consultation must occur early enough to ensure tribes have a meaningful opportunity to review, provide input, and contribute to the development of the plan, particularly on issues affecting American Indian and Alaska Native students.

### Contact Information

#### Local Education Agency

Name of LEA: \_\_\_\_\_

Name of LEA Representative: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

#### Tribe/Tribal Organization

Name of Tribe/Nation/Band: \_\_\_\_\_

Name of Tribal Representative: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Title funding received by the LEA for the school year identified below (check all that apply):

- ☐ **Title I, Part A:** Improving Basic Programs Operated by State and Local Educational Agencies
- ☐ **Title I, Part C:** Education of Migratory Children
- ☐ **Title I, 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, Part A:** Student Support and Academic Enrichment Grants
- ☐ **Title IV, 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 Education Formula Grants to Local Educational Agencies
- ☐ **Other:** \_\_\_\_\_

**Please Select One Option:**

- ☐ WE AGREE that timely and meaningful consultation occurred before the LEA made any decision affecting the participation of our tribal students in any programs the LEA is operating under ESSA Section 8538 (***Tribal Signature is Required***)
- WE AGREE that we have participated in meaningful and timely consultation 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.
  - WE AGREE that timely and meaningful consultation shall continue throughout implementation and assessment of services provided.

- ☐ Tribal Opt-Out Option (***Tribal Signature is Required***)
- We have been contacted by the above listed LEA and chose not to participate in consultation in FY28

- ☐ Check if tribe/tribal organization has not responded to LEA's due diligence attempts for consultation. Please describe the three good faith attempts with dates and methods of communication:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Signature of LEA Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature of Tribal Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Completed forms are to be uploaded through EMAC (Educational Monitoring, Assistance, and Compliance) portal  
Validated forms will be checked for compliance by ADE staff once files are uploaded  
September 2026