

AFFIRMATION OF CONSULTATION WITH TRIBAL REPRESENTATIVES

- The form is on page 2 of this document –

Updated November 2022

INSTRUCTIONS FOR FILLING OUT THE AFFIRMATION OF CONSULTATION FORM

1. Fill in the year that the consultation covers. For instance, school year 2023-2024 would end June 30, **2024**.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. If there is a plan to meet throughout the year for follow-up reviews, enter the planned meeting date(s), otherwise enter *Not Applicable*. Ideally, consultation will be ongoing and evolve into periodic opportunities to improve student achievement.
8. 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.
9. The tribal representative must check the box acknowledging they have the authority to sign for the tribe.
10. Completed forms should be emailed to tribal.consultation@azed.gov for evaluation. Validated forms will be uploaded by ADE Staff into the LEA's Document Library on GME. Inaccurate forms will be returned to the LEA for corrections.



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LEA NAME _____ TRIBE NAME _____

This affirmation of consultation covers **School Year Ending June 30,** _____

*Each affected Local Educational Agency (LEA) shall maintain in the agency's records and provide to the Arizona Department of Education a **written affirmation** signed by the appropriate officials of the participating tribes that the consultation required by **Section 8538 of the Every Student Succeeds Act (ESSA), Public Law 114-95** has occurred. To ensure **timely and meaningful** consultation on issues affecting American Indian and Alaska Native students, an affected LEA shall consult with **appropriate officials** from Indian tribes located in the area served by the LEA **prior to** the LEA's submission of a required plan or application for a covered program under this Act. Such consultation shall be done in a manner that provides the opportunity for Indian tribes to **meaningfully and substantively contribute** to such plan.*

- ☐ **Check if the tribe/tribal organization has not responded to LEA's due diligence attempts for consultation.**
(LEA must retain evidence for compliance monitoring) List dates & methods used: 1) _____,
2) _____, 3) _____

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

___ Title I-A ___ Title I-C ___ Title I-D ___ Title II-A ___ Title III-A ___ Title IV-A ___ Title IV-B
___ Title V-B, Subpart 2 (RLIS) ___ Title VI-A Subpart 1

Other (specify): _____

- ☐ **Tribal Opt-Out Option (must have tribe signature below):** WE HAVE been contacted by the LEA listed below and choose not to participate in consultation for this school year

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.

WE AGREE that we have participated in meaningful and timely consultation prior to the LEA's submission of the first revision 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 to continue collaboration throughout implementation of the covered program plan and assess the associated services provided. **List future meeting dates for follow-up review:** _____

Name of LEA: _____

Address: _____

LEA Representative: _____ **Phone:** _____

Title: _____ **Email:** _____

Signature of Public School Superintendent or designee (required even if no response to requests for consultation)

Date

Name of Tribe/Organization: _____

Address: _____

Tribal Representative: _____ **Phone:** _____

Title: _____ **Email:** _____

- ☐ **Authority to represent the tribe:** I acknowledge I have the authority to sign on behalf of the tribe.

Signature of Tribal Official or Official Tribal Organization

Date

Email completed forms to tribal.consultation@azed.gov for evaluation

Validated forms will be uploaded by ADE staff into the LEA's Document Library on GME

11/1/2022