

Affirmation of Consultation with Tribal Representatives

Every Student Succeeds Act - P.L. 114 –95

SECTION 8538 – Consultation with Indian Tribes and Tribal Organizations for School Year Ending
Academic Year 2023–24

Name of LEA:

LEA Superintendent: _____ Phone: _____
LEA ESSA Coordinator: _____ Phone: _____
Email: _____

Name of Tribe/Organization: _____

Address: _____

Tribal Representative: _____ Phone: _____

Email: _____

- Check if all School Board Members have attended Strengthening Tribal Consultation Training. (Evidence is required for compliance and must be submitted to the Office of Native Education.)**
- Check if the tribe/tribal organization has not responded to LEA’s repeated, good-faith attempts (3) for consultation. (Evidence may be required during the Program Review process.)**

Affected LEAs are required to consult with local tribal officials on plans or applications for a covered program under ESSA, to include:

- | | | |
|--|--|---|
| <input type="checkbox"/> Title I, Part A | <input type="checkbox"/> Title II, Part A | <input type="checkbox"/> Title IV, Part B |
| <input type="checkbox"/> Title I, Part C | <input type="checkbox"/> Title III, Part A | <input type="checkbox"/> Title V, Part B Subpart 2 |
| <input type="checkbox"/> Title I, Part D | <input type="checkbox"/> Title IV, Part A | <input type="checkbox"/> Title VI, Part A Subpart 1 |



Section 8538 of ESSA P.L. 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.**

Section 8538 of ESSA P.L. 114-95 states:

(c) DEFINITIONS.—In this section:

(1) AFFECTED LOCAL EDUCATIONAL AGENCY.—The term “affected local educational agency” means a local educational agency—

- (A) with an **enrollment of American Indian or Alaska Native students that is not less than 50 percent of the total enrollment** of the local educational agency; or (B) that—(i) for fiscal year 2023, **received a grant in the previous year under subpart 1 of part A of Title VI (as such subpart was in effect on the day before the date of enactment of the Every Student Succeeds Act) that exceeded \$40,000;** or (ii) for any fiscal year following fiscal year 2023, **received a grant in the previous fiscal year under subpart 1 of part A of Title VI that exceeded \$40,000.**

Section 8538 of ESSA P.L.114-95 states:

(b) DOCUMENTATION—Each affected local educational agency shall maintain in the agency’s records and provide to the State educational agency **a written affirmation signed by the appropriate officials of the participating tribes or tribal organizations approved by the tribes that the consultation required by this section has occurred.** If such officials do not provide such affirmation within a reasonable period of time, the affected local educational agency shall forward documentation that such consultation has taken place to the State educational agency.

SIGNATURES:

- Tribal Opt-Out Option:** We have been contacted by the above listed LEA and choose not to participate in consultation in FY 2023-24, OR

Tribal consultation has occurred and agreement has been reached on the following:

- Timely and meaningful consultation occurred before the LEA made any decision affecting the participation of tribal members of the above-listed tribe in any programs the LEA is operating under the Every Student Succeeds Act (ESSA

- 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.
- That timely and meaningful consultation shall continue throughout implementation and assessment of services provided under this section on the following dates:

Signature of LEA Superintendent

Date

Printed Name

Signature of Tribal Official or Tribal Organization

Date

Printed Name

Signature of Tribal Official or Tribal Organization*

Date

**If more than one Tribe is consulted*

Printed Name

Completed forms must be uploaded in the General Assurances section in EGMS by September 18, 2023, and annually thereafter.