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# How to Conduct an Effective Tribal Consultation

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# Session Description

- Participants will gain knowledge and understanding on how to **identify, implement, evaluate, and improve** effective tribal consultation practices with local Tribal Nations that are both meaningful and data-driven.
1. **Identifying** local Tribal Educational Agencies
  2. **Implementing** best practices in communication and cooperation
  3. **Evaluating** consultation quality to identify gaps and weaknesses
  4. **Improving** year-to-year consultation to improve trust

# Session Objectives

- To understand key differences of consultation versus collaboration
- To learn about “Covered Programs” within Tribal Consultation
- To identify strategies that enhance current practice

# Short Table Exercise

- On the stationary found at your table, we're going to spend 4 minutes:
  - **Define what “Tribal Consultation” means to you**
  - **Describe a few misconceptions about Tribal Consultation**
  - **Describe what you want to know more about**

# Key Terms

- In preparation for conducting an effective consultation it is important **not to confuse key terms:**
- Consultation – Formal Engagement (legally documented)
- Collaboration – Informal Engagement (phone calls, etc.)
- Title Program – Federally funded formula programs

# Critical Questions

- What qualifies a school district to become an “**affected LEA**” and conduct an Every Student Succeeds Act (ESSA) Tribal Consultation?
- What is an ESSA Tribal Consultation **required** to cover?

# “Affected LEA” Qualification

”...with an enrollment of American Indian or Alaska Native students that is **not less than 50 percent** of the total enrollment of the local education agency; or...”

# “Affected LEA” Qualification

”for any fiscal year following fiscal year 2017, received a grant in the previous fiscal year under subpart 1 of Part A of **Title VI that exceeded \$40,000**”

# Important to Know

“**Before** school districts (LEAs) submit their federal applications for funding, there **shall** be an opportunity to **openly consult and collaborate.**”

# A Need for Meaningful Input

“In order to make consultation and collaboration an effective and focused process, school districts **need meaningful input from Tribal Nations.**”

**For school districts, use the 3D rule:**

Document Due Diligence (copies of emails, etc.)

# Best Ways to Document

- **Sign-in Sheet** – include time, date, location
- **Agenda of Business** – Introduction around the room, welcome message from district leadership, etc.
- **Affirmation Form** – template found on 2017 Oklahoma State Department of Education Consultation Guide,

# Title VI “Indian Education” Consultation

“was developed by such agency in open consultation with parents of Indian children and teachers, **representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve** if such tribes have any children in such school, Indian organizations...”

- ESSA Title VI Part A, Subpart 1 – Sec. 6114(c)(3)(C)

# Title VI “Indian Education” Consultation (cont’d)

“... and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to **understand the program and to offer recommendations** regarding the program;”

- ESSA Title VI Part A, Subpart 1 – Sec. 6114(c)(3)(C)

# Covered Programs Consultation

“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 ...”

- ESSA Title VIII Part F, Subpart 2 – Sec. 8538(a)

# Covered Programs Consultation (cont'd)

“... 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.”

- ESSA Title VIII Part F, Subpart 2 – Sec. 8538(a)

# Covered Programs “What Are They?”

- **Title I Part A** — Improving Basic Programs Operated by 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 Grants
- **Title IV Part B** — 21<sup>st</sup> Century Community Learning Centers
- **Title V Part B, Subpart 2** — Rural and Low-Income School Program

# Flow of Title VI Federal Funds

Important to note, that Title VI “Indian Education” federal formula funds **do not flow through the State Department of Education**, these funds are directly drawn down from the U.S. Department of Education.

This **does not remove** the State Department of Education’s ability to provide fiscal and regulatory oversight, as the OSDE may review Title VI applications and activities at any time to ensure compliance with federal law.

# Key Terms

- You may have noticed some additional key terms in reference to the **type of individual who can represent tribal educational agencies in the consultation process:**
- **Representative of Indian Tribes - Unspecified**
- **Appropriate Official – Elected/Designated**
- **What's the Difference? – Authority**

# Appropriate v. Authorized Officials

“According to the U.S. Office of Indian Education (OIE), **there is a difference** between a Representative of Indian Tribes and an Appropriate Official”

# How Tribal Nations Prepare

Tribal Nation **designates** who is an authorized representative versus who is an appropriate official.

Tribal Nation **provides clear expectations** in terms of “what they want to see” from consultation.

# How School Districts Prepare

School district **identifies** who is an authorized representative versus who is an appropriate official by referring to the OSDE “Appropriate Official Listing.”

School district **provides clear written communication** in terms of when they will contact or invite the tribal educational agency or appropriate official to an upcoming meeting to discuss the title application.

# Example Consultation Structures

- **One-to-One** – Your district may need to consult with multiple tribal nations (see 50 mile rule); if so consider your scheduling to see when you can accommodate a one-to-one consultation
- **Joint Consultation** – Your district essentially consolidates all invitations to tribal nations into a single consultation event
- **Consolidated Joint Consultation** – Your district is among multiple districts conducting a consultation.

# Who should be invited?

- **Tribal** – Tribal Elected Leadership (Governor/Chairman/Principal Chief/Chief), Tribal Education Department Director or their designee(s).
- **School District** – Superintendent, Federal Programs Director, Indian Education Director/Coordinator, Parent Advisory Committee members

# Leave us a message!



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Thank you and have a great day!**





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