

# **Department of Diné Education**

## **TRIBAL CONSULTATION GUIDE Under Every Student Succeeds Act**

**Approved by the Navajo Nation  
Board of Education on October 5, 2018**



**Department of Diné Education**

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## TABLE OF CONTENTS

Letter from Navajo Nation President Jonathan Nez	3
Letter from Dr. Tommy Lewis, Superintendent of Schools, Department of Diné Education	4
Resolution by Navajo Nation Board of Education Approving Tribal Consultation Guide	5
What is Tribal Consultation?	7
Federal Funding	9
Navajo Nation Tribal Consultation Team	14
Public School Districts on or near the Navajo Nation	15
Tribal Consultation FAQ's	18
Suggested Questions for Meaningful Consultation	20
Questions the LEA may ask the Navajo Nation	20
Possible Questions Concerning Diné Language and Culture	20
Data the Navajo Nation Requests and Definitions	21
Use of Data	23
ESSA Tribal Consultation Agreement	23
References	24
Appendix A: Navajo Nation Department of Diné Education Programs	25
Appendix B: Tribal Consultation Review Document	27
Appendix C: Navajo Nation Services	30
New Mexico Tribal Consultation Affirmation Document	31
Arizona Tribal Consultation Affirmation Document	34

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



March 19, 2019

Superintendents of Public Schools and/or LEA

Dear Sir or Madam,

The Navajo Nation, through the Office of President and Vice President (OPVP), hereby delegates the Department of Diné Education (DODE) with the authority to coordinate the ***Every Student Succeeds Act (ESSA)*** Tribal Consultation process.

This will ensure your school district's compliance with the ***Every Student Succeeds Act (ESSA)***, and applicable state law and regulations. Confirmation signatures accepted by the State Department of Education are as follows:

1. Jonathan Nez, Navajo Nation President
2. Myron Lizer, Navajo Nation Vice President
3. Dr. Tommy Lewis, Jr., Superintendent of Schools (DODE)
4. Dr. Timothy Benally, Assistant Superintendent (DODE)
5. Allan Blacksheep, Senior Education Specialist (DODE)
6. Yvonne Kee-Billison, Executive Staff Assistant (OPVP)

We look forward to meeting with you and your school officials in the best interest of our Diné students and families. If you have any questions or concerns, please feel free to contact Mr. Allan Blacksheep, at (928) 871-7475. Ahéhee'.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Nez".

Jonathan Nez, President  
THE NAVAJO NATION

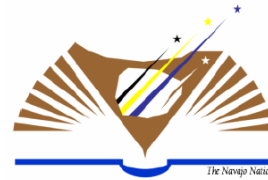
xc: Dr. Tommy Lewis, DODE  
Allen Blacksheep, DODE





**DEPARTMENT OF DINÉ EDUCATION  
THE NAVAJO NATION**

P.O. Box 670 · Window Rock, Arizona 86515  
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**Russell Begaye  
President**

**Jonathan Nez  
Vice-President**

October 9, 2018

TO: Superintendents of Public School Districts on and near the Navajo Nation

**RE: Tribal Consultation**

The Every Student Succeeds Act (ESSA), P.L. 114-95, states “consultation with Indian Tribes and Tribal Organizations, school districts and charter schools must consult with appropriate officials from tribes or local tribal organizations before the local education agency submits and application for funding for a covered program under ESSA. As such, Department of Dine’ Education would like to inform you of how we plan to take care tribal consultation meetings from this point on.

During school year 2017-2018, President Russell Begaye and his staff, conducted consultations with public schools located on and near the Navajo Nation. This responsibility has now been delegated to the Department of Dine’ Education. We take this responsibility seriously and we look forward in meeting with you soon.

We have 21 public school districts on and near the Navajo Nation, and we have Navajo children attending public schools in cities like Phoenix, Tucson, Kingman, Prescott, Albuquerque, Santa Fee, Salt Lake City, Las Vegas, etc. We are planning to have consultations at Department of Dine’ Education for the 21 public schools that are located on and near the Navajo Nation. Districts that are located farther away from Window Rock will use technology or interactive video conferencing.

We are very concerned about student academic achievement and the quality of education that is being offered to our children. We hope these federal funds that you will be receiving will impact student learning and teaching. Your continued support in offering a high quality education will be appreciated.

Sincerely

*Tommy Lewis*

Dr. Tommy Lewis  
Superintendent of Schools

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**BOARD OF EDUCATION**

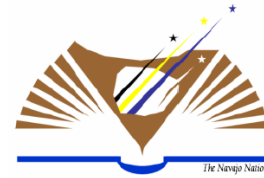
Dr. Pauline Begay, **President** · Marlene Burbank, **Vice President** · Dr. Delores Greyeyes, **Secretary**  
**Members:** Dr. Bernadette Todacheene · Gloria Johns · Priscilla Manuelito  
Dr. Tommy Lewis, *Superintendent of Schools*





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Russell Begaye  
President

Jonathan Nez  
Vice-President

**NNBEOC-474-2018**

**Relating to Education; Recommending to the Health, Education, and Human Services Committee of the Navajo Nation Council to Approve the Department of Diné Education Tribal Consultation Guide; Designating the Superintendent of Schools as “Appropriate Officials” as the Signatory Authority on behalf of the Navajo Nation for Tribal Consultation Purposes.**

**WHEREAS:**

1. The Navajo Nation Board of Education (hereinafter the “Board”) is the education agent in the Executive Branch for the purposes of overseeing the operation of all schools serving the Navajo Nation. 10 N.N.C. § 106 (A). The Board carries out its duties and responsibilities through the Department of Diné Education (hereinafter the “Department”). 10 N.N.C. §106 (G)(3).
2. The Department is the administrative agency within the Navajo Nation with responsibility and authority for implementing and enforcing the educational laws of the Navajo Nation. 2 N.N.C. §1801(B); 10 N.N.C. §107(A). The Department is under the immediate direction of the Navajo Nation Superintendent of Schools, subject to the overall direction of the Board. 10 N.N.C. §107(B).
3. The Health, Education, and Human Services Committee of the Navajo Nation Council is the oversight committee for the Department of Diné Education and Navajo Nation Board of Education, with the power to “ensure compliance and implementation of laws and policies of the Navajo Nation relating to... education...” 2 N.N.C. § 401(C)(1); 2 N.N.C. § 401(B)(2), 10 N.N.C. § 1(B). The Health, Education, and Human Services Committee has legislative oversight responsibility, including enactment and implementation of education legislation and policies.
4. Further, the Board shall “(e)stablish procedures for the enforcement of Navajo Nation educational laws and implement such laws to the full extent of Navajo Nation jurisdiction.” 10 N.N.C. § 106 (G)(2)(c).
5. Pursuant to 10 N.N.C. § 107 (B)(12)(b), (j), (m), (o), ”(t) he Department shall carry out the following duties and responsibilities in consultation with and subject to the review of the Navajo Nation Board of Education: 10 N.N.C. § 107 (B)(12):

(b) Establish policies and procedures for carrying out the accountability provisions of the federal education laws with regard to all Bureau of Indian Education funded schools serving the Navajo Nation.

(j) In cooperation with the Health, Education and Human Services Committee of the Navajo Nation Council, . . . provide for corrective actions on the educational achievement, problems, and needs of Navajo Nation students and school systems.

(m) Oversee the accountability and compliance of all Navajo Nation and applicable federal education laws or regulations.

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**BOARD OF EDUCATION**

*Dr. Pauline M. Begay, President · Marlene Burbank, Vice President · Dr. Delores Greyeyes, Secretary  
Members: Gloria Johns · Priscilla B. Manuelito · Dr. Bernadette Todacheene  
Dr. Tommy Lewis, Navajo Nation Superintendent of Schools*

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(o) Establish procedures for the enforcement of Navajo Nation educational laws and implement such laws to the full extent of Navajo Nation jurisdiction.”

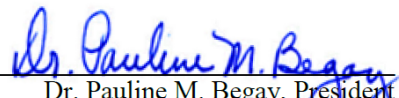
6. On December 10, 2015, President Barack Obama signed the Every Student Succeeds Act (ESSA) into law. The ESSA amended a crucial piece of the Elementary and Secondary Education Act (ESEA) providing that under Section 8538 of ESEA, state education agencies and affected local educational agencies are required to engage in meaningful consultation with tribes or tribal organizations. Before the submission of a plan or application for “covered programs under ESEA,” as amended by ESSA. Consultation must be done “in a manner and in such time, that provides the opportunity for such appropriate officials from Indian tribes... to meaningfully and substantively contribute” to plans under covered programs.
7. The Board finds that the proposed Navajo Nation Department of Diné Education Tribal Consultation Guide, attached hereto as “**EXHIBIT A**,” will ensure that public school districts serving Navajo students are held accountable for academic outcomes and success of students.
8. The Board finds that it is in the best interest of Navajo education, children and families, local school districts, and educational entities, to approve the Navajo Nation Department of Diné Education Tribal Consultation Guide.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Navajo Nation Board of Education supports and approves the Navajo Nation Department of Diné Education Tribal Consultation Guide, attached hereto as “**EXHIBIT A**.” The Board further designates the Superintendent of Schools as “Appropriate Officials” as the signatory authority on behalf of the Navajo Nation for tribal consultation purposes.
2. The Navajo Nation Board of Education further recommends and directs that the Board President or his/her designee to serve on the Tribal Consultation Committee.
3. The Navajo Nation Board of Education further recommends that the Health, Education, and Human Services Committee to approve the Navajo Nation Department of Diné Education Tribal Consultation Guide.
4. The Navajo Nation Board of Education hereby recommends and empowers the Superintendent of Schools to take any actions deemed necessary and proper to carry out the purposes of this resolution.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Board of Education of the Navajo Nation at a duly called meeting at Shiprock, New Mexico (Navajo Nation) at which a quorum was present, motion by Dr. Delores Greyeyes and seconded by Gloria Johns and that the same was passed by a vote of 4 in favor; 0 opposed; 0 abstained, this 5th day of October 2018.

  
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Dr. Pauline M. Begay, President  
Navajo Nation Board of Education

# WHAT IS TRIBAL CONSULTATION?

## Background

On December 10, 2016, President Barack Obama signed Every Student Succeeds Act (ESSA) into law. ESSA not only reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), but also replaced the 2001 No Child Left Behind Act (NCLB). The primary objective of ESSA is to localize the power and autonomy of elementary and secondary education of children by shifting responsibility from the Federal government to the states—thereby giving states and local districts greater flexibility in educating students.

The ESSA amends a crucial piece of ESEA, providing that under Section 8538 of ESEA, state education agencies and “affected” local educational agencies are now required to engage in “meaningful consultation” with tribes or tribal organizations before the submission of a plan or application for “covered programs under ESEA”, as amended by ESSA. Consultation with tribes must be done “in a matter and in such time, that provides the opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute” to plans under covered programs.

The Navajo Nation is situated in the southwestern region of the United States. The land base covers over 27,000 square miles comprised of New Mexico, Arizona, Utah, and Colorado. Regardless of school type, there are over 250 educational institutions on and near the Navajo Nation who serve over 85,000 students. Many of these schools and students represent primarily public schools. As a sovereign nation, the Navajo Nation has its own educational agency. The Navajo Nation Department of Diné Education is committed to promote and foster lifelong learning and protect the cultural integrity and sovereignty of the Navajo Nation. This *Tribal Consultation Guide* serves as a platform to cultivate and establish meaningful relationships between schools and the Navajo Nation that are in the best interest of our students, communities, and stakeholders. The following title funds are prioritized in this guide (also the Tribal Consultation Review, see Appendix B):

- 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 VII: Impact Aid

During all scheduled consultations, these Title funds will be carefully reviewed. Schools participating in tribal consultation with the Navajo Nation are expected to complete Appendix B, including additional academic related statistics (see page 21). All information should reflect available up-to-date information.

## ESSA Tribal Consultation Requirements

ESSA requires that state education agencies (SEAs) and affected school districts consult with tribes in the development of their education plans. SEAs are required by ESSA to engage in meaningful consultation with tribes when developing state plans for Title I, Part A funding. Affected districts that educate American Indian or Alaska Native students are also required to consult with tribes prior to submitting plans or applications for covered programs under ESSA or under Title VI. ESSA requires that tribal consultation be both *timely* and *meaningful*.



## Timely

According to the ESSA, consultation “shall not interfere with the timely submission of the plan”. This requirement means that the consultation process should begin as early as possible before the submission deadline to ensure that consultation is meaningful and unhurried.

Regularly scheduled consultation meetings now and in the future can ensure both that initial feedback can be incorporated into state and district plans and that tribal leaders continue to have a voice in the plan’s ongoing implementation and review process.

## Meaningful

Districts must work collaboratively with tribes to develop a shared understanding of what entails *meaningful consultation*, which is required—but not defined—by ESSA. A key starting point can be building a greater understanding of the infrastructure, processes, and community contexts of the tribes to be consulted.

### District Tribal Consultation Requirements—ESSA Title VI

Districts are required to consult with local tribal officials on plans or applications “for a covered program under [ESSA] or for a program under Title VI of [ESSA].” In practice, this requirement means that districts must engage in consultation well before submitting plans or applications to the state education agency or the U.S. Department of Education. Districts will need to document their consultation activities and provide an affirmation signed by each consulted tribe in order to verify that appropriate consultation took place. In districts with more than one tribe, respect for the sovereignty and individuality of tribal nations dictates that requests for consultation should be handled separately.

## Affected Districts

Districts required to consult with tribes include districts with:

- An enrollment of 50 percent or greater American Indian or Alaska Native students. According to guidance from the U.S. Department of Education, “In order to determine whether an LEA has 50 percent or more of its enrollment made up of AI/AN students, an LEA should use the enrollment data from the 2016–17 school year to determine whether it is an affected LEA in FY 2017. The total AI/AN enrollment data would include those students who self-identify as AI/AN alone and AI/AN in combination with one or more races, regardless of Hispanic ethnicity.”

## Consultation with Indian Tribes and Tribal Organizations: Sec. 8538. ø20 U.S.C. 7918

(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.

(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.

(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 2017, received a grant in the previous year under subpart 1 of part A of title VII (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 2017, received a grant in the previous fiscal year under subpart 1 of part A of title VI that exceeded \$40,000.

(2) APPROPRIATE OFFICIALS—The term “appropriate officials” means—

(A) tribal officials who are elected; or

(B) appointed tribal leaders or officials designated in writing by an Indian tribe for the specific consultation purpose under this section.

## FEDERAL FUNDS

### Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies

Title I, Part A outlines the programs that provide states with money to fund districts to support schools with significant populations of disadvantaged students and schools that are otherwise low-performing. This section of the law requires challenging academic standards, aligned statewide testing, accountability, and reporting and school improvement activities at the state and local levels. This section requires accountability by student subgroup such as race or ethnicity.

Basic grants fund school-wide programs for schools that meet a school-wide poverty threshold. Targeted grants are available to LEAs and schools with higher proportions of disadvantaged students. In addition to identifying schools for basic program supports, states must also identify low-performing schools from among public schools statewide for comprehensive support and •improvement or targeted support and achievement based on:

- Academic achievement
- Graduation rates
- English learner progress toward English language proficiency
- At least one additional indicator of school quality or student success as determined by the state

Long-term and interim goals must be set for all students and for specific student subgroups (including American Indian students) for the first three indicators, and states must report performance against these targets. States will identify low-performing schools for two types of support:

- *Comprehensive* support-Schools must improve overall student performance.
- *Targeted* support-Schools must improve performance in subgroups for which low performance was identified.

States, districts, and schools must report annually, in a clear public report card format, on performance on each of the required accountability indicators. A state is required to consult with tribes in the development of its Title I plan and to notify tribes about state standards, academic assessments, and the state accountability system.

## **Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk.**

This part provides funding supports for programs that assist children and youth who are neglected, delinquent or at risk. The definition of "at risk" includes students who are a year or more behind their peers academically or who have high rates of absenteeism, as well as those with addictions, histories of abuse, or other major risk factors. Title I, Part D applies to children and youth in local, tribal, and state institutions and provides support for programs that equalize student opportunities for academic achievement, prevent dropouts, and support transitions from correctional facilities to employment or further schooling.

Sub-grant funding to districts under this part can also be used to coordinate health and social services for at-risk children and youth, meet the "unique academic needs" of participating children and youth, and provide programs for at-risk American Indian children and youth.

## **Title II, Part A: Supporting Effective Instruction**

Title II is focused on improving educator quality and on increasing the number of teachers, principals, and other school leaders who are effective in improving student academic achievement. It also contains provisions intended to provide low-income and minority students with greater access to effective teachers, principals, and other school leaders.

Grants under this part can cover, among other state initiatives, those that establish or expand alternative certification for subject areas with shortages of teachers, support districts in recruiting or retaining effective minority teachers, or support collaboration on early childhood transitions to elementary school.

Grants for districts under Title II, Part A can include, among many other things, programs intended to:

- Assist schools in recruiting and retaining effective teachers.
- Support mentorship or induction programs for new teachers.
- Provide evidence-based professional development for teachers on engaging parents and the community and coordinating services.
- Conduct in-service trainings on working with students who have experienced trauma or have been exposed to trauma and forming mental health partnerships with community organizations.

## **Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act**

This title addresses efforts to ensure that students with limited English or native language proficiency attain high levels of proficiency in these respective languages as well as high levels of achievement in other academic subjects in these respective languages. It describes eligible uses of funds, including specific guidelines for supporting such *efforts* and guidelines for sub-grants to districts and other organizations.

## **Title IV—21<sup>st</sup> Century Schools, Part A: Student Support and Academic Enrichment Grants**

Title IV Part A provides funding to improve students' academic achievement by increasing access to a well-rounded education, improving conditions for learning, and leveraging the use of technology to improve the digital literacy and academic achievement of all students.

Activities and programs under this title must be coordinated with other schools and with community-based services and programs and may include partnerships with higher education institutions, businesses, nonprofits, community-based organizations, tribes, and other, similar entities.



## **Title IV, Part B: 21<sup>st</sup> Century Community Learning Centers**

Title IV Part B funds the establishment and expansion of community learning centers that provide programming and services to meet the academic and nonacademic needs of students and their families including outside of regularly-established school hours. Programs can support a well-rounded education, include counseling programs, programs for students suspended or expelled, credit recovery programs, and programs that collaborate with employer-partners, among others.

## **Title V, Part B; Subpart 2: Rural and Low-Income School Program**

Part B, subpart 2 of Title V specifies the criteria for district eligibility for rural and low-income sub-grants from the state and the method by which those grant awards should be calculated.

## **Title VI, Part A; Subpart 1: Formula Grants to Local Educational Agencies**

Districts, tribes, and local consortia are eligible to apply for grants under Part A, subpart 1 if their student enrollment: (a) includes 10 or more American Indian students; or (b) is comprised of 25 percent or more American Indian students. Plans are provided first to the state, which may choose to review and comment, and then to the U.S. Department of Education. If a state chooses to comment on one district's application, it must comment on all district applications.

Title VI grants can be used to carry out a number of activities in support of the American Indian students in the district, tribe, or consortium. Such grants can be used to:

- Meet culturally-related academic needs of American Indian students, including:
  - Native language revitalization programs
  - Culturally related activities in support of Title VI grant programs
  - Childhood and family programs that support school readiness
  - Enrichment programs focused on problem solving and cognitive skill development
  - Integration of educational services, including programs that promote parental involvement
  - Career preparation activities
  - Violence, suicide, and substance-abuse prevention
  - Supports for culturally responsive teaching and learning
  - Family literacy services
  - Dropout prevention
  - Meeting the needs of incarcerated youth, including transition supports
- Provide professional development to ensure that new teachers and staff are prepared to work with American Indian students and that teachers involved with the programs covered by the grant have been properly trained. Grantees must evaluate how all American Indian students are doing (including those who do not participate in the program) and provide that information to the community and to tribes.

Activities under these grants may incorporate appropriately qualified tribal elders, including as native language instructors.

## **Title VII: Impact Aid**

Impact Aid affects districts whose boundaries include federal land or land removed from the tax code, including reservation land. Impact Aid funds supplement these districts to compensate for their reduced tax base. ESSA includes new language that should allow for more timely payments of Impact Aid funds, a provision designed to help districts avoid sudden funding shortfalls, changes to the funding formula to increase equity, and increased appropriations authorizations. Some of the funding for Impact Aid is directly tied to the number of children residing on federal or nontaxed land, making accurate counts of those populations (which may be done by parent-pupil survey or by a tribal official) essential.

### **Code of Federal Regulation, §222.94: What are the responsibilities of the LEA with regard to Indian policies and procedures?**

(a) An LEA that is subject to the requirements of §222.91(a) must consult with and involve local tribal officials and parents of Indian children in the planning and development of:

- (1) Its Indian policies and procedures (IPPs), and
- (2) The LEA's general educational program and activities.

(b) An LEA's IPPs must include a description of the specific procedures for how the LEA will:

(1) Disseminate relevant applications, evaluations, program plans and information related to the LEA's education program and activities with sufficient advance notice to allow tribes and parents of Indian children the opportunity to review and make recommendations.

(2) Provide an opportunity for tribes and parents of Indian children to provide their views on the LEA's educational program and activities, including recommendations on the needs of their children and on how the LEA may help those children realize the benefits of the LEA's education programs and activities. As part of this requirement, the LEA will—

(i) Notify tribes and the parents of Indian children of the opportunity to submit comments and recommendations, considering the tribe's preference for method of communication, and

(ii) Modify the method of and time for soliciting Indian views, if necessary, to ensure the maximum participation of tribes and parents of Indian children.

(3) At least annually, assess the extent to which Indian children participate on an equal basis with non-Indian children in the LEA's education program and activities. As part of this requirement, the LEA will:

(i) Share relevant information related to Indian children's participation in the LEA's education program and activities with tribes and parents of Indian children; and

(ii) Allow tribes and parents of Indian children the opportunity and time to review and comment on whether Indian children participate on an equal basis with non-Indian children.

(4) Modify the IPPs if necessary, based upon the results of any assessment or input described in paragraph (b) of this section.

(5) Respond at least annually in writing to comments and recommendations made by tribes or parents of Indian children, and disseminate the responses to the tribe and parents of Indian children prior to the submission of the IPPs by the LEA.

(6) Provide a copy of the IPPs annually to the affected tribe or tribes.

(c)(1) An LEA that is subject to the requirements of §222.91(a) must implement the IPPs described in paragraph (b) of this section.

(2) Each LEA that has developed IPPs shall review those IPPs annually to ensure that they comply with the provisions of this section, and are implemented by the LEA in accordance with this section.

(3) If an LEA determines, after input from the tribe and parents of Indian children, that its IPPs do not meet the requirements of this section, the LEA shall amend its IPPs to conform to those requirements within 90 days of its determination.

(4) An LEA that amends its IPPs shall, within 30 days, send a copy of the amended IPPs to—

- (i) The Impact Aid Program Director for approval; and
- (ii) The affected tribe or tribes.

(Authority: 20 U.S.C. 7704)

## **Title VII: Section 7004: Policies and Procedures Relating to Children Residing on Indian Lands**

Any LEA that claims children residing on Indian lands for the purpose of receiving funds under section 7003 must establish Indian policies and procedures (IPPs) to ensure that the LEA meets the following requirements:

1. Give the tribal officials and parents of Indian children an opportunity to comment on whether Indian children participate on an equal basis with non-Indian children in the educational program and activities provided by the LEA;
2. Assess the extent to which Indian children participate on an equal basis with non-Indian children served by the LEA;
3. Modify, if necessary, its educational program to ensure that Indian children participate on an equal basis with non-Indian children served by the LEA;
4. Disseminate relevant applications, evaluations, program plans, and information related to the educational programs of the LEA in sufficient time to allow the tribes and parents of Indian children an opportunity to review the materials and make recommendations on the needs of the Indian children and how the LEA may help those children realize the benefits of the LEA's education programs and activities;
5. Gather information concerning the Indian community views education issues, including the frequency, location and time of meetings;
6. Notify the Indian parents and tribes of the locations and times of meetings;
7. Consult and involve tribal officials and parents of Indian children in the planning and development of the LEA's educational programs and activities; and
8. Modify the IPPs, if necessary, based upon an assessment by the tribes and parents of the effectiveness of their input regarding the development and implementation of the IPPs.



## THE NAVAJO NATION Tribal Consultation Team

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# NEW MEXICO PUBLIC SCHOOLS AND CHARTERS SCHOOLS ON OR NEAR THE NAVAJO NATION

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Aztec, NM 87410  
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FAX: (505) 632-4371  
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FAX: (505) 368-5698  
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FAX: (505) 721-1199  
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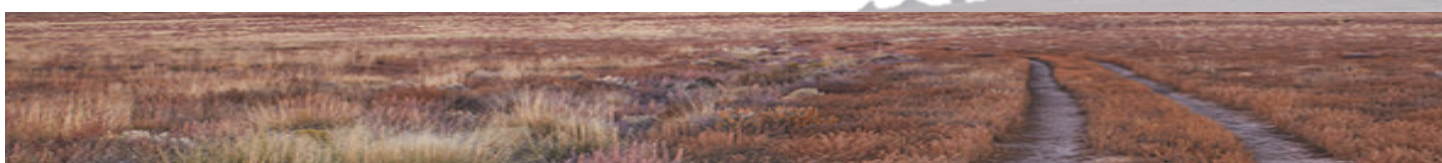
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# ARIZONA PUBLIC SCHOOLS AND CHARTERS SCHOOLS ON OR NEAR THE NAVAJO NATION

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## **Chinle Unified School District #24**

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## **Holbrook Unified School District #3**

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## **CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS**

### **Frequently Asked Questions ESEA, Section 8538**

#### **1. What are the consultation requirements under section 8538 of the ESEA?**

Section 8538 requires affected LEAs (see Question 3 for definition of “affected LEA”) to consult with Indian tribes (Navajo Nation), or those tribal organizations approved by the tribes located in the area served by the LEA, prior to submitting a plan or application for covered programs (see Question 5 for more information on the programs covered by section 8538). This requirement is designed “to ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students.” The consultation must 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 plans under covered programs.

#### **2. When do the consultation requirements under section 8538 of the ESEA begin?**

Consultation requirements under section 8538 of the ESEA begin with the plans or applications for fiscal year (FY) 2017 formula grant funding, or for the 2017-2018 school year. Affected LEAs (see Question 3) that educate American Indian/Alaska Native (AI/AN) students will be required to consult with local Indian tribes prior to submitting a plan or application under covered ESEA formula grant programs (see Question 5).

#### **3. Which LEAs must consult with Indian tribes in accordance with section 8538 of the ESEA?**

Under section 8538, an affected LEA is one that either: 1) has 50% or more of its student enrollment made up of AI/AN students; *or* 2) received an Indian education formula grant under Title VI of the ESEA, as amended by the ESSA1, in the previous fiscal year that exceeds \$40,000. In order to determine whether an LEA has 50 percent or more of its enrollment made up of AI/AN students; an LEA should use the enrollment data from the 2016-2017 SY to determine whether it is an affected LEA in FY 2017. The total AI/AN enrollment data would include those students who self-identify as AI/AN alone and AI/AN in combination with one or more races, regardless of Hispanic ethnicity. An LEA that receives an Indian education formula grant award greater than \$40K in FY 2016 is an affected LEA for consultation purposes in FY 2017. Contact Bernard Garcia, at [bernard.garcia@ed.gov](mailto:bernard.garcia@ed.gov), Group Lead for Title VI Indian Education Formula Program, Office of Indian Education, for assistance in determining whether an LEA is an affected LEA under section 8538 of the ESEA.

#### **4. How can an LEA find information about the Navajo Nation?**

The contact information for the Navajo Nation Department of Diné Education is on the title page, including the Navajo Nation Tribal Consultation Team (see page 14). Additional departments from the Navajo Nation that may benefit LEAs can be found on page 30.

#### **5. On which programs must an affected LEA consult with Indian tribes?**

Affected LEAs must consult with the Navajo Nation before submitting plans or applications for the following title programs outlined from page 9-12, under ESEA (please include in LEA binder prior to consultation).

#### **6. When should affected LEAs conduct the consultation required under section 8538 of the ESEA?**

LEAs should conduct their consultation in advance of making significant decisions regarding plans or applications for covered programs, to ensure an “opportunity for . . . appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute” to an LEA’s plan (section 8538(a)). The timeline for each consultation is dictated by requirements of the relevant formula grant program, which have different application deadlines. For example, a State may have a deadline for LEAs to submit a consolidated local plan to the State by a certain date in 2017, so for those programs the consultation must be completed before that date. Given that tribes may receive multiple requests for consultation, LEAs should consider arranging for informational meetings prior to consultation.



**7. What should an LEA do to ensure “meaningful consultation”?**

In order to ensure that consultation is meaningful, LEAs should provide the Navajo Nation an opportunity to provide input and feedback to the LEA on plans for any covered program. An LEA should consider providing a list of issues or questions on which the LEA seeks input, or provide draft plans for this purpose, in advance of the consultation. An LEA should consult before it makes a final decision on significant and substantive issues related to the content of the plans. In addition, an LEA should consider providing written responses to Navajo Nation input received during consultation to explain how input was considered.

**8. What documentation is required for consultation with the Navajo Nation under section 8538 of the ESEA?**

Documents outlined in the Tribal Consultation Review (see Appendix B) and the data requests on page 21 should be prepared prior to consultation with the Navajo Nation. Each LEA must maintain in the agency’s records and, for State-administered ESEA programs, provide to the SEA, a written affirmation signed by the appropriate officials of the participating tribes (or tribal organizations approved by the tribes) that the required consultation occurred. Arizona and New Mexico affirmation documents are included in this tribal consultation guide. If no specific state affirmation document is used, the Navajo Nation will use the state of Arizona’s affirmation form. If tribal officials do not provide such affirmation within a reasonable period of time, the LEA must forward to the SEA documentation that consultation has taken place.

**9. May an LEA combine this consultation with other requirements regarding tribal or parent involvement?**

Yes, an LEA may coordinate or consolidate the required ESEA consultation with the parent activities required under the Indian Education formula grant program, the Impact Aid program, and the Johnson O’Malley program. An LEA may only do so, however, if the activity in question – *i.e.*, the consultation – meets all of the requirements of each program. For example, an LEA may plan a public hearing or meeting with its local tribe regarding its education program generally in order to meet the Impact Aid requirements for Indian Policies and Procedures; that hearing with the tribe could incorporate the elements of the LEA’s proposed plans under the covered programs, rather than hold a separate consultation event. The LEA should involve the local tribe or tribes in planning the best approach that satisfies the needs of the tribe(s) and the LEA in a time-effective manner, and that meets the requirements of the various programs.

**10. If an LEA has multiple tribes in the geographic area it serves, or if there is one tribe and multiple LEAs, must there be separate consultations with each tribe or LEA?**

Where there are multiple tribes and a single LEA, the LEA may hold a consultation that includes all affected local tribes. Similarly, where there are multiple LEAs and one tribe, there is no federal prohibition against a joint consultation held by several LEAs. In both cases the LEA must ensure that the tribe or tribes have a meaningful and timely opportunity to give input into an LEA’s plans or applications. The Navajo Nation will initiate tribal consultation with LEAs that serve a significant number of their Navajo students.

**11. Can the Department provide additional information?**

Yes, the Department of Diné Education may help or provide other information upon request. Please contact the Navajo Nation Department of Diné Education at (928) 871-7475.

## **SUGGESTED QUESTIONS FOR MEANINGFUL CONSULTATION**

- What technical assistance is needed to enhance students' academic and cultural needs?
- How many educators on staff are Navajo?
- What is the level of Navajo parent involvement?
- What programs are offered specifically for Navajo students? (Please include clubs, activities, and cultural events.)
- Are other tribal languages offered at the school? How many speak their language? Which languages are offered? How do you identify your Navajo students? How do you identify your at-risk students?
- How many of your students are members of our tribe? (You may check with your Indian education director for this answer.)

## **QUESTIONS THE LEA MAY ASK THE NAVAJO NATION**

- What mutual benefit do we hope to achieve as a result of the consultation?
- What will you do with the information obtained from the consultation?
- How do you foresee the Navajo Nation working with our school?
- How will tribal consultation benefit our district?
- What programs and services does your tribe offer?
- Do you provide services to all tribes? In or outside your tribal boundaries?
- What should we know about your tribe and tribal culture?
- Would your tribe conduct home visits? If so, in what areas?
- Do you offer professional development or training?
- How would you like to see us handle issues regarding mascots?
- How can we reach out to parents more effectively?
- Are you allowed to pick your tribe? What is a Certificate of Degree of Indian Blood (CDIB) card and how does someone obtain one?
- Are Navajo students identified only by their CIB information?
- How should I address my Native students?

## **POSSIBLE QUESTIONS WHEN REVIEWING DINÉ LANGUAGE & CULTURE**

- Explain your Diné language and culture (DL&C) standards and assessments.
- How are you emphasizing Diné language and culture?
- How does the district keep track of students who are taking DL&C classes?
- What funds do you utilize for DL&C?
- How many DL&C teachers are there district-wide?
- What approach are your teachers using for Diné language revitalization?
- How does your district use DL&C data to improve instruction and student learning?
- How does your district use digital learning to support DL&C?
- How does your district provide support to help the teachers grow in their profession?
- What improvements have been made over the years to improve district DL&C programs?
- Does your district connect with its local communities to enhance general Diné customs and practices (history, practices, values, languages, as well as critical issues that impact the education of students)?

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**Important Note:** These are only suggested questions. However, the Navajo Nation Tribal Consultation Team will ask pertinent questions related to the outline found in the data sheet and Tribal Consultation Review document. The Tribal Consultation Review document serves as an agenda, per se, for consultation. The outline will guide the projected one-hour meeting that the Navajo Nation anticipates for each consultation.

## DATA THE NAVAJO NATION REQUESTS

DATA ITEM	TYPE	FREQUENCY	DESCRIPTION
<b>ABSENTEEISM RATE</b>	Numeric Data	One-year Snapshot	Number of students absent divided by ADA
<b>ATTENDANCE RATE</b>	Graph	One-year Snapshot	Attendance; Avg. Daily Attendance.
<b>DROP OUT RATE</b>	Numeric Data	2-year Snapshot	Navajo Student Dropout rate; N = (i.e. 8%)
<b>ELA-PROFICIENCY</b>	Graph	3-5 Year Longitudinal	Navajo Students ELA Performance
<b>ENROLLMENT</b>	Numeric Data	One-year Snapshot	Total count of Students enrolled in District
<b>FREE REDUCE LUNCH COUNT</b>	Numeric Data	One-year Snapshot	Count of eligible Navajo students
<b>GRADUATION GROWTH RATE</b>	Numeric Data	3-5 Year Longitudinal	District Grad Rate on 4-year avg.
<b>GRADUATION RATE</b>	Numeric Data	One-year Snapshot	Student Grad Rate; N= (i.e. 86%)
<b>IMPACT AIDE</b>	Numeric Data	One-year Snapshot	Total Number of IPP Count.
<b>MA-PROFICIENCY</b>	Graph	3-5 Year Longitudinal	Navajo Students MA Proficiency Performance
<b>NAVAJO ENROLLMENT</b>	Numeric Data	One-year Snapshot	Total count of “Navajo” students within District enrollment count.
<b>NAVAJO LANGUAGE COURSES</b>	Numeric Data	One-year Snapshot	Total course offered within District to students
<b>PARENT COURSE/PROGRAMS</b>	Numeric Data	One-year Snapshot	Total course or programs offered to/for Parents of Students attending District schools.
<b>SCHOOL GRADE</b>	Alphabet	One-year Snapshot	School report card given by State; per State grading system.
<b>SCHOOL GROWTH</b>	Graph	3-5 Year Longitudinal	Upward/Downward Trend
<b>STUDENT GROWTH</b>	Graph	3-5 Year Longitudinal	Upward/Downward Trend
<b>TEACHER CERTIFICATION/LICENSURE</b>	Numeric Data	One-year Snapshot	Number of teachers licensed or certified to teach in a classroom/subject.
<b>TEACHER CLASSIFICATION LEVELS</b>	Numeric Data	One-year Snapshot	i.e. Count of Highly Effective Teacher; Highly Qualified Teacher, etc. (per State Teacher Rating Scale)
<b>TEACHER COUNT</b>	Numeric Data	One-year Snapshot	Count of all teachers in District; N = (i.e. 32)

## DEFINITIONS FROM DATA SHEET

**Attendance:** during the regular school year, the average percentage of days that students are present for school. Students should not be considered present for excused absences, unexcused absences, or any period of time that they are out of their regularly assigned classrooms due to discipline measures (i.e., in- or out-of-school suspension).

**Enrollment:** the number of District students identified in an “open-enrollment” count at the normalized time the District makes this count for all grades.

**Graduation Rate:** the four-year or extended-year adjusted cohort graduation rate as defined by 34 CFR 200.19(b)(1).

**Graduation Growth Rate:** refers to annual increase in the 4-year graduation rate and is based on three years of data. Growth in the 4-year rate reflects the school’s overall ability to help students complete their high school careers in a timely way.

**High School Drop Out Rate:** individuals, ages 16 to 24, who were not currently enrolled in school and had not completed high school or obtained a GED.

**Navajo Student Enrollment:** students identified by Race sub-category or sub-group ethnicity as “Navajo”.

**Navajo Student Growth:** represents how much individual student achievement grows compared with other students. Student growth is estimated using a multilevel (mixed effects) regression model.

**School Grade or LEA Grades:** Report cards are required by federal statute: Elementary and Secondary Education Act (ESEA) section 1111(h)(2) as amended by the No Child Left Behind Act of 2001 and as amended by the Every Student Succeeds Act (ESSA).

**School Growth:** Measures whether a school’s scores tend to go up or down in comparison with previous performance. Use District’s respective State standards.

**Student Growth:** The change in student achievement for an individual student between two or more points in time, defined as—

- For grades and subjects in which assessments are required under ESEA section 1111(b)(3): (1) a student's score on such assessments and (2) other measures of student learning, such as those described in the second bullet, provided they are rigorous and comparable across schools within an LEA.
- For grades and subjects in which assessments are not required under ESEA section 1111(b)(3): alternative measures of student learning and performance, such as student results on pre-tests, end-of-course tests, and objective performance-based assessments; performance against student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools within an LEA.

**Proficiency:** Refers to whether the student has achieved a benchmark score on various *criterion-based assessments*. For example, the PARCC scores classify students in one of five levels, with levels four and higher considered college and career ready, on grade level, or proficient. AZMERIT scores classify students in one of four levels at grade level or proficient.

**Teacher Classification:** the respective State teacher effectiveness evaluation classification or rating system. Usually Highly Effective Teacher or Highly Qualified Teacher or similar thereof.

**Teacher License/Certification:** the process by which prospective educators get teacher licensing and/or certification to teach within a given area after completing required coursework, degrees, tests and other specified criteria.

## **POSSIBLE QUESTIONS WHEN REVIEWING DINÉ LANGUAGE & CULTURE**

- Explain your Diné language and culture (DL&C) standards and assessments.
- How are you emphasizing Diné language and culture?
- How does the district keep track of students who are taking DL&C classes?
- What funds do you utilize for DL&C?
- How many DL&C teachers are there district-wide?
- What approach are your teachers using for Diné language revitalization?
- How does your district use DL&C data to improve instruction and student learning?
- How does your district use digital learning to support DL&C?
- How does your district provide support to help the teachers grow in their profession?
- What improvements have been made over the years to improve district DL&C programs?
- Does your district connect with its local communities to enhance general Diné customs and practices (history, practices, values, languages, as well as critical issues that impact the education of students)?

## **USE OF DATA**

As a part of consultation, the Navajo Nation may request data from LEAs that relate to services/interventions the tribe provides its citizens. Please keep in mind that the Navajo Nation support LEAs and American Indian/Alaska Native students and share a mutual goal of success for all students. All data are subjected to FERPA compliance and the request and use of given data will be handled in the appropriate manner.

## **ESSA TRIBAL CONSULTATION AGREEMENT**

Utilize and sign respective state affirmation forms (included is Arizona and New Mexico). For consultations in states without an affirmation form, the state of Arizona's will be used. Please provide a copy with a tribal consultant representative following consultation.

## References

Arizona Tribal Consultation Guide. (2017). Retrieved from

[http://www.azed.gov/oie/files/2017/07/Arizona-Tribal-Consultation-Guide\\_Final\\_ADA.pdf](http://www.azed.gov/oie/files/2017/07/Arizona-Tribal-Consultation-Guide_Final_ADA.pdf)

Every Student Succeeds Act, (2015). One Hundred Fourteenth Congress of the United States of America.

S. 1177. Retrieved from <https://www.congress.gov/114/bills/s2040/BILLS-114s2040enr.pdf>

National Association of Federally Impacted Schools. (2016). The Basics of Impact Aid: Retrieved from

[http://media.wix.com/ugd.423d5a\\_58add7d7c31d445ea2ec2ecdb55b7701.pdf](http://media.wix.com/ugd.423d5a_58add7d7c31d445ea2ec2ecdb55b7701.pdf)





## Appendix A Department of Diné Education Programs

**Office of the Superintendent** Dr. Tommy Lewis, Superintendent, Dr. Timothy Benally, Assistant Superintendent, a Senior Planner, Legislative Analyst, Programmer Analyst, Administrative Assistants with DODE and the NNBOE, Accountant, Office Specialist, and a Systems and Programming Manager.

*P.O. Box 660, Window Rock, AZ, 86504, Phone: (928) 871-7475, FAX: (928) 871-7474*

**The Office of Diné Accountability and Compliance** assists education institutions with compliance of Federal, state, and Navajo Nation laws through monitoring, evaluation, and technical assistance.

*Darrick Franklin, Program Manager; PH: (928) 871-7481, FAX: (928) 871-6101*

**The Office of Standards, Curriculum, and Assessment Development** conserves, promotes, and perpetuates the Diné Cultural and Language instructional programs in coordination with schools, institutions of higher education, the state department of education, community organizations and the Traditional Navajo Apprenticeship Project.

*Maggie Benally, Interim Program Manager, Phone: (928) 871-6728, FAX: (928) 871-7659*

**AdvancED Navajo Nation** provides technical assistance to schools pursuing NCA accreditation status. It supports the work of schools developing and implementing comprehensive plans for school improvement.

*Dr. Anselm Davis, Program Manager, Phone: (928) 871-6888, FAX: (928) 871-6296*

**The Office of Special Education and Rehabilitation Services** implements *Growing in Beauty* Early Intervention and Home Visitation services, vocational rehabilitation and independent living programs to assist individuals with disabilities to achieve self-sufficiency and equal opportunity. It is the vision of *Growing in Beauty* for all Navajo children to grow into beautiful individuals who are happy and healthy.

*Paula Seanez, Program Manager, Phone: (928) 871-6993, FAX: (928) 871-7865*

**The Office of Navajo Nation Scholarship and Financial Assistance** provides need-based financial aid, college support, merit-based scholarships, and graduate and part-time assistance to Navajo applicants pursuing a post-secondary degree. ONNSFA is comprised of five agency offices and the Navajo Nation Teacher Education program.

*Rose Graham, Program Manager, Phone: (928) 871-7424, FAX: (928) 871-7410*

**The Office of Diné Youth Development** coordinates with Navajo chapters, communities, and various youth service providers to promote socially acceptable leisure activities that meet the varied needs of youth. It provides community-based and family-oriented alternatives for at-risk youth. It provides career awareness opportunities to youth.

*Denise Thomas, Program Manager, Phone: (928) 871-6997, FAX: (928) 871-7618*

**The Navajo Nation Library** provides educational, cultural, informational, and recreational materials to all residents of the Navajo Nation.

*Irving Nelson, Program Manager, Phone: (928) 871-7303, FAX: (928) 871-7304*

**The Office of Diné School Improvement** improves the quality of instruction for K-12 in science, mathematics, and promotes the use of technology to enhance science and mathematics achievement in the classroom.

*Dr. Calvin White, Program Manager, Phone: (928) 871-7448, FAX: (928) 871-6744*

**The Office of Educational Research and Statistics** provides quality statistical analysis on the status of education; conducts data analysis; develops and manages a comprehensive database system; and initiates new technological advances in the field of management information systems.

*Roy Tracy, Program Manager, Phone: (928) 871-7770, FAX: (928) 871-7642*

**Navajo Head Start** delivers child and family focused services with the overall goal of increasing the social competence and school-readiness of children from low-income families. It provides comprehensive services to children from birth to five years of age and pregnant woman and their families. It administers a full immersion program incorporating Navajo culture and language into its curriculum.

*Dr. Elvira Bitsoi, Assistant Superintendent, Phone: (928) 871-6902, FAX: (928) 871-7866*

**The Johnson O'Malley program** provides supplemental funding assisting those efforts designed to meet the specialized and unique educational needs of eligible Indian students. Diné language and culture are high priorities for JOM. Services include: at-risk counseling, tutoring, computer lab, community-based learning centers, home school liaison, and bilingual teacher assistants.

*Eleanor Thomas, Program Manager Phone: (928) 871-7461, FAX: (928) 871-7464*

## Appendix B

### Tribal Consultation Review

**DATE:** \_\_\_\_\_

(LEA)

- | DEMOGRAPHICS   |  | PERCENTAGE |
|--|--|------------|
| AMERICAN INDIAN STUDENTS (DISTRICT WIDE)             |  |            |
| AMERICAN INDIAN STAFF (ALL POSITIONS, DISTRICT WIDE) |  |            |
| NAVAJO STUDENTS (DISTRICT WIDE)                      |  |            |



<b>PART D</b> NEGLECTED & DELINQUENT YOUTH				
<b>TITLE II</b> PREPARING, TRAINING, RECRUITING SCHOOL LEADERS, HQ TEACHERS				
<b>TITLE III</b> LANGUAGE INSTRUCTION, ENGLISH LEARNERS, NATIVE LANGUAGE ASSESSMENT				
<b>TITLE IV</b> 21 <sup>st</sup> CENTURY SCHOOLS ACADEMIC ENRICHMENT, TRIBAL HISTORY				
<b>TITLE V</b> LOW INCOME SCHOOL PROGRAMS				
<b>TITLE VI</b> IDENTIFICATION OF AI/AN				

<b>TITLE VII IMPACT AID</b>				
<b>JOHNSON O'MALLEY</b>				
<b>MCKINNEY VENTO</b>				
<b>LIST OTHER FUNDING SOURCES (Private donors, grants, etc.)</b>				
<b>TYPES OF PROFESSIONAL DEVELOPMENT (Consultants, purpose, etc.)</b>				
<b>DATA COLLECTION</b>	District Truancy _____ %	Absenteeism _____ %	Behavioral/At-risk _____ %	
<b>FOLLOW UP</b> between DODE and LEA, including the OPVP upon consultation:				



## **Appendix C** **Navajo Nation Services**

### **THE NAVAJO NATION**

Phone: (928) 871-6000  
<http://www.navajo-nsn.gov>

#### **Navajo Nation Office of the President and Vice President**

P.O. Box 7440, Window Rock, AZ 86515  
Phone: (928) 871-7000  
Fax: (928) 871-4025  
<http://www.opvp.navajo-nsn.gov>

#### **Navajo Nation Division of Social Services**

Navajo Nation Administration Office  
P.O. Box 1967  
Window Rock, AZ 86515  
Phone: 928-871-7679 Fax: 928-871-6176  
<http://www.nndss.navajo-nsn.gov>

#### **Navajo Nation Division of Behavioral Mental Health Services**

P.O. Box 709  
Window Rock, AZ 86515  
Phone: (928) 871-6235 Fax: (928) 871-6255  
<http://www.nndoh.org/dbhs.html>

#### **Navajo Nation Department of Transportation**

P.O. Box 4620  
Window Rock, AZ 86515  
Phone: (505) 371-8300/8301  
Fax: (505) 371-8399  
<https://www.navajodot.org>

#### **Navajo Nation Office of Vital Records**

Indian Rt. 100  
Window Rock, AZ 86515  
Phone: (928) 871-6386 or (928) 729-4020  
Fax: (928) 871-6397  
<http://www.navajo-nsn.gov/contact.htm>

#### **Navajo Housing Authority**

P.O. Box 4980  
Window Rock, AZ 86515  
Phone: (928) 871-2600 Fax: (928) 871-2604  
<http://www.navajohousingauthority.org>

#### **Navajo Nation Division of Human Resources**

P.O. Box 9000  
Window Rock, AZ 86515  
Phone: (928) 871-6627 Fax: (928) 871-6377  
<http://www.dhr.navajo-nsn.gov>

#### **Navajo Nation Judicial Courts**

P.O. Box 520  
Window Rock, AZ  
Phone: (928) 871-7669 Fax: (928) 871-6866  
<http://www.navajocourts.org>

#### **Navajo Nation Police Department**

P.O. Box 3360  
Window Rock, AZ 86515  
Phone: (928) 871-6581 Fax: (928) 871-7087  
<http://www.navajonationdps.navajo-nsn.gov>

#### **Navajo Nation Department of Health**

P.O. Box 1390  
Window Rock, AZ 86515  
Phone: (928) 871-6350 Fax: (928) 871-6255  
<http://www.nndoh.org/index.html>

#### **Navajo Nation Human Rights Commission**

P.O. Box 129  
St. Michaels, AZ 86511  
Phone: (928) 871-7436 Fax: (928) 871-7437  
<http://www.nnhrc.navajo-nsn.gov/#>

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**Notes:** If there are additional services not listed, please contact (928) 871-6000 or visit the Navajo Nation's official website.





## **Affirmation of Tribal Consultation For Local Educational Agencies**

This Affirmation of Tribal Consultation document must be submitted to the School Budget and Finance Analysis Bureau on an annual basis as part the Local Educational Agency's (LEA's) budget submission.

The purpose of the Tribal consultation process is to create opportunities for LEAs and Tribal Leaders to work together to improve positive outcomes for Native American students.

Name of LEA:
Superintendent:  Contact Phone:
District Coordinator of Tribal Consultation (Federal Programs Director, Indian Education Director; Tribal Liaison, etc.):  Contact Phone:  Contact Email:
Tribal Leader or  Designee: Contact  Phone:

☐ Check here if the Tribe or Tribal organizations did not respond to the LEA's repeated good-faith efforts for tribal consultation. Please describe the consultation efforts below and attach any accompanying documentation to this form.

**If consultation occurred, check the boxes and comment on topics discussed during the consultation process:**

<input type="checkbox"/> How students' academic, cultural and linguistic needs will be identified and supported	<input type="checkbox"/> Parental Engagement
<input type="checkbox"/> Services that will be offered to support students' academic, cultural and linguistic needs	<input type="checkbox"/> Federal Title Programs
<input type="checkbox"/> Plan for delivery of services	<input type="checkbox"/> State grants opportunities
<input type="checkbox"/> Timeline of when services will be assessed and evaluated and communicated to Tribal partners	<input type="checkbox"/> Funding and equitable allocation of resources
<input type="checkbox"/> Other topics?	

### **Affirmation and Signatures**

We agree that timely and meaningful consultation occurred prior to the submission of this Affirmation of Tribal Consultation document. We agree that we have participated in timely and meaningful discussion on the programs, budget and available resources below, but not limited to:

<input type="checkbox"/> Understanding Title I: Parts A, C and D	A. Improving Basic Programs Operated by State and Local Educational Agency B. Education of Migratory Children C. Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk
<input type="checkbox"/> Understanding Title II, Part A	Supporting Effective Instruction
<input type="checkbox"/> Understanding Title III, Part A	English Language Acquisition, Language Enhancement, and Academic Achievement
<input type="checkbox"/> Understanding Title IV, Parts A & B	A: Student Support and Academic Enrichment Grants B: 21 <sup>st</sup> Century Community Learning Centers
<input type="checkbox"/> Understanding Title V, Part B Subpart 2	Rural and low-income School Program

<input type="checkbox"/> Title VI, Part A, Subpart 1	Indian Education Formula Grants to Local Educational Agencies
<input type="checkbox"/> State grant opportunities	<input type="checkbox"/> Indian Education Act School District Grant <input type="checkbox"/> Principals Pursuing Excellence <input type="checkbox"/> Reads to Lead – Literacy Initiative <input type="checkbox"/> K-3 Plus – Extended Learning Time <input type="checkbox"/> After School and Summer Enrichment <input type="checkbox"/> Truancy and Drop Out Prevention Coaches <input type="checkbox"/> Dual Credit <input type="checkbox"/> Pay for Performance – Educator Incentives <input type="checkbox"/> Others
<input type="checkbox"/> Others(?):	
Signature of Superintendent or Designee: _____ Date: _____	
Tribal Affirmation of Consultation Designee: _____ Date: _____	

Each LEA must maintain this document in the agency's records and forward to the School Budget and Finance Analysis Bureau to be kept on file with the district's budget submission. For questions or more information, please contact the Indian Education Office at (505) 827-6679.

# 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 June 30, 2020

Name of LEA: \_\_\_\_\_  
LEA Superintendent: \_\_\_\_\_ Phone: \_\_\_\_\_  
LEA ESSA Coordinator: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Name of Tribe/Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
Tribal Representative: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**Note:** If necessary, list additional representatives on a second page and upload.

☐ **Check if the tribe/tribal organization has not responded to LEA's repeated, good-faith attempts (3) for consultation.**  
(Evidence may be required for compliance monitoring.)

**Affected LEAs are required to consult with local tribal officials on plans or applications for a covered program under ESSA, to include:  
Titles I-A, I-C, I-D, II-A, III-A, IV-A, IV-B, V-B Subpart 2 and VI-A Subpart 1.**

Section 8538 of P.S. 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 P.S. 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 FY2018, or

WE AGREE that 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.

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 under this section on the following dates: \_\_\_\_\_.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tribal Official or Tribal Organization Official Signature

\_\_\_\_\_  
Date

Completed forms are to be uploaded in GME under Related Documents in the FY18 ESEA Consolidated application.

Arizona Department of Education  
9/11/2019