

**TITLE:** Title VI American Indian Tribal Consultation Requirements and Procedures

**NUMBER:** BUL-139113

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**ROUTING**  
Regional Superintendents  
Administrators of Instruction  
Regional Directors  
Operations Administrators  
FSEP Administrators  
AEA Administrators  
PACE Administrators

**POLICY:** The purpose of this bulletin is to outline guidelines and procedures for schools, Regions, and central office personnel regarding Title VI American Indian/Alaskan Native (AI/AN) Education Program requirements under the Every Student Succeeds Act (ESSA) of 2015. Los Angeles Unified School District (LAUSD) applies for Title VI AI/AN Education Program supplemental funds to support meeting the unique academic, cultural, and linguistic needs of AI/AN students, including:

1. Meeting the unique educational and culturally related academic needs of AI/AN students, so that AI/AN students can meet the State academic standards;
2. Ensuring that students gain knowledge and understanding of native communities, languages, tribal histories, traditions, and cultures;
3. Ensuring that teachers, principals, school leaders, and other staff who serve AI/AN students have the ability to provide culturally appropriate resources and effective instruction to support AI/AN students.

This bulletin includes policy requirements and procedures for the consultation process with tribal leaders of federally recognized Indian tribe(s) on Indian lands located within 50 miles of any District school if such tribes have any children attending such school.

**MAJOR CHANGES:** This is a new bulletin.

**GUIDELINES:** The Multilingual Multicultural Education Department (MMED) is responsible for assisting schools and regions in successfully meeting the cultural, education and linguistic needs of AI/AN students. To meet this charge, consultation with American Indian tribes represented within our District is essential to effectively support the academic success of AI/AN students.

## **I. American Indian and Indigenous Tribal Consultation Requirements**

Under section 8538 of the Elementary and Secondary Education Act (ESEA), as amended by the ESSA, all districts receiving Title VI Indian Education Grant Awards of more than \$40,000, or who have a Native American student population of over 50 percent of total student enrollment, must engage in tribal consultation (ESEA section 1111(a)(1)(A)). Tribal consultation is required for additional applicable federal programs covered by ESSA, not solely Title VI – Indian Education. These programs include:

1. Title I, Part A (Improving Basic Programs Operated by State and Local Educational Agencies)
2. Title I, Part C (Education of Migratory Children)
3. Title I, Part D (Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk)
4. Title II, Part A (Supporting Effective Instruction)
5. Title III, Part A (English Language Acquisition, Language Enhancement, and Academic Achievement Act)
6. Title IV, Part A (Student Support and Academic Enrichment Grants)
7. Title IV, Part B (21st Century Community Learning Centers)
8. Title V, Part B, subpart 2 (Rural and Low-Income School Program)
9. Title VI, Part A, subpart 1 (Indian Education Formula Grants to Local Educational Agencies)

It will be the responsibility of the District to prepare and initiate tribal consultation. The invitation will come from the Superintendent or designated representative. The District designee will begin the conversation with a tribal nation near the school or District with represented AI/AN students. The tribes will choose who represents their voice in the process of consultation. Tribal parents and the local AIPC will be invited and represented in the collaboration and consultation processes.

## **II. American Indian and Indigenous Tribal Consultation Procedures**

The following procedures will be implemented for meaningful tribal consultation:

1. Tribal consultation will be conducted at a minimum of three times per year.
2. It will be a process of continuous dialogue and discussion between the District and the tribes.
3. Tribal input will be reflected on how federal programs are administered.

The District's tribal consultation will be a cyclical process that incorporates the initial consultation, progress monitoring, reporting, and ongoing program review. Tribal consultation will create opportunities for the District and tribal leaders to work together on behalf of AI/AN students, gather input from Indian tribes and tribal organizations, and foster the collaboration that is a critical part of improving academic outcomes for AI/AN students. Consultation should be part of a mutual effort to cooperate and collaborate in good faith. Tribal consultation involves regular consultation, and case-by-case consultation as the need arises.

NOTE: For tribal consultation events, in addition to Title VI federally recognized Indian tribes, LAUSD may invite other tribal entities, tribal organizations, or individual tribal members to participate. If entities or individuals other than tribal officials are present at the consultation, tribal officials from federally, recognized tribes will be provided the opportunity to speak first.

Following federally-established models of tribal consultation, LAUSD's consultation process will consist of four phases: Identification, Notification, Tribal Input, and Follow-up.

#### **A. Identification**

Identification of an item for consultation may occur in two ways: (1) LAUSD may identify an action or policy that is appropriate for consultation; or (2) an Indian tribe may request to consult with LAUSD on a specific program (s).

#### **B. Notification**

LAUSD will notify student-represented tribes of the need for consultation at least 30 days in advance. If there are circumstances that preclude such a time period, LAUSD will provide written explanation for the shorter time period. The notification will include, to the extent feasible, the following information:

1. A description of the proposed need for consultation.
2. A description of the potential tribal impacts.
3. An expected timeline for action.
4. Contact information for appropriate LAUSD staff.
5. Instructions for providing feedback or asking questions about the consultation process, in accordance with this policy.
6. The tribes' ability to request additional information on consultation topics.
7. The dates and locations of the consultation opportunities.

The means of notification may include letters, mailings, and/or emails.

### **C. Tribal Input**

AI/AN tribal leaders may ask questions and provide LAUSD with their concerns, interests, and recommendations during a formal consultation opportunity. Tribes may propose and comment on topics other than those raised by LAUSD, such as recommendations for LAUSD's consideration on program initiatives and budgets. Possible consultation methods may include one or more of the following:

1. Face-to-face meetings
2. Roundtables
3. Teleconferences, videoconferences, and webinars
4. Mailings (either emails or by mail)

LAUSD will keep a record of recommendations and comments made during the tribal consultation process for the length of time required by LAUSD's record retention policy. Documentation will include, at a minimum, a list of participants, presentation documents, a summary of the areas discussed with participating tribal leaders, and submitted, signed Tribal Consultation Affirmations.

NOTE: LAUSD will have recordings of the meetings, the facilitator will notify all participants at the beginning of the meeting that the meeting will be recorded. Participants not wishing to be recorded, may not name themselves, turn-off their cameras, and communicate via the chat (which will not be part of the audio or video recording).

### **D. Follow-Up**

After consultation, LAUSD will consider the tribal input that was received. The tribal consultation may continue after the end of formal input from tribal leaders. LAUSD will work to integrate tribal priorities and input into LAUSD's decisions.

To document the tribal consultation process, tribal leaders, or their representatives, on behalf of their tribes, will submit the completed and signed Tribal Consultation Affirmation (Attachment A) to MMED at Multilingual Multicultural Education Department, 333 South Beaudry Avenue, 25<sup>th</sup> Floor, Los Angeles, CA 90017 by the month of June of the academic year.

**AUTHORITY:** This is a policy of the Los Angeles Unified School District and the Multilingual Multicultural Education Department on the Title VI American Indian/Alaskan

Native Education Program under Every Student Succeeds Act (ESSA) of 2015.

**RELATED  
RESOURCES:**

[Elementary and Secondary Act of 1965 as amended by ESSA](#)

[Tribal Consultation Toolkit, California Department of Education](#)

[Building Relationships with Tribes, National Indian Education Association](#)

[Tribal Consultation under the Elementary and Secondary Education Act](#)

[Consultation and Coordination with American Indian and Alaska Native Tribal Governments Policy](#), United States Department of Education

**ATTACHMENTS:**

Attachment A--Tribal Consultation Confirmation Form

**ASSISTANCE:**

For assistance or further information, please contact the Multilingual Multicultural Education Department at (213) 241-5582.

**Tribal Consultation Affirmation Form**

(Adapted from the Tribal Consultation Toolkit, California Department of Educations)

School Year: \_\_\_\_\_

Requirement per PL.114-95 § 8538 states that: Each affected LEA 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.

**I. District Information**

District: \_\_\_\_\_ SD # \_\_\_\_\_

District Superintendent: \_\_\_\_\_

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

District Administrator: \_\_\_\_\_

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

**II. Tribal Representatives**

Name of Tribe/Organization: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

**III. Affirmations**

We agree that timely and meaningful consultation occurred before the LEA submitted plans or applications for the following Title programs under ESSA. We agree that we have participated in meaningful and timely discussion on each Title under ESSA and have chosen to participate in the programs marked below:

- Title I, Part A (Improving Basic Programs Operated by State and LEAs)
- 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 (SSAE Grants) Title IV, Part B (21st CCLC)
- Title VI, Part A, Subpart 1 (Indian Education Formula Grants to LEAs)

**III. Consultation Topics**

Check to affirm that all the required topics were discussed during the consultation process:

- How students' needs will be identified (culturally, linguistically, and academically)
- Proportion of funds allocation for services
- What services will be offered Title programs under ESSA Size and scope of equitable services
- How, where, when, and by whom services will be provided Equitable services to teachers and parents
- How services will be assessed, and improved based on assessment results
- How and when decisions about the delivery of services will be made
- Parent and tribal engagement

We agree that timely and meaningful consultation shall continue throughout the implementation and assessment of services provided under Section 8535 on the following dates:

Superintendent (or appointed designee): \_\_\_\_\_ Date: \_\_\_\_\_

Tribal Representative: \_\_\_\_\_ Date: \_\_\_\_\_

The District must maintain in the District'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. This form must be kept on file in the District's Multilingual Multicultural Education Department and/or the Federal and State Education Programs office.