



ESSA TRIBAL CONSULTATION MODEL AFFIRMATION AGREEMENT

The _____ and;
NAME OF SCHOOL DISTRICT

The _____ ;
NAME OF TRIBAL NATION

Reserved for OSDE

both affirm and agree upon the following:

The **Every Student Succeeds Act (ESSA) Section 8538(a) codified in 20 U.S.C. 7918** requires an affected Local Educational Agency (LEA) to obtain and maintain written affirmation that an ESSA Tribal consultation has occurred. The affirmation agreement can only be signed by a tribal appropriate official (those who are elected; or designated in writing to serve in such capacity).

The purpose of tribal consultation is to ensure Tribal Nations are able to provide meaningful and substantive input prior to the submission of federal covered program applications as defined in **ESSA Section 8101 codified in 20 U.S.C. 7801** to include: Title I Parts A, C, D; Title II Part A; Title III Part A; Title IV Part A and B; Title V Subpart 2 of Part B; and Title VI Part A.

Both parties written above, agree by checking all that apply:

- ☐ We agree that timely and meaningful consultation occurred prior to the LEA submitting a required plan or application for a covered program and Title VI; and have provided an opportunity to the Tribal Nation to substantively contribute.
- ☐ We agree that we have conducted a meaningful, productive, and data-driven discussion regarding ESSA covered programs and Title VI Part A.
- ☐ We agree to continue and sustain open, transparent, and ongoing consultation that encourages new ideas and innovation that support the inclusion of cultural knowledge and practices that advance AI/AN academic achievement.

This written affirmation shall be maintained by the LEA federal programs office. **A copy shall be distributed to the Tribal Nation and the Oklahoma State Department of Education (OSDE).** If the Tribal Nation refuses to execute this affirmation agreement within a reasonable period of time, the LEA must instead submit documentation that the LEA has made three good faith attempts to invite the Tribal Nation to the affected LEA's tribal consultation.

LEA REPRESENTATIVE PRINTED NAME

TRIBAL APPROPRIATE OFFICIAL PRINTED NAME

LEA REPRESENTATIVE SIGNATURE

TRIBAL APPROPRIATE OFFICIAL SIGNATURE

COUNTY-DISTRICT ID DATE (MM/DD/YYYY)

TITLE/POSITION DATE (MM/DD/YYYY)



POST-CONSULTATION CHECKLIST

and Frequently Asked Questions (FAQs)

The Oklahoma State Department of Education (OSDE) Model Affirmation Agreement is a template document for school districts and tribal nations to engage in effective, continuous and meaningful consultation. We are committed to your consultation success, feel free to modify the template language to suit your individual consultation needs. Completed affirmations can be emailed, mailed, or faxed to the following contact information:

C/O: Mrs. Jackie White
Executive Director of American Indian Education
Oklahoma State Department of Education
2500 North Lincoln Boulevard
Oklahoma City, OK 73105-4599
Fax: (405) 521-2971
Email: Jackie.White@sde.ok.gov

Below are frequently asked questions and their appropriate ESSA references:

Am I required to complete a tribal consultation?

If your district has received Title VI funds greater than \$40,000 or if your district is greater than 50% American Indian/Alaska Native (AI/AN), then you are required to initiate a tribal consultation. Meaning you are an “affected LEA.” [20 U.S.C. 7918, ESSA Sec. 8538(c)(1)(A) & (B)]

Where do I store this document?

Districts must store the document in their own files according to their retention policies and must provide a copy to the Oklahoma State Department of Education, we review this during the Federal Programs Consolidated Monitoring process. [20 U.S.C. 7918, ESSA Sec. 8538(b)]

Do I need to attach any additional documentation?

LEAs are not required to send additional documentation, you are welcome to send a copy of the consultation agenda and other supporting documents to help us improve future technical assistance to districts.

What are example consultation topics?

LEAs are required to solicit substantive contributable material to federal applications. Topics beyond application input may include examining your district’s graduation exercise policy in regards to tribal regalia as encouraged by Supt. Hofmeister in formal correspondence dated February 11, 2020.

Who is a tribal appropriate official?

Appropriate officials are tribal individuals who are elected, appointed, or designated in writing for the specific purpose of consultation. The U.S. Office of Indian Education (OIE) stated in Part II of the EASIE Frequently Asked Questions Version 14.0 “Appropriate officials may be used as an Indian Parent Committee’s tribal representative; however, it is not required.” [20 U.S.C. 7918, ESSA Sec. 8538(c)(2)(A) & (B)]

Below are recommended next steps after completion of your ESSA Tribal Consultation:

- › Provide each tribal appropriate official with a print or digital copy of the proposed affirmation agreement which can either use the model agreement or other appropriate design.
- › Write a thank you email to all participants reciting any pending questions and allow for an opportunity for the asking-individual to correct the question.
- › Prioritize 50 mile tribes
- › Print out your emails and write down if you made any phone calls with an appropriate timestamp