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Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**  
Chris Reykdal, Superintendent

k12.wa.us

June 1, 2023

( X ) Action Required  
Due date: September 18, 2023  
( X ) Informational

## BULLETIN NO. 038-23 ELEMENTARY, EARLY LEARNING, AND FEDERAL PROGRAMS/ OFFICE OF NATIVE EDUCATION

TO: Educational Service District Superintendents  
School District Superintendents  
School District Business Managers

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Affirmation of Consultation with Tribal Representatives

CONTACT: Henry Strom, Executive Director, Office of Native Education,  
360-918-3953, [henry.strom@k12.wa.us](mailto:henry.strom@k12.wa.us)

Jason Miller, Executive Director, Elementary, Early Learning, and Federal  
Programs, 360-764-6079, [jason.miller@k12.wa.us](mailto:jason.miller@k12.wa.us)

## PURPOSE/BACKGROUND

School districts that access Elementary and Secondary Education Act of 1965 federal funds as reauthorized under Section 8538 of the Every Student Succeeds Act (ESSA) that meet the ESSA tribal consultation criteria described below are required to ensure timely, meaningful, and ongoing consultation on issues affecting American Indian and Alaska Native students. Those school districts are also required to consult with appropriate officials from Indian tribes or tribal organizations prior to the school district's submission of a required plan or application. Such consultation shall be done in a manner and in such time that provides the opportunity for officials from Indian tribes or tribal organizations to contribute to such plan meaningfully and substantively.

## REQUIREMENTS AND TRAINING

### ESSA Tribal Consultation Criteria

School districts who are required to participate in ESSA tribal consultation meet the following criteria:

1. 50% or more of their total student enrollment comprises students identified as American Indian/Alaska Native for fiscal year 2023, **and/or**
2. They received a grant under Title VI, Part A, subpart 1, that exceeded \$40,000 for fiscal year 2024.

A [full list of 2023–24 ESSA affected school districts](#) is available on the OSPI website.

Each affected school district is required to maintain in the district's records **AND** upload with the General Assurances in Education Grant Management System (EGMS) the "[Affirmation of Consultation with Tribal Representatives](#)" form. Appropriate signatures must be secured on the form, assuring the required consultation has occurred. Federal Title funds will not be released to districts until the OSPI Tribal Consultation Assurance form is verified by the Office of Native Education and/or documentation of attempts to consult, including scheduled future consultation meetings, is provided to the Office of Native Education.

Affirmation of Consultation with Tribal Representatives forms must be completed and uploaded with the General Assurances in EGMS **by September 18, 2023**.

### District and Tribal Relationship Training

With the recent passage of Senate Bill 5252 (2022), training designed to support district-tribal relationships and strengthen tribal consultation processes will be available and required for school district leaders designated to engage in ESSA tribal consultation. The Strengthening Tribal Consultation Training schedule will be posted under the [Tribal Consultation page](#) of the Office of Native Education website..

## INFORMATION AND ASSISTANCE

For questions regarding this bulletin, please contact Henry Strom, Executive Director, Office of Native Education, at [henry.strom@k12.wa.us](mailto:henry.strom@k12.wa.us) or Jason Miller, Executive Director of Elementary, Early Learning, and Federal Programs, at [jason.miller@k12.wa.us](mailto:jason.miller@k12.wa.us). The OSPI TTY number is 360-664-3631.

This bulletin is also available on the [Bulletins](#) page of the OSPI website.

Michaela W. Miller, Ed.D., NBCT  
Deputy Superintendent

Jon R. Mishra, Ed.D.  
Assistant Superintendent  
Elementary, Early Learning, and Federal Programs

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Henry Strom

Executive Director

Office of Native Education

CR:jm

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