



**Impact Aid Program
Indian Policies and Procedures (IPPs)
Regulatory Compliance
FY 2021**

**Impact Aid Program
U.S. Department of Education**



Agenda

- Purpose of IPPs
- Regulatory Requirements
- Process
- Best Practices for Ensuring Regulatory Requirements
- Tools in Action (Sample IPPs, Waiver, Checklist)
- Resources
- Questions



Purpose of Indian Policy and Procedures (IPPs)

- Equal participation of Indian children in LEA's educational programs and activities
- Improve communication and cooperation between LEA and Indian community
- Involve parents and tribal officials in planning and developing educational programs and activities



Regulatory Requirements Options IPPs or Wavier(s)

- If you claim children residing on Indian Lands (category C) you must have an IPPS or a Waiver accompany your Impact Aid Application (2021).
- A Waiver is used in lieu of IPPs and documents that the LEA has received a waiver in accordance with the provisions of paragraph (b) of section §222.94.
- An LEA is not required to comply with §222.94 with respect to students from a tribe that has provided the LEA with a waiver that meets the requirements of this paragraph.



Regulatory Requirements IPPs Waiver(s)

- A waiver must contain a voluntary written statement from an appropriate tribal official or tribal governing body that—
 - The LEA need not comply with §222.94 because the tribe is satisfied with the LEA's provision of educational services to the tribe's students; and
 - The tribe was provided a copy of the requirements in §222.91 and §222.94 and understands the requirements that are being waived.
- **The LEA must submit the waiver at the time of application.**



Regulatory Requirements Assurances and Certifications

- An assurance that the LEA established these policies and procedures in consultation with and based on information from tribal officials and parents of those children residing on Indian Lands who are Indian children (Unless a waiver is provided) 34 CFR 222.91(a)(3)(i)
- An assurance that the LEA has provided a written response to the comments, concerns and recommendations received through the Indian Policy and Procedures consultation process, (unless a waiver is provided) 34 CFR 222.91(a)(3)(ii)



Regulatory Requirements

34 CFR 222.94

- The LEA must implement the IPPs in accordance with the regulation.
- The LEA will review the IPPs annually to ensure that they comply and are implemented in accordance with this section.
- If an LEA determines, after input from the tribe(s) and parents of Indian children, that its IPPs do not meet the requirements of this section, the LEA shall amend its IPPs to conform with those requirements within 90 days of its determination.
- An LEA that amends its IPPs shall, within 30 days, send a copy of the amended IPPs to the Impact Aid Director and the affected tribes.



IPP Regulatory Non-Compliance

- When IAP reviews the IPPs (see 222.95), if the IPP standards aren't met or implemented, IAP requires revision or action. LEA has 90 days (changed from 60) to revise IPPs.
- If the LEA fails to make the necessary adjustments or changes within the prescribed period of time, the Director may withhold all or part of payments that the LEA is eligible to receive under section 7003.



IPP Regulatory Compliance Documentation

- All IPP(s) must be board approved and Waivers must have date of approval (**month, date, year**) after February 1, 2019.
 - For FY 2021 Impact Aid application SY 2019-2020, with the application due on January 31, 2020.
 - Keep evidence of compliance
 - Notices
 - Meeting minutes
 - Comments, recommendations and responses throughout the consultation
-



IPP Regulatory Requirements Complaint Procedure

IPP Complaints and Hearings Procedures (CFR 34 Section 222.102-.115)

- Only a tribal chairman or an authorized designee for a tribe that has children attending an LEA's schools may file a written complaint with the Assistant Secretary for Elementary and Secondary Education regarding an action pursuant to, or relevant to, Indian Policies and Procedures
 - The Assistant Secretary (or designee) designates a hearing examiner to conduct a hearing
-



**Writing IPPs + Consultation on
IPPs, education program, equal
participation**

**Board
Approves
IPPs**

**Implementation
Begins**

**Ongoing Consultation,
Comments &
Recommendations
Tracked & Responded to**

IPP Process

**Corrections or Changes
IPP Regulatory Requirements
IPP Implementation Monitoring
(Field Review)**

**Submit IPPs /Waiver with
Application (assurances)**

NEW IAGS

**IAP Screening
For
Regulatory
Compliance**



Best Practices for ensuring Regulatory Compliance

- Review IAP law and regulations
- Consult tribes and parents of Indian children in development of IPPs
- Compare your IPP to the regulation using the IPP Screening Checklist
- Use the Sample IPP for examples of how to address the requirements
- Keep track of your consultations and responses
- Seek assistance from your state assigned Impact Aid Analyst



Tools In Action

- Sample Waiver
 - Waiver Screening Checklist
 - Sample IPPs
 - IPP Screening Checklist
 - Using the checklist to review your district's IPP will help you achieve regulatory compliance

 - **IPP Sample and examples used here for illustrative purposes and may not be reflective of complete policies. Explanatory text is in red.*
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Sample Waiver

Tribal Letterhead
Date

Superintendent _____:
ABC School District
City, State Zip Code

Dear Superintendent _____,
The _____ (name of tribe (s)) has a positive working relationship with the public schools in our area.
The _____ (name of tribe) is satisfied with the educational services and programs provided by the
_____ (name of the school district).

The _____ (name of school district) has provided the tribe with a copy of the regulations 34 CFR 222.91-94 pertaining to our rights under the Indian consultation process. We understand our rights and offer this letter as a waiver of the Impact Aid Indian Policies and Procedures requirements for the FY _____ Impact Aid application year.

If you have any questions or concerns relating to this waiver, please contact _____ (name of contact) at
_____ (phone number) or _____ (email address).

Sincerely, _____

Tribal Leader Name and Title



IPP Waiver Checklist

- WAIVER - Waiver letter date (Month/Day/Year) _____
(for FY 2021, Date must be after February 1, 2019)

Requirements

- Does the tribe state that the LEA need not comply with §222.94 because the tribe is satisfied with the LEA's provision of educational services to the tribe's students?
- Was the tribe provided a copy of the requirements in §222.91 and §222.94?
Does the tribe understand the requirements that are being waived?



IPPs Sample Introduction

School District Name

School Year

Impact Application Number

Introduction/Purpose

- It is the intent of the _____ School District that all Indian children of school age have equal access to all programs, services and activities offered within the school district. To this end, the _____ School District will consult with local tribal officials and parents of Indian children in the planning and development of Indian Policies and Procedures (IPPs), general education programs, and activities. These policies and procedures will be reviewed annually, and revisions will be made within 90 days of the determination that requirements are not being adequately met.
-



IPPs Sample Attestations

- The _____ (**name of school district**) attests that it has established Indian Policies and Procedures (IPPs) as required in section 7004 of the Impact Aid law for any children claimed who reside on eligible Indian lands. The IPPs have been adequately disseminated to the tribes and parents of children residing on eligible Indian lands. A copy of the current policies and procedures was attached to the FY _____ Impact Aid application.
 - The _____ (**name of school district**) attests that it has provided a copy of written responses to comments, concerns and recommendations received from tribal leaders and parents of Indian children through the Indian policies and procedures consultation process and disseminated these responses to tribal leaders and parents of Indian children prior to the submission of their FY _____ Impact Aid application.
-



IPPs Sample Policy 1

Policy 1: The LEA will 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.

[34CFR222.94(a)(1)]

Procedure 1: (Describe in detail how your LEA will achieve Policy 1. If multiple methods used describe all methods.)

- 1.1 List and describe how the application, evaluations, program plans and other information will be distributed to the parents of Indian children and the tribes
 - 1.2 State how far in advance of any meeting on these topics, the materials will be provided
-



IPPs Sample Procedure 1: Example

- The LEA will disseminate, as soon as reasonably possible after such information becomes available, but not later than _____ (**specify days/ weeks**) in advance of any meeting, by _____ (**describe how the information will be disseminated**) to Indian parents and Tribes a copy of the following documents:
 - Impact Aid FY ____ application;
 - Assessment/Evaluation of Equal Participation in all Educational Programs;
 - Indian Policies Procedures (IPPs);
 - Any Plans for District education programs;
 - Other (**LEA may specify other documents as a part of your consultation process**).
-



IPPs Sample Procedure 1: Example (cont.)

- Parents of Indian children, tribes and the public will be given notice of any and all meetings at least _____ (specify days/weeks) in advance related to the above documents (Including IPPs) by

_____ (describe how notices will be disseminated). This will allow parents of Indian children and tribes the time to review and provide comments on all documents and information received.





IPP Screening Checklist – Policy 1

- *Each Question allows for a yes/no response, and a place to write notes or comments*
 - What is the tribe's and parents of Indian children's preferred method of communication? Or is there a plan to obtain the preferred method?
(Yes/No), Note Page
 - Does the LEA specifically describe how the application, evaluations, program plans and other information will be distributed to the parents of Indian children and the tribes?
 - Does the LEA specifically state how far in advance of any meeting(s) on these topics that the types of materials will be provided?
-



IPPs Sample Policy 2

Policy (2): The _____ School District will provide an opportunity for the _____ Tribe and parents of Indian children to provide their views on the District's educational program and activities, including recommendations on the needs of their children and how the District may help those children realize the benefits of the educational programs and activities. [34CFR222 .94(a)(2)] As a 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.



IPPs Sample Policy 2 (cont.)

- **Procedure 2:** (Describe in detail how your LEA will achieve Policy 2)
 - 2.1 Describe how the parents of Indian children and members of the tribe can provide input on the educational program and activities.
 - 2.2 Describe how and when the LEA will notify tribe and parents of Indian lands of the opportunities to submit recommendations and comments
 - 2.3 State the tribe's preferred method of communication (if not provided at the top of the document), and state how the LEA will consider the tribe's preferred method of communication
 - 2.4 State how the LEA will modify the method of communication and time of meetings to ensure maximum participation
-



IPPs Sample Procedure 2: Example

- The LEA will make the following opportunities available for parents of Indian Children and tribes to provide input on the educational program and activities:
 - Describe opportunities in detail (time, location, methods, etc.).
- Indian parents and Tribes will be given notice of any and all meetings by

_____ [describe notification method(s) and time(s)].

- The _____ Tribe prefers all communication with the tribe and the parents of Indian children be disseminated via _____

_____ (email, mail, home with the student, etc.) (if multiple tribes are served and/or multiple methods used, describe all).



IPPs Sample Procedure 2: Example (cont.)

- Once the preferred method of communication has been decided, the tribe and parents of Indian children communication method will be used throughout the consultation process.
- Any changes to the method will happen through additional consultation with tribes and parents.
- The LEA will, to the greatest extent possible, take the tribe's preferred method of communication into consideration for all correspondence with the tribe and the parents of Indian children.



IPPs Sample Procedure 2: Example (cont.)

- If the consultation participation by parents of Indian children and tribes is low, the _____ School District will re-evaluate its consultation process.
 - Specifically, the _____ School District will take the following measures to improve or enhance participation:
 - Consult with parents of Indian children and tribes
 - Change communication method
 - Change time of meeting
 - Other(s) (**specify**).
-



IPP Screening Checklist – Policy 2

- Does the LEA describe how the parents of Indian children and members of the tribe can provide input on the educational program and activities?
(Y/N, note page)
 - Does the LEA state how and when the LEA will notify tribe and parents of Indian children of the opportunities to submit recommendations and comments?
 - Does the LEA state it will consider the tribe's preferred method of communication to provide input?
 - Does the LEA state it will modify the method of communication and time of meetings to ensure maximum participation?
-



IPPs Sample Policy 3

Policy (3): The _____ School District will, at least annually, assess the extent to which Indian children participate on an equal basis with non-Indian children in the District's education program and activities.

[34CFR222.94(a)(3)] 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.
-



IPPs Sample Policy 3 (cont.)

- **Procedure 3:** (Describe in detail how your LEA will achieve Policy 3)
 - 3.1 Explain *how* the LEA will evaluate the Indian participation in educational programs and activities.
 - 3.2 Describe *which* programs will be evaluated.
 - 3.3 Describe *how and when* it will communicate the results of the evaluation with the tribes and parents of Indian children.
 - 3.4 Describe *how* and *when* the LEA will accept comments, recommendations or feedback on equal participation from the tribes and parents of Indian children.
 - 3.5 State *how far in advance* of the meeting or feedback timeframe will the evaluation be shared.
-



IPPs Sample Procedure 3: Example

- The _____ School District will take the following measures to annually assess the extent to which Indian children participate on an equal basis with non-Indian children in the District's education program and activities.
 - A. The _____ School District shall annually calculate from its records the ratio of Indian children compared to non-Indian children participating in all academic and co-curricular programs.
-



IPPs Sample Procedure 3: Example (cont.)

- B. The _____ School District will disseminate its assessment of Indian children participation compared to non-Indian children and any other related data with the parents of Indian children and tribes by

_____ [describe method(s)]. This information will be shared at least _____ days/weeks in advance of any meeting to discuss the extent to which Indian children participate with non-Indian children.



IPPs Sample Procedure 3: Example (cont.)

- C. Parents of Indian children, tribes and other interested parties may express their views on participation through the following ways:
 - (Describe in detail how this will be achieved, direct communication, board meetings, etc.,).
 - D. If it is determined that there are gaps in Indian participation in the educational program or activities, the _____ School Board in consultation with the Indian Education Committee (Parent Advisory Committee) ,tribes and the parents of Indian children, will modify its education program in such a way as to improve Indian participation.
-



IPP Screening Checklist – Policy 3

- Does the LEA explain how they will evaluate the Indian children's equal participation in educational programs and activities?
- Does the LEA describe which programs will be evaluated?
- Does the LEA describe how and when it will communicate the results of the evaluation with the tribes and parents of Indian children?



IPP Screening Checklist – Policy 3 (cont.)

- Does the LEA describe how and when the LEA will accept comments, recommendations or feedback on equal participation from the tribes and parents of Indian children?
- Does the LEA state how far in advance of the meeting or feedback timeframe will the evaluation be shared?
- Is there enough time for tribes and parents of Indian children to review the information and provide meaningful comments?



IPPs Sample Policy 4

The _____ School District will modify the IPPs if necessary, based upon the results of any assessment or input described in this document. [34CRF222.94(a)(4)]

- **Procedure 4:** (Describe in detail how your LEA will achieve Policy 4)
 - 4.1 Describe *how and when* the tribes or parents of Indian children can make recommendations for changes to the IPPs (based on any comments and suggestions received about IPPs, equal participation assessment, educational program, communication preferences, etc.).
 - 4.2 Describe *who* evaluates the recommendations.
 - 4.3 Describe *who* decides if the IPPs will be revised to accommodate these recommendations.
 - 4.4 Describe *when* the changes will be implemented
 - 4.5 Describe *how* the tribes and parents of Indian children will be made aware of the changes.
-



IPPs Sample Procedure 4: Example

- The _____ School Board will schedule a meeting in _____ and _____
_____ (enter months of meetings) to discuss the content of the IPPs, equal participation, and educational program and activities.
 - Parents of Indian children and tribes will be notified via _____
_____ (describe all notification methods) regarding these meetings and their ability to submit comment. The _____ School Board and/or The Indian Education Committee will evaluate all recommendations for changes to these IPPs.
-



IPPs Sample Procedure 4: Example (cont.)

- The _____ School Board and/or The Indian Education Committee will decide on all recommended revisions to these IPPs.
 - Any changes by the _____ School Board will become effective immediately upon adoption (or describe local process).
 - The _____ School District will disseminate copies of the revised IPPs to the tribe and parents of Indian children by _____ (describe methods) within 30 days of adoption by the _____ School Board.
-



IPP Screening Checklist – Policy 4

- Does the LEA describe how and when the tribes or parents of Indian children can make recommendations for changes to the IPPs?
- Does the LEA describe who evaluates the recommendations?
- Does the LEA describe who decides if the IPPs will be revised to accommodate these recommendations?
- Does the LEA describe when will the changes be implemented?
- Does the LEA describe how the tribes and parents of Indian children will be made aware of the changes?



IPPs Sample Policy 5:

Policy (5) : The _____ School District will 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.

[34CRF222 .94(a)(5)]

- Procedure 5: (Describe in detail what process your LEA will use to achieve policy 5. All comments, and recommendations received via all consultation methods regarding IPPs, educational program, equal participation assessment, etc. must be tracked and responded to each year).



IPPs Sample Policy 5 (cont.)

- Examples of consultation methods include but are not limited to surveys, parent meetings, advisory meetings, board meetings, and in person consultations.
 - 5.1 Describe how and when the LEA will respond to the comments received through the IPP consultation.
 - 5.2 Describe how and when the LEA will disseminate responses to comments and recommendations?
-



IPPs Sample Procedure 5: Example

- The _____ School District will annually keep track of and assemble all comments and suggestions received through the various the consultation processes by _____

_____ (describe in detail how the comments will be tracked and assembled).



IPPs Sample Procedure 5: Example (cont.)

- The _____ School District will at least annually respond in writing to comments and recommendations made by tribes, or parents of Indian children, and disseminate the responses to all parties by

_____ (describe all methods) prior to the submission of the IPPs by the District (all questions, comments, recommendations must be responded to, and all responses must be sent to all parties).



IPP Screening Checklist – Policy 5

- Does the LEA describe how and when it will respond to the comments received through the IPP consultation?
- Does the LEA describe how and when it will disseminate responses to comments and recommendations?



IPPs Sample Policy 6 with Procedure Example

Policy (6): The _____ School District will provide a copy of the IPPs annually to the affected tribe or tribes. [34CR F222.94 (a)(6)]

- **Procedure 6:** (Describe in detail what process your LEA will use to achieve Policy 6.)

- 6.1 Describe *how and when* the IPPs will be distributed to the tribe.

- **EXAMPLE:**

- The _____ School District will annually provide a copy of the current Indian Policies and Procedures to the _____ tribe (s) by _____ (mail, email, posting at tribal offices, etc.) prior to submitting the Impact Aid Application.
- Board Approval Date _____

Date



IPP Screening Checklist – Policy 6

Does the LEA describe how and when the IPPs will be distributed to the tribe?



Resources

Phone: 202-260-3858

E-mail: Impact.Aid@ed.gov

Impact Aid Grant System (IAGS) Portal with Resources

<https://impactaid.ed.gov/>

IAP Website

<https://oese.ed.gov/offices/office-of-formula-grants/impact-aid-program/>

IAP Listserv

<https://oese.ed.gov/offices/office-of-formula-grants/impact-aid-program/>

Legislation, Regulations, and Guidance

<https://oese.ed.gov/offices/office-of-formula-grants/impact-aid-program/impact-aid-section-7003-payments-for-federally-connected-children/legislation-regulations-and-guidance/>



Questions

