



# INDIAN POLICIES AND PROCEDURES (IPPS) REGULATORY COMPLIANCE



# AGENDA

General Consultation Requirements

Purpose of IPPs

Regulatory Requirements

Process

Best Practices

Tools in Action

Resources & Questions

# CONSULTATION REQUIREMENTS IN FEDERAL GRANTS TO SCHOOL DISTRICTS

## Johnson-O'Malley Supplemental Indian Education Grants

- Provide funds to meet the specialized needs of Indian children to include culturally relevant learning programs
- Require an **Indian Education Committee** to approve the educational plan

## Title VI Formula Grants

- Provide funds to meet the unique cultural, language, and educational needs of Indian students
- Require an **Indian Parent Committee** to approve the application prior to submission

## Impact Aid Formula Grants

- Provide general aid that can be used like local tax revenue
- Require an annual consultation process with **tribes and parents of Indian children** to ensure Indian children “participate in programs and activities...on an equal basis with all other children”



# PURPOSE OF IPPS

Ensure 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 WAIVER(S)

- If you claim children residing on Indian Lands (category C) you must submit an IPPs or a Waiver with your Impact Aid Application(2024).
- 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

- 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)
- 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.





# IPPS REGULATORY NON-COMPLIANCE



When IAP reviews the IPPs (see 222.95), if the IPPs standards aren't met or implemented, IAP requires revision or action. LEA has 90 days 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.

# IPPS REGULATORY COMPLIANCE DOCUMENTATION

- All IPPs must be board approved and Waivers must have date of approval (**month, date, year**) after February 1, 2022.
- For FY 2024 Impact Aid application SY 2022-2023, with the application due on January 31, 2023.
- Keep evidence of compliance
  - Notices
  - Meeting minutes
  - Comments, recommendations and responses throughout the consultation



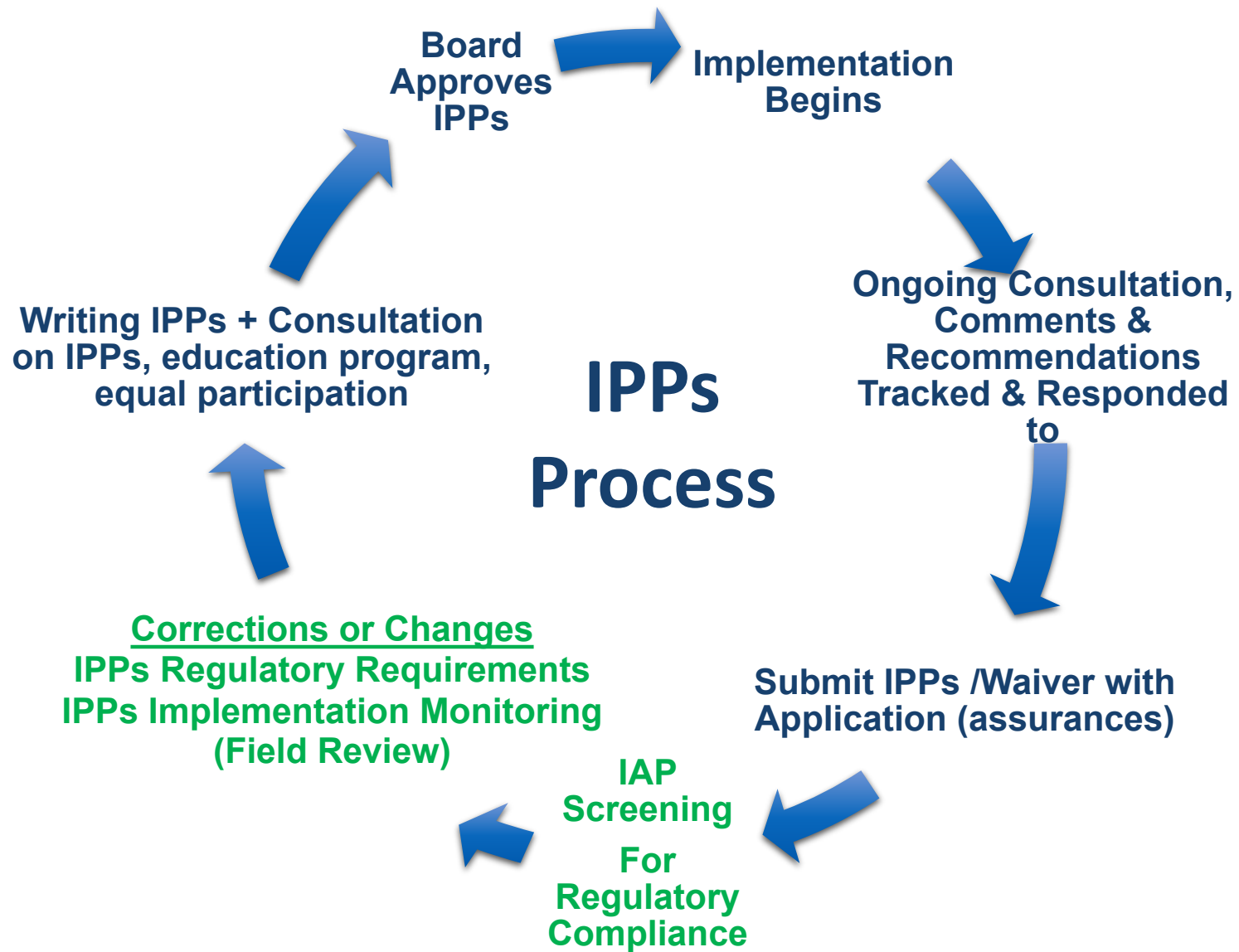
# IPPS REGULATORY REQUIREMENTS COMPLAINT PROCEDURE

## IPPs 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





# BEST PRACTICES FOR REGULATORY COMPLIANCE



- Review IAP law and regulations



- Consult tribes and parents of Indian Children in the development of IPPs



- Compare your IPPs or Waivers to the regulation using the IPP's Screening Checklist or Waiver Screening Checklist



- Use the Sample IPPs or Sample Waiver 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**

 **Sample IPPs**

**Introduction & Attestations**

**Policies**

**Example Procedures**

 **Waiver Screening Checklist**

 **IPPs Screening Checklist**

✓ Using the checklist(s) to review your district's IPPs or Waivers 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 green.***





# 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



# IPPS WAIVER CHECKLIST

Waiver letter date (Month/Day/Year)

(for FY 2024, Date must be after February 1, 2022)

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



# 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).



# 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.



# IPPS 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.





# SAMPLE PROCEDURE 2

Procedure 2: (Describe in detail how your LEA will achieve Policy 2)

1. Describe how the parents of Indian children and members of the tribe can provide input on the educational program and activities.
2. Describe how and when the LEA will notify tribe and parents of Indian lands of the opportunities to submit recommendations and comments
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
4. State how the LEA will modify the method of communication and time of meetings to ensure maximum participation





# 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).



# 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.



# 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).



# IPPS 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.



# SAMPLE PROCEDURE 3

**Procedure 3:** (Describe in detail how your LEA will achieve Policy 3)

1. Explain how the LEA will evaluate the Indian participation in educational programs and activities.
2. Describe which programs will be evaluated.
3. Describe how and when it will communicate the results of the evaluation with the tribes and parents of Indian children.
4. Describe how and when the LEA will accept comments, recommendations or feedback on equal participation from the tribes and parents of Indian children.
5. State how far in advance of the meeting or feedback timeframe will the evaluation be shared.





# 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.



# 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.





# 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.



# IPPS 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?





# IPPS 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/ PROCEDURE 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)

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.).
2. Describe who evaluates the recommendations.
3. Describe who decides if the IPPs will be revised to accommodate these recommendations.
4. Describe when the changes will be implemented
5. Describe how the tribes and parents of Indian children will be made aware of the changes.



# 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.



# 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.



# IPPS 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/ PROCEDURE 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).







# SAMPLE PROCEDURE 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 IPPs consultation.
- 5.2 Describe how and when the LEA will disseminate responses to comments and recommendations?





# 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

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



# 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).





# IPPS SCREENING CHECKLIST – POLICY 5

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





# IPPS SAMPLE POLICY/ PROCEDURE 6

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



# IPPS SCREENING CHECKLIST – POLICY 6

- Does the LEA describe how and when the IPPs will be distributed to the tribe?
- School Board Approval Date (Month/Day/Year) .





# RESOURCES AVAILABLE

## Impact Aid Grant System (IAGS) Portal with Resources

<https://impactaid.ed.gov/resources/#ipp>

- IPP Sample and Checklist
- IPP Waiver Sample and Checklist

## Legislation, Regulations, and Guidance

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

<https://impactaid.ed.gov/wp-content/uploads/2019/11/34-CFR-222-Subpart-G-for-LEAs-with-Indian-Lands.pdf>

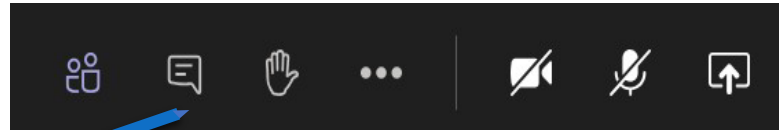
- IPP Regulatory Policy



# QUESTIONS?



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