INDIAN POLICIES AND PROCEDURES (IPPS) REGULATORY COMPLIANCE

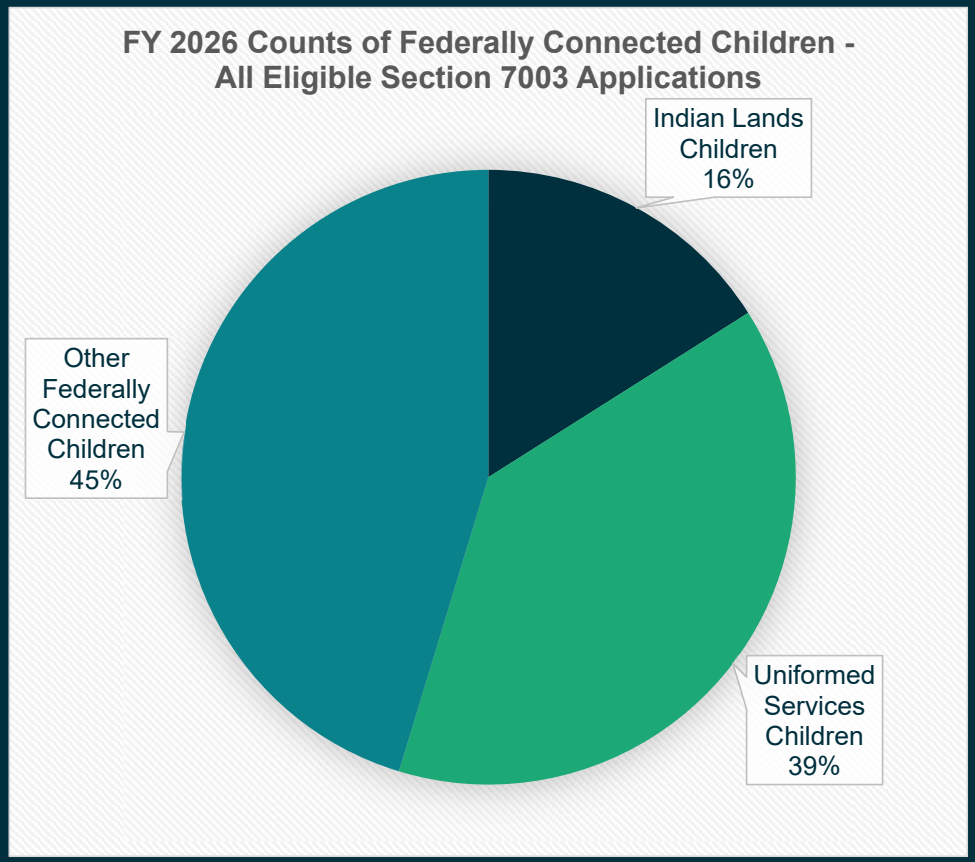
Impact Aid Program

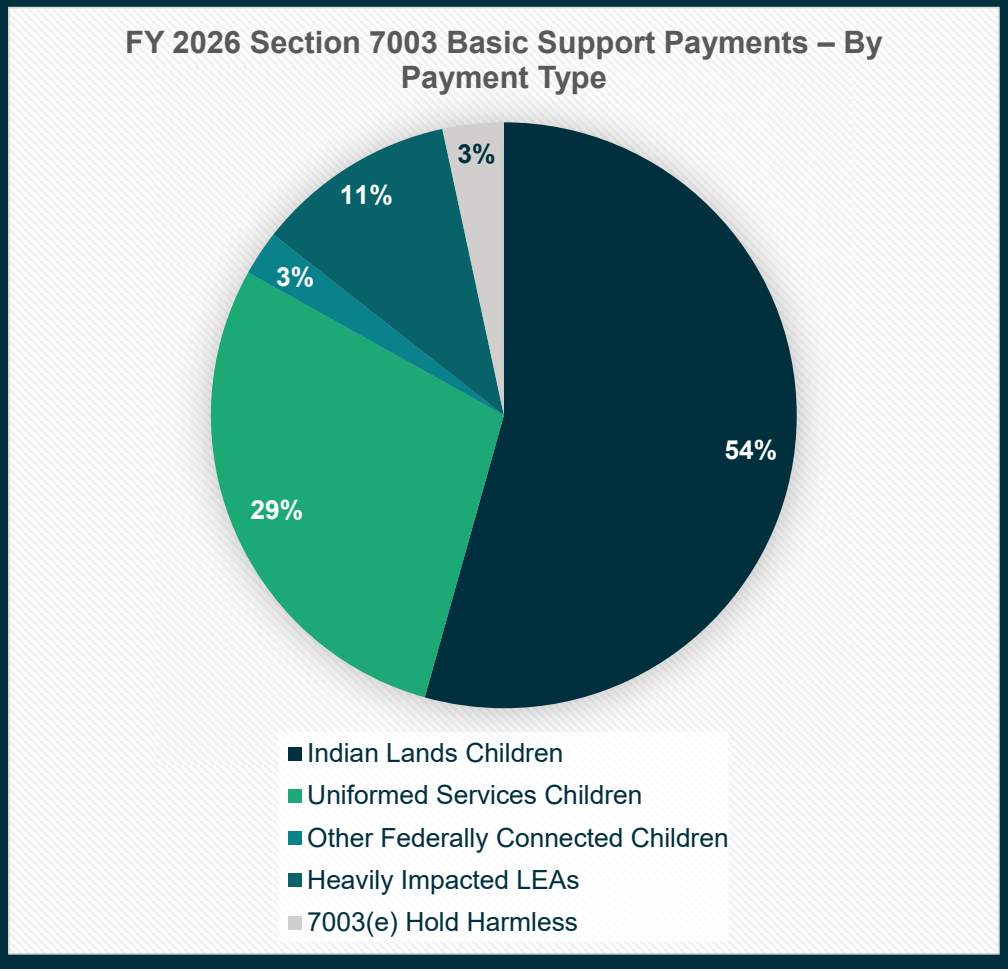
U.S. DEPARTMENT OF EDUCATION

AGENDA

- General Consultation Requirements
- Purpose of IPPs
- Regulatory Requirements
- Best Practices
- Resources & Questions

INDIAN LANDS DATA





PURPOSE OF IPPS

Ensure equal participation of Indian children in LEA's educational programs and activities

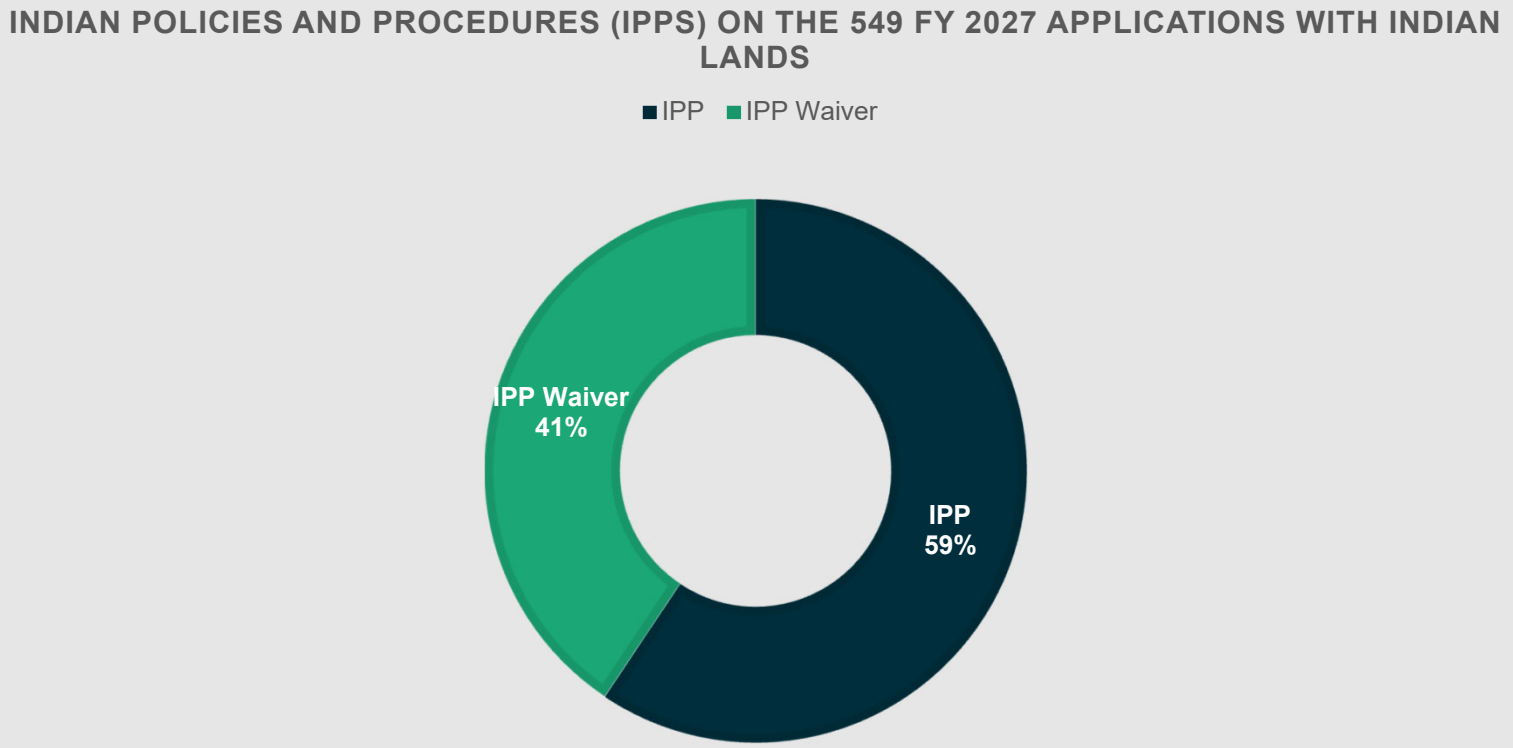
Improve communication and cooperation between LEA and Indian community

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 (2028).
- 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 34 CFR 222.94.
- An LEA is not required to comply with 34 CFR 222.94 with respect to students from a tribe that has provided the LEA with a waiver that meets the requirements of this paragraph.

IPPS VS. WAIVERS



- For FY 2027, the Impact Aid Program sent **10** notices to LEAs regarding IPP or Waiver non-compliance.

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 34 CFR 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 34 CFR 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)

ANNUALLY UPDATED IPPS OR WAIVERS

If you claim children residing on Indian Lands, your application is not complete with out an approved board approved IPP or waiver signed between February 1, 2026-January 31, 2027.

An incomplete application will be deleted, and you can re-apply before the late application deadline.

We do check your dates. Simply changing the year to make the system accept your IPPs will cause you many problems down the road. START NOW.

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 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.

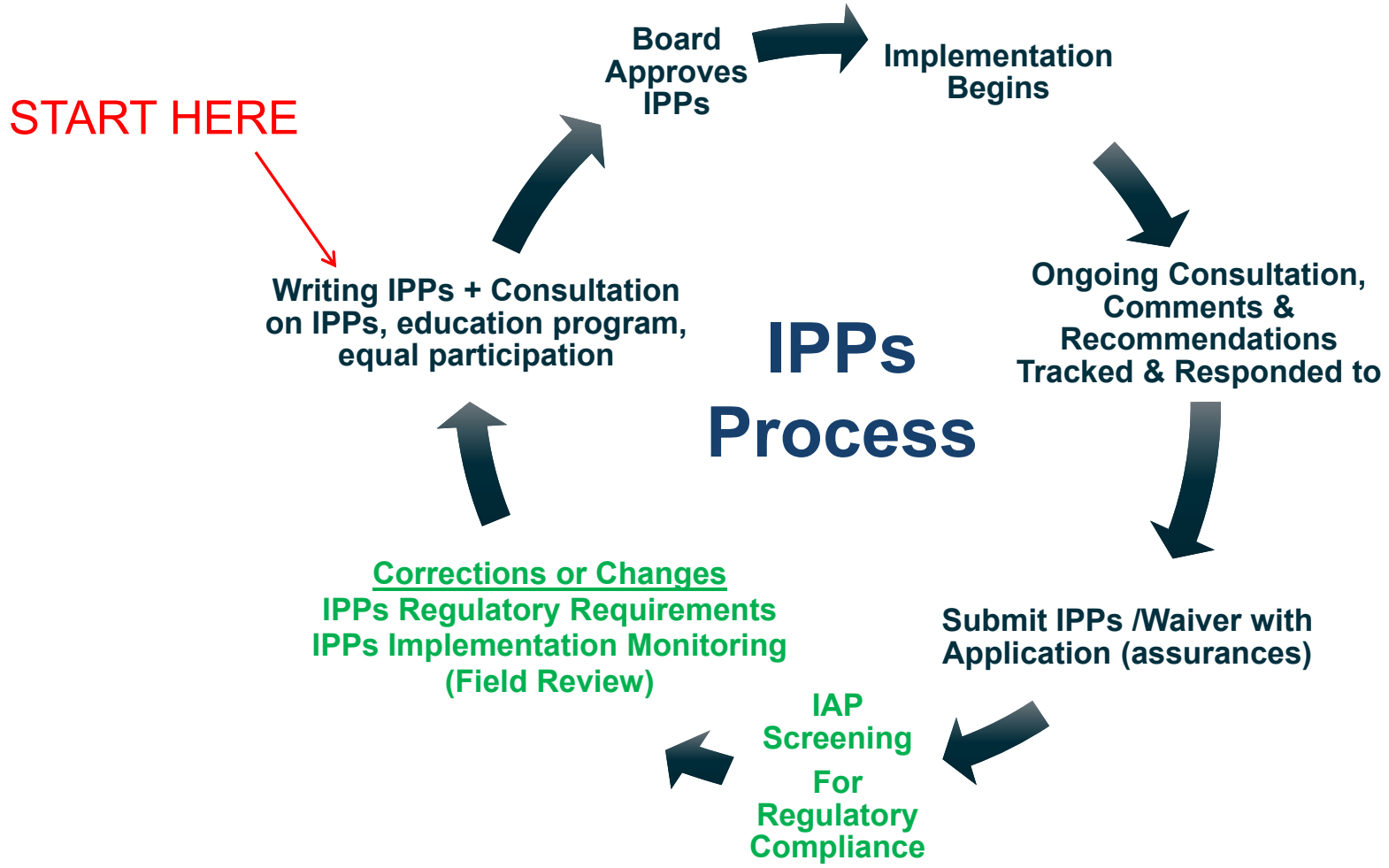
IPPS REGULATORY COMPLIANCE DOCUMENTATION

- All IPPs must be board approved and Waivers must have date of approval (month, date, year) after February 1, 2026.
- For FY 2028 Impact Aid application SY 2025-2026, with the application due on February 1, 2027.
- 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


START HERE
Board Approves IPPs
Implementation Begins
Ongoing Consultation, Comments & Recommendations Tracked & Responded to
Submit IPPs /Waiver with Application (assurances)
IAP Screening For Regulatory Compliance
Corrections or Changes
IPPs Regulatory Requirements
IPPs Implementation Monitoring
(Field Review)
Writing IPPs + Consultation on IPPs, education program, equal participation
IPPs Process

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 IPPs 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 & Regulations**
- **Sample IPPs**
  - **Policies**
  - **Example Procedures**
- **Waiver Screening Checklist**
- **IPPs Screening Checklist**

➢ **IPPs Sample and examples used here for illustrative purposes and may not be reflective of complete policies. Text in Bold can be edited to meet the needs of the Tribe(s) or LEA*

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 2028 application, Date must be after February 1, 2026)
Requirements:

- Does the tribe state that the LEA need not comply with 34 CFR 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 34 CFR 222.91 and 222.94?
- Does the tribe understand the requirements that are being waived?

IPPS SAMPLE

Indian Policies and Procedures

_____ School District

_____ School Year

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. [34 CFR 222.94(c)2-3]

All changes become effective upon board approval.

Tribe's preferred method(s) of communication: **LIST HERE (email, Facebook post, school newsletter, etc.)**

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. [34 CFR 222.94(b)(1)]

IPPS SAMPLE PROCEDURE 1

Procedure 1: The school district will disseminate the following documents to the parents of Indian children and the tribe at least **one week in advance** of any meeting to discuss these documents. The documents will be disseminated using the **tribe's preferred method of communication**. The documents to be disseminated include:

- Current year Impact Aid application
- Assessment/Evaluation of Equal Participation
- Indian Policies Procedures (IPPs)
- Any Plans for District education programs
- Written responses to feedback from the consultation process

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 LEA will provide an opportunity for the tribe and parents of Indian children to provide their views on the LEA's educational program and activities, including recommendations on the needs of their children and how the LEA may help those children realize the benefits of the LEA's education programs and activities. [34 CFR 222.94(b)(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 PROCEDURE 2

Procedure 2:

2.1 The School District will hold **one annual board meeting** to allow the parents of Indian children and the tribe(s) to provide input on the educational program and activities. The School District will give parents of Indian children, tribes, and the public notice of any meeting at least **one week in advance via the tribe's preferred method of communication**.

2.2 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**

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 LEA will, at least annually, assess the extent to which Indian children participate on an equal basis with non-Indian children in the LEA's education program and activities. [34 CFR 222.94(b)(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 PROCEDURE 3

Procedure 3:

- 3.1 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.**
- 3.2 Parents of Indian children, tribes and other interested parties may express their views on participation at established meetings on these topics.
- 3.3 If it is determined that there are gaps in Indian participation in the educational program or activities, the School Board in consultation with the 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

Policy 4: The LEA will modify the IPPs if necessary, based upon the results of any assessment or input described in paragraph (b) of this section (*this document*). [34 CFR 222.94(b)(4)]

Procedure 4:

4.1 The School Board will schedule a school board meeting at least **once annually** to consult with the tribe and parents of Indian children on the content of the IPPs, equal participation, and educational program and activities. Parents of Indian children and tribes will be notified **via the tribe's preferred method of communication** regarding this meeting and their ability to submit comment.

IPPS SAMPLE PROCEDURE 4 (CONT.)

- 4.2 **The School Board** will evaluate all recommendations and recommend revisions for changes to these IPPs.
- 4.3 Any changes by the School Board will become effective **immediately upon formal adoption.**
- 4.5 The School District will disseminate copies of the revised IPPs to the tribe and parents of Indian children **via the tribe's preferred method of communication** 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 5

Policy 5: The LEA 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. [34 CFR 222.94(b)(5)]

IPPS SAMPLE PROCEDURE 5

- 5.1 The School District will annually keep track of and assemble all comments and suggestions received through the consultation processes by **keeping minutes at the meetings to discuss Impact Aid**.
- 5.2 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 **via the tribe's preferred method of communication** prior to the submission of the IPPs by the District.

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 LEA will provide a copy of the IPPs annually to the affected tribe or tribes. [34 CFR 222.94 (b)(6)]

- The School District will annually provide a copy of the current Indian Policies and Procedures to the tribe using the **tribe's preferred method of communication** prior to submitting the Impact Aid Application.

- LEA Board Approval Date: **Month Date, Year**

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) .

BEST PRACTICES

1. Follow the sample IPP or waiver letter to ensure all information is included
2. Get the IPP or waiver updated annually – plan early
3. Create a template for tracking participation under Policy 3
4. Create a checklist to ensure everything you are doing is tracked
5. Create a way to capture feedback during consultation
6. Publish the written feedback

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/

IPP Regulatory Policy

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