



Douglas A. Ducey
Governor of Arizona

STATE OF ARIZONA
SCHOOL FACILITIES BOARD

Andy Tobin
Executive Director

X. Tribal Consultation Policy

Per ARS §41-1091 B: This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under ARS §41-1033 for a review of the statement.

A. PURPOSE - This policy establishes the basic principles governing the Arizona School Facilities Board's (SFB) relations with Tribal Nations in the State of Arizona. It complies with Arizona Revised Statutes (ARS) §41-2051 which requires all executive branch agencies to develop and implement tribal consultation policies to guide their work and interactions with tribal nations in Arizona. This policy respects the School Facilities Board recognition of tribal sovereignty and the goal of a cooperative relationship between tribal nations and the School Facilities Board.

B. INTRODUCTION - The School Facilities Board is charged with the administration of three funds; 1. New School Facilities fund, 2. Building Renewal Grant fund and 3. Emergency Deficiencies Correction fund, as well as inspecting school buildings to ensure compliance with the building adequacy standards prescribed in ARS §15-2011 for all K-12 public school districts,



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including those on Tribal nations.

C. POLICY - The SFB recognizes the sovereign status of tribal nations and jurisdiction over their lands as defined by Federal law [18 U.S.C. §1151]. In recognition of tribal nations, the SFB respects the unique and continuous existence of each tribal nation's people, history, culture, codes and laws.

1. ALL STATE PUBLIC K-12 SCHOOL DISTRICTS, INCLUDING THOSE ON TRIBAL NATIONS ARE ELIGIBLE FOR SCHOOL FACILITIES BOARD PROGRAMS. ALL ARIZONA SCHOOL DISTRICTS FOLLOW THE SAME STATUTES, GUIDELINES, AND PROCEDURES AS RELATED TO FACILITIES, REGARDLESS OF THEIR LOCATION FOR THE PURPOSES OF SFB PROGRAM ELIGIBILITY.
2. THE SFB IS COMMITTED TO DEVELOPING RELATIONSHIPS WITH TRIBAL NATIONS, TRIBAL NATION DEPARTMENTS, FEDERAL HEALTH AND ENVIRONMENTAL PROTECTION DEPARTMENTS, AND SCHOOL DISTRICTS LOCATED ON TRIBAL NATIONS. THE SFB WILL CONTINUE TO WORK PRIMARILY WITH SCHOOL DISTRICTS APPLYING FOR SFB FUNDING, AND WILL ESCALATE ISSUES TO APPROPRIATE TRIBAL DEPARTMENTS AND TRIBAL NATIONS LEADERSHIP AS NEEDED.
3. SFB MANAGEMENT, INCLUDING THE DIRECTOR, DEPUTY DIRECTORS, LIAISONS, AND OTHER DESIGNATED STAFF, WILL MAINTAIN APPROPRIATE WORKING RELATIONSHIPS WITH NATIVE NATIONS AND TRIBAL GOVERNMENT ELECTED OFFICIALS AND STAFF TO ASSURE SAFE AND APPROPRIATE



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LEARNING ENVIRONMENTS FOR STUDENTS.

4. THE SFB WILL NOTIFY TRIBAL NATIONS AND SCHOOL DISTRICTS LOCATED ON TRIBAL NATIONS OF ALL SFB BOARD OPENINGS.
5. THE SFB WILL PROVIDE EARLY NOTIFICATION TO TRIBAL NATIONS ABOUT DECISIONS THAT MAY DIRECTLY AFFECT THEM.
6. THE SFB WILL DESIGNATE A TRIBAL LIAISON AT THE AGENCY LEVEL TO BETTER SERVE TRIBAL NATIONS.
7. THE SFB WILL WORK WITH TRIBAL ECONOMIC DEVELOPMENT AGENCIES AND PROCUREMENT PROFESSIONALS TO PROMOTE INFORMATION ON BIDDING OPPORTUNITIES TO LOCAL AND TRIBALLY OWNED BUSINESSES.
8. THE SFB WILL BE A RESOURCE TO TRIBAL EDUCATION DEPARTMENTS ON MINIMUM ADEQUACY GUIDELINES AND OTHER SCHOOL FACILITIES RENEWAL METRICS AND TOOLS.
9. THE SFB WILL CONTINUE TO BE A RESOURCE ON SCHOOL CONSTRUCTION BEST PRACTICES AND INNOVATIVE LEARNING ENVIRONMENTS TO SCHOOL DISTRICTS LOCATED ON TRIBAL NATIONS.
10. THE SFB WILL NOTIFY AND WORK WITH APPROPRIATE AUTHORITIES AND TRIBAL PRESERVATION OFFICES (TPOs) WHEN NATIVE AMERICAN ARTIFACTS ARE FOUND ON SCHOOL CONSTRUCTION SITES AND SHALL IMMEDIATELY TAKE ALL REASONABLE STEPS TO SECURE AND MAINTAIN ITS PRESERVATION.
11. SCHOOL DISTRICTS LOCATED ON TRIBAL NATIONS MAY, IN COOPERATION WITH TRIBAL NATIONS, IDENTIFY LANDS TO BE USED FOR NEW SCHOOL



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FACILITIES CONSTRUCTION, WITH THE UNDERSTANDING THAT LANDS WITHIN TRIBAL NATIONS CANNOT BE ACQUIRED BY PURCHASE.

12. THE SFB WILL PUBLISH A TRIBAL CONSULTATION ANNUAL REPORT AND SUBMIT IT THE GOVERNOR'S OFFICE ON TRIBAL RELATIONS ON OCTOBER 1.

13. THE SFB WILL REVIEW TRIBAL CONSULTATION POLICIES WITH REGULARITY THROUGH ESTABLISHED SFB POLICY REVIEW SCHEDULES.

D. RESPONSIBILITY - Responsibility for the enforcement of this policy lies with the Executive Director, the School Facilities Board, the SFB Tribal Liaison, and other staff interacting with school districts located within tribal nations in the State.

E. PROCEDURES

~~1. Reporting: All public K-12 school districts, including those on Tribal land, are required to submit annual reports to the SFB including: 3 Year Building Renewal Plan, square footage changes, renovations, population updates, building renewal expenditures, and new construction fund expenditures, if applicable.~~

~~2. Building Inspections: All public K-12 school district buildings, including those on Tribal land, are to be inspected at least once every five years to ensure compliance with the building adequacy standards prescribed in ARS §15-2011 and routine preventative maintenance guidelines as prescribed in this section with respect to construction of new buildings and maintenance of existing buildings.~~

~~3. New Construction Funding: All public K-12 school districts, including those on Tribal land,~~



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~~may request funding for new school facilities.~~

~~4. Land Acquisition: All public K-12 school districts, including those on Tribal land, may request land for new school facilities. SCHOOL DISTRICTS LOCATED ON TRIBAL NATIONS MAY IN COOPERATION WITH TRIBAL NATIONS IDENTIFY LANDS TO BE USED FOR NEW SCHOOL CONSTRUCTION, WITH THE UNDERSTANDING THAT LANDS WITHIN TRIBAL NATIONS CANNOT BE ACQUIRED BY PURCHASE.~~

~~a. Archaeological Discoveries:~~

~~During the School Facilities Board's land acquisition process, an archaeological survey is completed to determine the existence of any archaeological, paleontological or historical site or object that is at least fifty years old. This includes American Indian NATIVE AMERICAN artifacts. Should a site be discovered, the SFB and it's contracted archaeological firm, in coordination with the State Historic Preservation Office and Arizona State Museum, shall immediately take all reasonable steps to secure and maintain its preservation.~~

~~b. Per ARS §41-844 B, If the objects discovered are human remains,~~

~~funerary objects, sacred ceremonial objects or objects of national or tribal patrimony, the SFB and it's above partners will ensure that notice of the discovery is given to the appropriate American Indian tribal government and to the tribes that occupy or have occupied the land on which the discovery is made and to the Arizona Commission on Indian affairs and the Intertribal Council of Arizona. c. Per ARS §41-844 G, If it is necessary to move American Indian remains in order to permit completion of a construction or similar project, reburial shall be undertaken with the cooperation of the Indian tribe located nearest to the place where the remains were~~



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~~discovered. Reburial may, with that tribe's consent, take place on that tribe's reservation.~~

~~This policy is posted online as a section of the SFB Policy Book at <https://sfb.az.gov/board-information/policies-opinions/sfb-policy-book>.~~

~~For questions or for more information, please contact Debora Norris, SFB Tribal Liaison, at 602-568-5591 or by email at dnorris@azsfb.gov.~~