

## *X. Tribal Government 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 governments in the State of Arizona.
- B. INTRODUCTION** The Arizona School Facilities Board is charged with the funding and overseeing the construction of new school facilities; administering the distribution of State funds for new construction, building renewal, emergency deficiencies corrections, monies; and inspecting school buildings to ensure compliance with the building adequacy standards prescribed in A.R.S. §15-2011 for all K-12 public school districts including those that are on Tribal land. The Board may also distribute other funds as authorized by the legislature or the Governor.
- C. POLICY** All public K-12 school districts, including those located on Tribal land, are treated equally by the School Facilities Board. All school districts follow the same statutes, guidelines, and procedures as related to facilities; unless authorized otherwise by State or Federal law, regardless of their jurisdiction.
- D. RESPONSIBILITY** Responsibility for the enforcement of this policy lies with the Board through the Executive Director, Office of the Director and the School Facilities Board.
- E. PROCEDURES**
1. Reporting: All public K-12 school districts, including those located on Tribal land, are required to submit annual reports to the Board 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 A.R.S. §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, 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.
  - a. Archaeological Discoveries are handled consistent with A.R.S. §41-844: During the ~~School Facilities~~ Board's land acquisition process, an archaeological survey is completed to determine the existence of any archaeological, pale-ontological or historical site or object that is at least fifty years old. This includes American Indian artifacts. Should ~~a any archaeological, paleontological or historical site or object that is at least fifty years old, including any American Indian artifacts~~ are be site be discovered, the ~~Board and 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 and handle the discoveries consistent with A.R.S. §41-844 (B) ;§41-844(D); §41-844(G).
  - 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 discovered. Reburial may, with that tribe's consent, take place on that tribe's reservation.~~