

Every Student Succeeds Act: Consultation



Under the Every Student Succeeds Act (ESSA) of 2015, states and local education agencies must engage in meaningful consultation with tribes in the development of state plans for Title I grants and programs in Title VI.

State Plans

Meaningful tribal engagement is no longer an option, but a requirement. States that wish to receive Title I funding, must submit an educational plan to the Secretary of Education that is developed with timely and meaningful consultation with various educational stakeholders including representatives of Indian tribes located in the state.

Limitation: Consultation required under this section shall not interfere with the timely submission of the state plan required.

Local Educational Agencies

ESSA requires that local educational agencies (LEA) consult with appropriate officials from tribes or tribal organizations located in the area served by the LEA. The consultation must allow for the time and ability for tribes to meaningfully and substantively contribute to the plan. In addition, the consultation must:

- Occur prior to the LEA's submission of a required plan or application for a covered program under the ESSA.
- Occur prior to the LEA's submission for a program under Title VI, the Indian, Native Hawaiian, and Alaska Native title.

Restrictions: The LEA must have an American Indian or Alaska Native enrollment of 50 percent or receive more than \$40,000 in funding under the Indian, Native Hawaiian, and Alaska Native formula program.



Documentation: LEAs must provide to the SEA a written affirmation signed by the appropriate officials of the participating tribes or tribal organizations that the consultation required has occurred.

Limitation: Consultation required under this section shall not interfere with the timely submission of the state plan required.

For additional fact sheets about ESSA and Native communities, visit <http://niea.org/>.

*The **National Indian Education Association** (NIEA) advances comprehensive educational opportunities for all Native students. Serving as the critical link between Native communities and the diverse array of institutions that serve our students, NIEA holds all accountable for improving achievement. Through advocacy, capacity-building, and education, NIEA supports Native students and their communities to succeed. **NIEA.org***

