Overview: Tribal Consultation and ESSA

Consultation creates opportunities for LEAs and tribal leaders to work together on behalf of American Indian and Alaska Native (AI/AN) students. Consultation allows affected LEAs to gather input from Indian Tribes and tribal organizations, fostering the collaboration that is a critical part of improving academic outcomes for Native students.

LEAs with 50% or more AI/AN student enrollment or LEAs that received an Indian education formula grant under Title VI in the previous year in excess of $40k, must ensure meaningful consultation with tribes before submitting plans or applications on the following:

- Title I, Part A (Improving Basic Programs Operated by State and Local Educational Agencies)
- Title I, Part C (Education of Migratory Children)
- Title I, Part D (Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk)
- Title II, Part A (Supporting Effective Instruction)
- Title III, Part A (English Language Acquisition, Language Enhancement, and Academic Achievement Act)
- Title IV, Part A (Student Support and Academic Enrichment Grants)
- Title IV, Part B (21st Century Community Learning Centers)
- Title V, Part B, subpart 2 (Rural and Low-Income School Program)
- Title VI, Part A, subpart 1 (Indian Education Formula Grants to Local Educational Agencies)

Meaningful consultation is defined as an opportunity to provide input and feedback to the LEA on plans for any covered program. Consultation must be done “in a manner and in such time that provides an opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute” (Sec 8538(a)). An LEA should consider providing a list of issues or questions on which the LEA seeks input, or provide draft plans for this purpose, in advance of the consultation and before it makes a final decision on significant and substantive issues related to the content of the plans. LEAs should consider providing written responses to explain how input was considered.

LEAs submitting plans or applying for affected programs should consult school year 2016-2017 data for purposes of determining enrollment. LEAs receiving an Indian education formula grant in the 2016 grant year must participate.

LEAs must provide the Minnesota Department of Education written affirmation and documentation that the required consultation occurred, signed by appropriate officials of the participating tribes or tribal organizations approved by the tribes.

For more information, visit the ESSA page of the MDE website or contact mde.essa@state.mn.us.