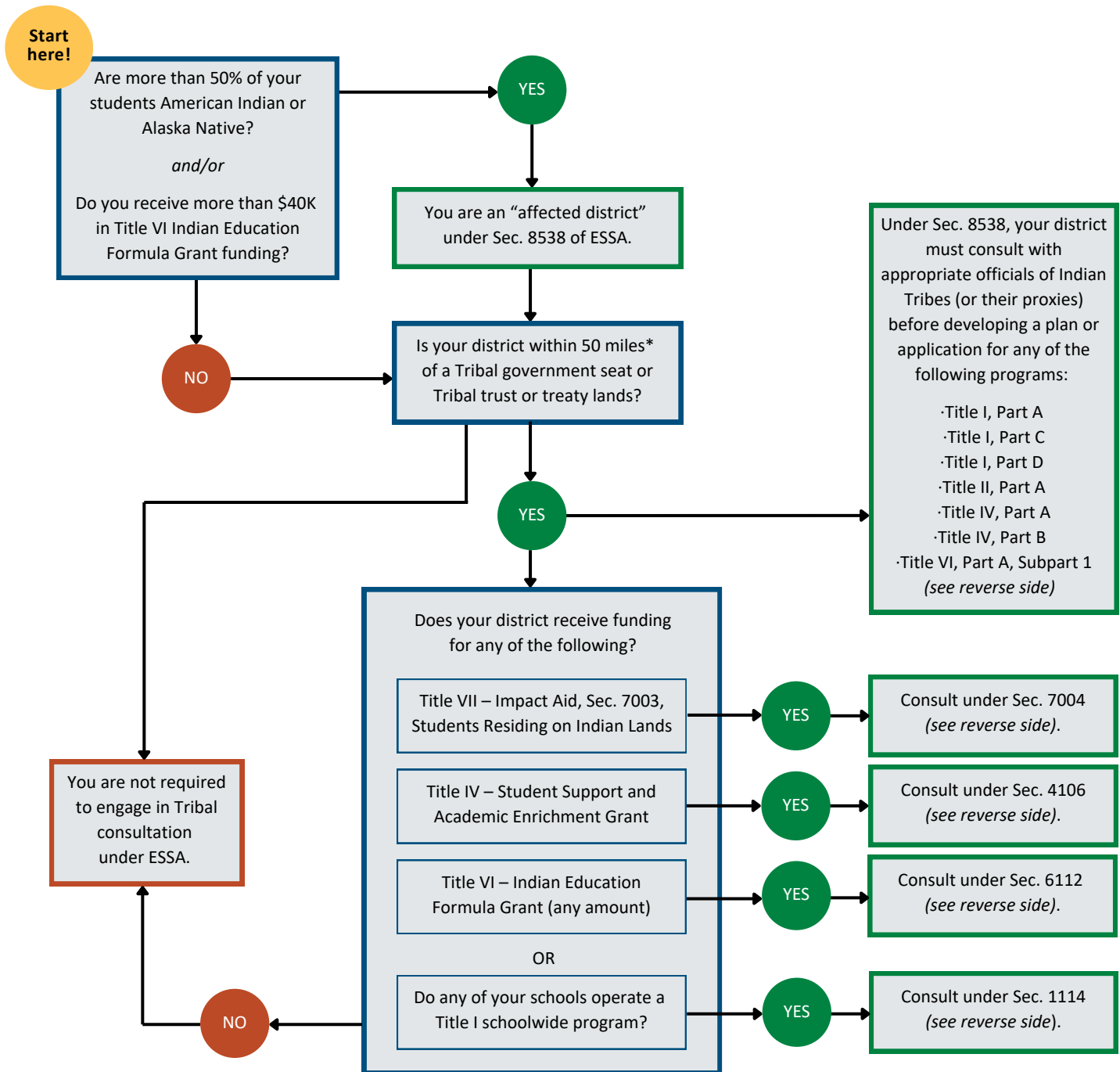


Is Your District Required to Engage in Tribal Consultation Under the Every Student Succeeds Act?

Federal education laws and policies recognize the right of American Indian and Alaska Native Tribes, communities, and family members to have input on public school programs intended to meet Indigenous students' unique educational needs. Many programs require districts to work closely with Indigenous communities.

This flow chart focuses specifically on Tribal consultation and collaboration requirements under the Every Student Succeeds Act (ESSA) of 2015 (20 U.S.C. Chapter 70). It is a simplified at-a-glance resource and does not address state programs or programs funded by the Bureau of Indian Education. Please see published guidance or contact program officers for more information.



* 50 miles is a guideline, not a legal absolute; most ESSA consultation provisions use language like "Tribes in the community" or "Tribes in the area served by the LEA" (see reverse). Even if a district is not within 50 miles of a Tribal government seat or Tribal trust or treaty lands, if it serves Native students, it should still engage in proactive outreach to Indigenous families and communities.

ESSA Program Consultation Requirements in Brief

Title I – Schoolwide Program

ESSA Sec. 1114 | [20 U.S.C. § 6314](#)

... an eligible school operating a schoolwide program shall develop [or amend] a comprehensive plan

(2) ... with the involvement of parents and other members of the community to be served ... including ... to the extent feasible, tribes and tribal organizations present in the community. ...

(5) ... in coordination and integration* with other Federal, State, and local services, resources, and programs.

Title IV – Student Support and Academic Enrichment Grants

ESSA Sec. 4106 (c) | [20 U.S.C. § 7101 et seq.](#)

(1) ... develop its application through consultation with ... Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable) ...

(2) ... engage in continued consultation with the entities described in paragraph (1) in order to improve the local activities... and to coordinate such implementation with other related strategies, programs, and activities being conducted in the community.*



* All statutes requiring consultation also include clauses that clearly state that the programs in question should be *planned and implemented in coordination with other related services, resources, and programs*.

Title VI – Indian Education Formula Grant

ESSA Sec. 6112 | [20 U.S.C. § 7424 et seq.](#)

(b) Each application ... shall ... (7) [describe] the process the local educational agency used to meaningfully collaborate with Indian tribes located in the community² in a timely, active, and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration.

(c) ... include assurances that [the program] ...

(3)(C) was developed by such agency in open consultation with parents of Indian children ..., representatives of Indian tribes on Indian lands located within 50 miles ..., Indian organizations, and, if appropriate, Indian students... including through public hearings [that provided them] a full opportunity to understand the program and to offer recommendations ...

(4) the local educational agency developed the program with the participation and written approval of a committee—

(A) that is composed of, and selected by—(i) parents and family members of Indian children in the ... schools; (ii) representatives of Indian tribes on Indian lands located within 50 miles ... (iii) teachers in the schools; and (iv) if appropriate, Indian students ...

(B) a majority of whose members are parents and family members of Indian children; ...

(5) the local educational agency will coordinate activities under this subchapter with other Federal programs supporting educational and related services* administered by such agency; ...

(8) the local educational agency ... will ensure that the program ... will be operated and evaluated in consultation with, and with the involvement of, parents and family members of the children, and representatives of the area, to be served.

Title VII – Impact Aid

ESSA Sec. 7004 | [20 U.S.C. § 7704](#)

A local educational agency that claims children residing on Indian lands ... shall establish policies and procedures to ensure that ...

(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how the local educational agency may help such children realize the benefits of such programs and activities;

(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

(5) parents and Indian tribes are afforded an opportunity to present their views to such agency regarding such agency's general educational program.

Consultation With Indian Tribes and Tribal Organizations

ESSA Sec. 8538 | [20 U.S.C. § 7918](#)

(a) To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations ... prior to the ... submission of a required plan or application for a covered program under this Act or for a program under title VI of this Act. Such consultation shall ... [provide] the opportunity for ... appropriate officials ... to meaningfully and substantively contribute to such plan.

(b) Each affected local educational agency shall maintain ... and provide to the State educational agency a written affirmation signed by the appropriate officials ... that the consultation ... has occurred.