

## **Tribal Consultation**

Per section 8538 of the Elementary and Secondary Education Act (ESEA), as amended, an affected Local Education Agencies (LEA) must consult with Indian Tribes or those Tribal organizations approved by the Tribes located in the area served by the LEA prior to submitting a plan or application for covered programs under ESEA.

The term 'affected LEA' means an LEA that has

- 50% or more of its student enrollment comprised of American Indian (AI) or Alaskan Native (AN) students; or
- received an Indian education formula grant under Title VI part A subpart 1 in the previous year that exceeded \$40,000.

Each affected LEA shall maintain in the agency's records and provide to NMPED a written affirmation signed by the appropriate officials of the participating Tribes or Tribal organizations approved by the Tribes that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected LEA shall forward documentation that such consultation has taken place to NMPED.

For an Affirmation of Tribal Consultation document, please click [here](#). A completed and signed Affirmation of Tribal Consultation document must be submitted with the Unified Application by affected LEAs.