

Date of Hearing: March 20, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1821 (Ramos) – As Introduced January 11, 2024

SUBJECT: Pupil instruction: course of study: social sciences: treatment of Native Americans

SUMMARY: Requires, commencing with the 2025–26 school year, that in the course of study for grades 1 to 6 and 7 to 12, that any instruction on the Spanish missions in California or the Gold Rush Era also include instruction regarding the treatment of Native Americans during those periods.

EXISTING LAW:

- 1) Encourages local educational agencies (LEAs) and charter schools to form California Indian Education Task Forces with California Indian tribes local to their region or tribes historically located in the region. Encourages participants in these meetings to discuss issues of mutual concern and to work to do all of the following:
 - a) Develop a thorough, shared understanding of accurate, high-quality curricular materials about the history, culture, and government of local tribes, and develop curricular materials for use within local educational agencies that include tribal experiences and perspectives and teach about the history, culture, and government of local tribes;
 - b) Develop a shared understanding of proper or improper instructional material when these materials use depictions of Native Americans;
 - c) Encourage LEAs to adopt curriculum developed by the California Indian Education Task Forces, in order to ensure that all pupils learn about the history, culture, government, and experiences of their Indian peers and neighbors, and to ensure that Indian pupils are more engaged and learn more successfully; and
 - d) Identify the extent and nature of the achievement gap between Indian pupils and other pupils, and identify the strategies necessary to close it. (Education Code (EC) 33391)
- 3) Requires California Indian Education Task Forces to submit, within one year of formation and annually thereafter, a report of findings to the California Department of Education (CDE), including a finding on the progress of the work described above. (EC 33391)
- 4) Authorizes the California Indian Education Task Forces to submit curricular materials developed to the COE, or consortium of COEs, that has contracted to develop a model curriculum related to Native American studies. Requires that contractor to consider these submitted materials for inclusion in the model curriculum. (EC 33391)
- 5) Requires the CDE to submit, within one year of receiving task force reports, and annually thereafter, a report to the Senate Education Committee and the Assembly Committee on Education regarding the progress made in the narrowing of the achievement gap, and the identification and adoption of curriculum regarding tribal history, culture, and government.

Requires the report to include information about any obstacles encountered, and any strategies under development to overcome those obstacles. (EC 33391)

- 6) Requires the CDE, by June 1, 2022, to enter into a contract with a COE or a consortium of COEs for the purpose of developing a model curriculum related to Native American studies by September 1, 2025. Requires that the model curriculum be housed on the platform developed and maintained by the California History-Social Science Project. (EC 51226.9)
- 7) Requires students, commencing with the graduating class of 2029-30, to complete a one-semester course in ethnic studies that meets specified requirements in order to receive a high school diploma, and requires, commencing with the 2025–26 school year, that LEAs and charter schools serving students in grades 9 through 12 offer at least a one-semester course in ethnic studies. (EC 51225.3)
- 6) Establishes the American Indian Education Centers program to provide community-based educational resource centers to American Indian students, parents, guardians, and public schools in order to promote the academic and cultural achievement of American Indian students. (EC 33381)
- 7) The federal Every Student Succeeds Act (ESSA) requires specified LEAs to consult with appropriate officials from American Indian tribes or tribal organizations approved by the tribes located in the area served by the LEA prior to its submission of a required plan or application for a covered program under the Act. ESSA also requires the consultation to be done in a manner and in a time that provides the opportunity for the appropriate officials from American Indian tribes or tribal organizations to meaningfully and substantively contribute to that plan.

FISCAL EFFECT: This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. The author states, “This bill builds upon my previous legislation, the California Indian Education Act, approved in 2022. For far too long California’s First People and their history have been ignored or misrepresented. Classroom instruction about the Mission and Gold Rush periods fails to include the loss of life, enslavement, starvation, illness and violence inflicted upon California Native American people during those times. These historical omissions from the curriculum are misleading. We will continue to work and ensure our students are learning an accurate history of California’s First People.”

Curriculum, standards, frameworks, and model curricula. California’s public school curriculum is based on content standards in various subjects, including English-Language Arts, Mathematics, Science, History-Social Science, Physical Education, English Language Development, Career Technical Education, Health Education, World Languages, and Visual and Performing Arts. These standards are developed by the Instructional Quality Commission (IQC) through a public process, and are adopted by the State Board of Education (SBE).

These standards form the basis of California’s curriculum frameworks. The frameworks guide the implementation of these standards, and are used to establish criteria for the evaluation of

instructional materials for state adoption for grades kindergarten through grade eight. They also guide district selection of instructional materials for grades 9 through 12. The state sometimes also produces model curricula, including curricula on Native American studies, as noted below.

Ethnic studies graduation requirement. Current law requires students, commencing with the graduating class of 2029-30, to complete a one-semester course in ethnic studies that meets specified requirements in order to receive a high school diploma, and requires, commencing with the 2025–26 school year, that LEAs and charter schools serving students in grades 9 through 12 offer at least a one-semester course in ethnic studies.

Ethnic Studies Model Curriculum focuses on Native American studies as one of four foundational disciplines. The Ethnic Studies Model Curriculum (ESMC) adopted by the State Board of Education (SBE) in 2021 and focuses on focus on “the traditional ethnic studies first established in California higher education, which has been characterized by four foundational disciplines: African American, Chicana/o/x and Latina/o/x, Native American, and Asian American and Pacific Islander studies.”

The ESMC provides a sample course outline for a general Introduction to Ethnic Studies course utilizing a thematic approach, which includes content from Native American Studies alongside the three other disciplines. It discusses tribal consultation and provides a course outline for a Native American studies course that districts can use as guidance for creating their own ethnic studies courses with engaging lessons that connect with the demographics in their communities, described as follows:

Courses of study in this field can explore the complexity and diversity of Native American experiences from the precontact era to the present, highlighting key concepts such as Indigeneity, settler colonialism, environmental justice, cultural retention, cultural hegemony, imperialism, genocide, language groups, language revitalization, self-determination, land acknowledgment, and tribal sovereignty. The course can provide students with a comprehensive understanding of how the role of imperialism, settler colonialism, decolonization, and genocide, both cultural and physical, of North American Native Americans contributed to the formation of the United States. Students are exposed to the history and major political, social, and cultural achievements of various Native American tribes and to their resilience and continuance into the present and future. Overall, students have an opportunity to critically engage readings, materials, and sources from Indigenous perspectives.

The course can have key goals such as (1) foreground the rich history of sovereign and autonomous Native American tribes; (2) delve into the implications of genocide and forced land removal on Native American populations; (3) grapple with the cultural and ideological similarities and differences amongst various tribes in and outside of the California region; (4) identify salient values, traditions, and customs relevant to California-based Native American populations; (5) highlight major periods of resistance and social activism, such as the American Indian Movement (AIM) and recent movements around the Emeryville Shellmounds and the Dakota Access Pipeline; and (6) foster relationships with the California Native American tribal nations of the land where the course is being taught.

The ESMC includes three sample lessons in Native American Studies:

- This is Indian Land: The Purpose, Politics, and Practice of Land Acknowledgment
- Develop or Preserve? The Shellmound Sacred Site Struggle
- Native American Mascots

The ESMC also includes two-course outlines in Native American Studies approved as meeting the A-G admissions requirements of the University of California (UC) and the California State University (CSU):

- Native American Studies: Contemporary Perspectives, from Golden Valley Charter, Ventura
- Native American Studies: Historical Perspectives, from Opportunities for Learning, Irwindale

History-Social Science curriculum framework content on Native Americans during the Spanish Missions and the Gold Rush eras. The History-Social Science Framework for California Public Schools adopted by the SBE in 2016 includes Native American history in a number of grades, including the following statements in the 4th grade chapter, “California: A Changing State:”

In selecting sources and directing students’ investigations, teachers should focus on the daily experience of missions rather than on the building structures themselves. **Building missions from sugar cubes or popsicle sticks does not help students understand the period and is offensive to many. Instead, students should have access to multiple sources to help them understand the lives of different groups of people who lived in and around missions, so that students can place them in a comparative context. Missions were sites of conflict, conquest, and forced labor. Students should consider cultural differences, such as gender roles and religious beliefs, in order to better understand the dynamics of Native and Spanish interaction.** Students should analyze the impact of European diseases upon the indigenous population. And as much as possible, students should be encouraged to view sources that represent how missionaries viewed missions and how natives lived there, and the role of the Spanish–Mexican settler population in facilitating the system. [emphasis added]

Another clear example of conflict during the Gold Rush era and early statehood was the **loss of property and autonomy for many of the state’s earlier Mexican and Indian residents. Great violence was perpetrated against many Indian groups who occupied land or resources that new settlers desired. Additional harm came by way of the Indian Indenture Act of 1850, which forced many Indians—mostly Indian youths—into servitude for landowners.** [emphasis added]

Native American model curriculum to produce resources for educators. Current law requires the CDE, by June 1, 2022, to enter into a contract with a COE or a consortium of COEs for the purpose of developing a model curriculum related to Native American studies by September 1, 2025. Current law requires that the model curriculum be housed on the platform developed and maintained by the UC California History-Social Science Project.

Humboldt COE and San Diego COE were chosen to develop the model curriculum. The Humboldt COE reports, in its January, 2024 progress report on the development of the model curriculum:

- Native California cultures, including 109 federally recognized and multiple state recognized tribes, are very diverse; each region expresses unique strengths and perspectives. Some tribal regions have been creating place-based curriculum, for decades, with years of implementation in public schools. Other areas have zero representation of local Indigenous cultures in their instructional materials. The invisibility of native cultures in public schools will change in these regions, like the Eastern Sierra and farther northeast, and this is historic change. Native students will feel seen, student engagement will increase and the ability to understand multiple perspectives will grow.
- The process of developing educational resources requires relationship building, over time. HCOE staff hosted virtual and in-person listening sessions across northern California, reaching 1,139 participants during 68 community meetings. The themes which arose from meeting dialogue were documented and relationships were built in order to recruit participants as writers, researchers, and advisers. Native American Studies Model Curriculum (NASMC) resources are currently in development in partnership with Tribes, county offices of education, educators, native youth serving organizations, and cultural knowledge keepers.
- In order to honor the diverse priorities and knowledge bases of California peoples, the Northern California NASMC team regularly convenes a 14-person California Native Scholars and Educators Committee. Representing diverse tribes, they offer feedback on NASMC plans and materials, conduct research, and develop NASMC resources.

Although the statewide NASMC efforts are guided by three lead scholars, “the guiding leaders,” the NorCal Scholars and Educators Committee serves to further enhance the depth and range of topics addressed in the NASMC. A project of this magnitude is indeed a vast effort, requiring a variety of expertise. The statewide effort to produce the NASMC strives to present a diverse array of high quality NAS curricula meeting standards from a variety of content areas.



K-12 Native American Studies Model Curriculum Overview

Key Features of our Curriculum:

- Over 60 planned curriculum lesson plans
- Lesson plans and instructional support tools will be available, Fall 2025, on a web-based platform created by the CA History and Social Science Project

Examples of Lessons

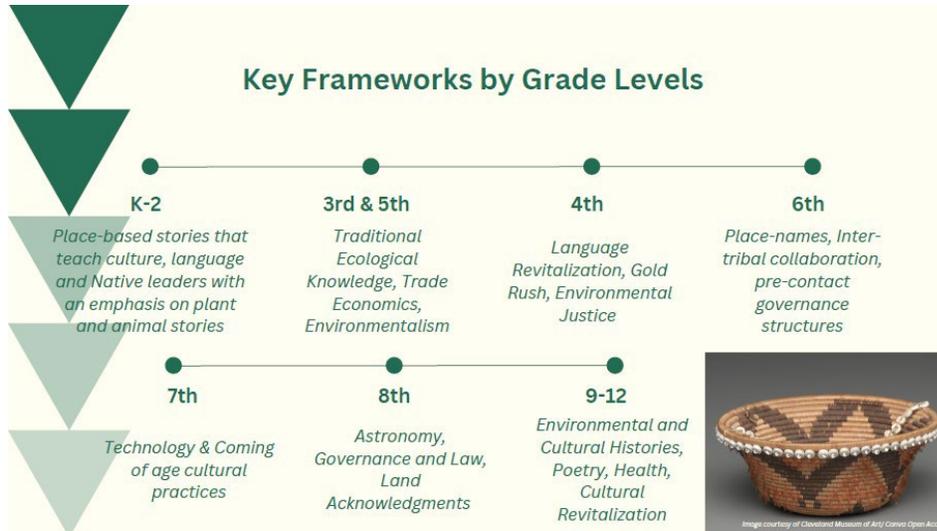
- Basketry and Art
- Astronaut Nicole Mann (Wailaki)
- Thankfulness Book - Alternative to “traditional” thanksgiving story
- Cultural Burning & Fire Management
- Indigenous Poetry

Example Description:

Lesson Topic: A Connection Between Environment and Local Indigenous Peoples

Grade level: 5 (5.1.1-3)

Lesson Activities: Students will watch videos of Hupa and Miwok youth introducing their traditional home dioramas. Students will engage with the videos by using Venn Diagrams to compare and contrast the descriptions given by presentations.



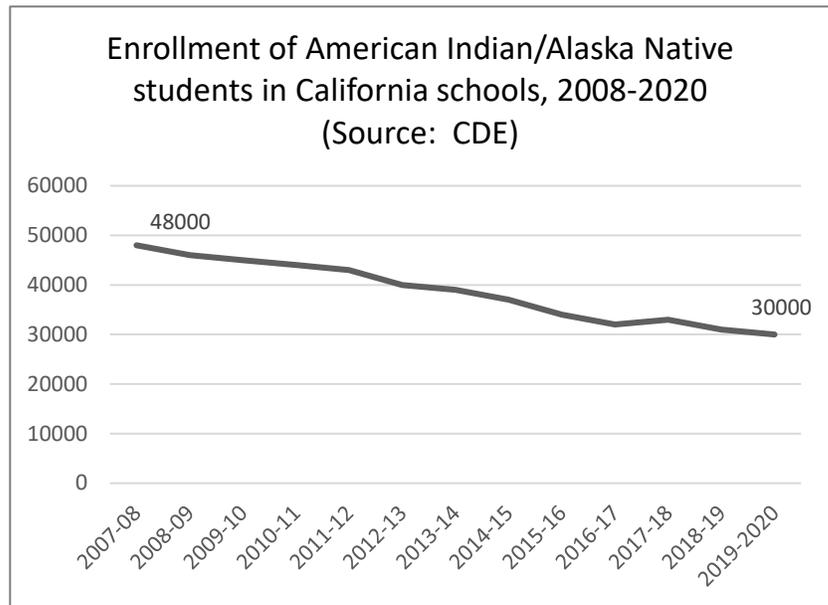
Locally developed curricula by LEAs and California Indian Task Forces.

Current law encourages LEAs and charter schools to form California Indian Education Task Forces with tribes local to their region, and encourages these parties to work together to, among

other things, develop curricular materials that include tribal experiences and perspectives and teach about the history, culture, and government of local tribes. Current law also requires California Indian Education Task Forces to annually submit a report on the progress of this work, and requires the CDE to submit a report of this information to the Legislature. As of this hearing, the CDE and the COEs contracted to produce the NASMC report that they have not received any reports pursuant to these provisions of current law.

Demographics of American Indian students in California.

California schools enrolled 30,000 American Indian/Alaska Native students during the 2019-20 school year, representing 0.5% of total enrollment. This represents the number of students who reported American Indian as their sole race; those indicating more than one race were not included in this number. The enrollment of American Indian/Alaska Native students has declined significantly in recent years, as shown in the chart on this page.

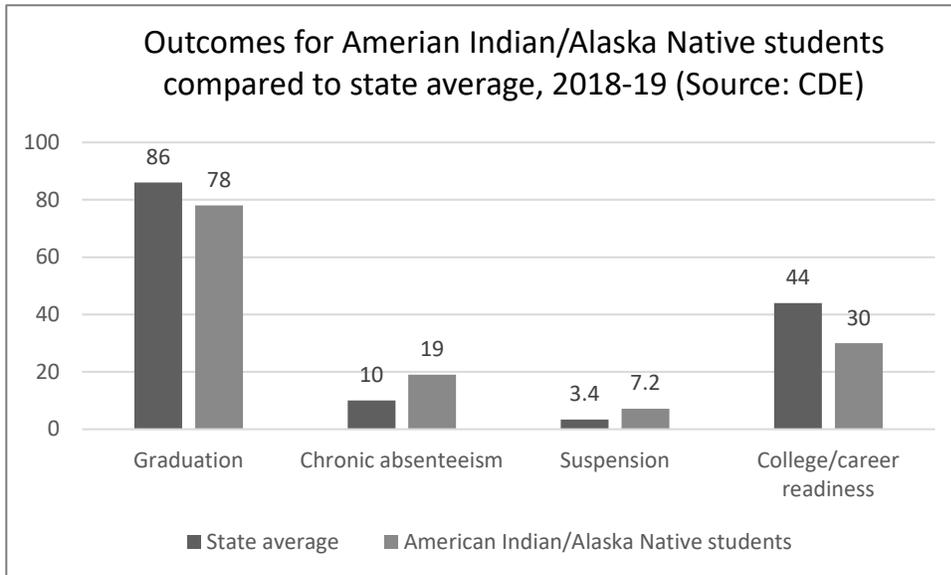


As of 2016, California had the third largest population of American Indian students in the country, but a below average percentage enrollment of American Indian students (National Center for Education Statistics).

According to the CDE, enrollment of American Indian students is more concentrated in rural areas. While the number of American Indian students is highest in large population centers such as Los Angeles and San Diego, some rural areas have higher numbers and percentages of students. For example, in 2022-23, rural and sparsely populated Humboldt County had American Indian enrollment (1,567) exceeding that of Los Angeles Unified School District (557), the second largest school district in the country. While statewide American Indian

enrollment is just over one-half of one percent, in Humboldt County American Indian students comprise nearly 10% of enrollment. According to the CDE, 32.1% of California American Indian/Alaska Native children living in regions of 10,000 or more are living in poverty.

Data show achievement gap between Native American students and their peers. Data from the CDE show a significant achievement gap between American Indian students and statewide averages. Gaps in graduation, absenteeism, suspension, and college/career readiness are shown in the chart below.



In addition, data from the 2019 state summative assessments show that on the California Assessment of Student Performance and Progress (CAASPP) test of English language arts, 38% of American Indian/Alaska Native students scored at “met

standard” or above, compared to 51% of all students. On the mathematics assessment, 26% of American Indian/Alaska Native students scored at “met standard” or above, compared to 40% of all students.

Staffing of American Indian Education Unit at CDE. Current law establishes an American Indian Education Unit within the CDE to provide technical assistance and oversight for the AIEC program, led by a manager appointed by the SPI. According to the CDE, prior to the recession and associated budget cuts and categorical program flexibility, the CDE was staffed with a manager and two program staff to oversee the AIEC program. As of 2021, CDE was supporting one education programs consultant position to fulfill the responsibilities required by existing law. In its 2016 report to the Legislature, the CDE recommended the reestablishment of the American Indian Education Unit as created in statute.

American Indian Education Centers program. The CDE, in its 2016 report to the Legislature, reported that in 2013–14, 2,850 students received services through the AIEC program, representing 4% of the state’s identified American Indian/Alaska Native students. The CDE recommended that the AIEC program be expanded to serve all eligible students. The report also presented the following data about the program as of 2013-14:

- There were 23 AIECs serving students in 19 counties.
- In 2013–14, 2,850 students received services through the AIEC program, representing 4% of the state’s American Indian/Alaska Native students.

- Expenditures per student ranged from \$596 to \$4,783 per student.
- All AIECs reported that they provided academic services, with particular emphasis on reading and mathematics. Over 92% of the AIECs reported they provided summer recreational and academic experiences to participants.
- All AIECs reported that they provided programs that are designed to improve the self-concept of participants.
- Over 90% of the AIECs reported they provided programs designed to increase the employment of American Indian adults.
- All of the AIECs reported that they provided services to American Indian students who were struggling in school.

Tribal consultation requirements under the ESSA. The federal Every Student Succeeds Act (ESSA) requires specified LEAs to consult with appropriate officials from American Indian tribes or tribal organizations approved by the tribes located in the area served by the LEA prior to its submission of a required plan or application for a program authorized by the ESSA. LEAs subject to this requirement are those which:

- Received an Indian education formula grant under the federal Title VI Indian Education formula grant program in the previous fiscal year that exceeds \$40,000; or
- Have 50% or more of its student enrollment made up of American Indian/Alaska Native students.

CDE has identified 101 LEAs (school districts and COEs) as currently subject to the consultation requirement.

The ESSA requires the consultation to be done in a manner and in a time that provides the opportunity for the appropriate officials from American Indian tribes or tribal organizations to meaningfully and substantively contribute to that plan. The CDE defines consultation as meaningful and timely dialogue with appropriate officials and representatives of tribal governments which emphasizes trust, respect, and shared responsibility, the open exchange of information, full and candid expression of mutual views, and a commitment to fully consider other views during decision making, leading to mutual understanding. The CDE notes that consultation occurs in a government-to-government relationship.

In 2021 the CDE published a tribal consultation toolkit for schools and tribal governments and held an informational webinar on this topic for schools.

Arguments in support. The San Manuel Band of Mission Indians writes, “Assembly Bill 1821 is the first step in creating a more relevant and accurate curriculum for all California students. Recent strides have been made with the passage of the California Indian Education Act in 2022, however the law only encouraged participation from Local Education Agencies. California lacks high quality curriculum materials that highlight the history, culture, and sovereignty of local tribes. Although California students are instructed in Native American history, grave concerns remain about how this instruction is developed and offered. Concerns of this kind are regularly

expressed about the Spanish Mission Era and the Gold Rush Era. The mission era of Spanish occupation was one of the most devastating and sensitive period in the history of California's native peoples and the lasting impact of that period is lost in the current curriculum. This ignores and overlooks the experiences of California Indians before, during, and after the Mission Era and the Gold Rush Era.”

Recommended Committee amendments. *Staff recommends that this bill be* amended to:

- 1) Delete the requirements of the measure and rephrase the content specified in the course of study for grades 1 to 6 to read: “the Spanish colonization of California and the Gold Rush Era, including the treatment and perspectives of Native Americans during those periods” and for grades 7 to 12 to read: “and, to the extent instruction is provided on the Spanish colonization of California or the Gold Rush Era, the treatment and perspectives of Native Americans during those periods.”
- 2) Require that, when the history-social science curriculum framework is next revised, or when instructional materials are next adopted, after January 1, 2025, the IQC consider, in consultation with California tribes, providing for inclusion in that curriculum framework, related evaluation criteria, and accompanying instructional materials, of content on the treatment and perspectives of Native Americans during the Spanish missions and Gold Rush periods.

Related legislation. AB 1703 (Ramos), Chapter 477, Statutes of 2022, encourages LEAs and charter schools to form California Indian Education Task Forces to develop curricular materials on the history, culture, and government of local tribes, and requires the Task Forces to submit a report of findings to the CDE.

AB 1554 (Ramos) of the 2021-22 Session would have stated the intent of the Legislature to enact future legislation that supports the academic growth and well-being of Native American students in California by expanding the AIECs program, supporting and promoting meaningful and timely consultation between LEAs and tribal governments, and ensuring an adequate level of staffing at the CDE to support LEAs and tribes in supporting Native American students and meeting the requirements of state and federal law. This bill was held in the Assembly Education Committee.

ACA 6 (Ramos) of the 2021-22 Session would have required that, in all of the public elementary and secondary schools of the state, the social studies curriculum for grades 3, 4, 8, and 11 include significant material on the history and culture of California Native Americans. Would have required that the Superintendent of Public Instruction (SPI) ensure that appropriate instructional materials are available to LEAs and to private schools that wish to obtain these instructional materials.

AB 1055 (Ramos), Chapter 287, Statutes of 2021, revises the definition of students in foster care for purposes of the Local Control Funding Formula (LCFF) and for purposes of specified educational rights of students in foster care, to include those students subject to a voluntary placement agreement and by eliminating the requirement that a dependent child of the court of an Indian tribe also meet the definition of a dependent child of a county court.

AB 945 (Ramos), Chapter 285, Statutes of 2021, establishes the Task Force to Study and Develop Best Practices to Protect Student Rights to Wear Traditional Tribal Regalia or Recognized Objects of Religious or Cultural Significance as an Adornment at School Graduation Ceremonies.

AB 1962 (Wood), Chapter 748, Statutes of 2018, amends the definition of foster youth for LCFF purposes to include a dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the tribal court's jurisdiction in accordance with the tribe's law, provided that the child would also meet one of the descriptions in Section 300 of the Welfare and Institutions Code, describing when a child may be adjudged a dependent child of the juvenile court.

SB 911 (Hertzberg), Chapter 490, Statutes of 2016, deleted the January 1, 2017 sunset on the AIEC program.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action
California Association for Bilingual Education
California Charter School Association
California State PTA
California Teachers Association
Equality California
Los Angeles County Office of Education
San Manuel Band of Mission Indians
Santa Ynez Band of Chumash Indians
Soboba Band of Luiseno Indians
State Superintendent of Public Instruction Tony Thurmond

Opposition

None on file

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