

Date of Hearing: January 12, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1554 (Ramos) – As Amended January 3, 2022

SUBJECT: American Indian education

SUMMARY: States 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 American Indian Education Centers program (AIEC), supporting and promoting meaningful and timely consultation between local educational agencies (LEAs) and tribal governments, and ensuring an adequate level of staffing at the California Department of Education (CDE) to support LEAs and tribes in supporting Native American students and meeting the requirements of state and federal law. Specifically, **this bill:**

- 1) States the intent of the Legislature to enact future legislation that supports the academic growth and well-being of Native American students in California by doing all of the following:
 - a) Expanding the AIEC program to serve a greater number of Native American students in California;
 - b) Supporting and promoting meaningful and timely consultation between LEAs and appropriate officials and representatives of tribal governments regarding the education of Native American students; and
 - c) Ensuring an adequate level of staffing at the CDE to support LEAs and tribes in implementing effective practices to serve Native American students and to meet requirements of state and federal law.
- 2) Makes findings and declarations regarding the above topics.

EXISTING LAW:

- 1) Establishes the AIEC 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. (Education Code (EC) section 33381)
- 2) Authorizes the AIECs, based upon established priority needs, to accomplish the following:
 - a) Improve the academic achievement of American Indian students in kindergarten through grade 12;
 - b) Improve the self-concept and sense of identity of American Indian students and adults;
 - c) Serve as a center for related community activities;

- d) Provide individual and group counseling to students and adults related to personal adjustment, academic progress, and vocational planning;
 - e) Create and offer coordinated programs with the public schools;
 - f) Provide a focus for summer cultural, recreational, and academic experiences;
 - g) Create and offer adult classes and activities that benefit parents;
 - h) Provide training programs to develop pathways to college and the workplace for American Indian students; and
 - i) Provide American Indian educational resource materials to students, their parents, and the schools they attend in order to ensure appropriate tribal histories and cultures are made available.
- 3) Requires the State Board of Education (SBE), upon the advice and recommendations of the Superintendent of Public Instruction (SPI), to approve revised guidelines for the selection and administration of AIECs. Requires the SPI to request input from the American Indian Education Oversight Committee on amendments and updates to the 1975 guidelines.
 - 4) Authorizes applications for the establishment of an AIEC to be made to the CDE by any tribal group or incorporated American Indian association, separately or jointly. Requires the CDE to evaluate and rank the proposals for funding purposes, based on specified criteria.
 - 5) Requires that existing centers have priority based upon the demonstrated impact of each program on students, their parents or legal guardians, and the community served.
 - 6) Requires that existing centers receive priority in funding, and requires that the application of an existing center receive priority for funding over an application for a new center.
 - 7) Requires that the funding level for each center be based upon a comprehensive community needs assessment, including the applicant's history of educational support for American Indian students, their parents or legal guardians, and the amount of collaboration with local American Indians.
 - 8) Requires that funding for each center be distributed by reference to student population, student academic performance, and the local economic base.
 - 9) Requires that, to the extent possible, the centers be distributed in regions throughout the state in order to reflect the American Indian population base.
 - 10) Makes approval of an application for the establishment of an AIEC effective for a period of five calendar years.
 - 11) Requires each AIEC to annually submit a report to the CDE that includes appropriate data that reflects each center's progress toward meeting its stated objectives, including student academic performance, meeting the continued educational and cultural needs of the community that the center serves, and any other objectives chosen by the center.

- 12) Requires that, on or before January 1, 2021, and every five years thereafter, the CDE report all of the following information to the appropriate fiscal and policy committees of the Legislature:
 - a) Consolidated results for all AIECs, consistent with federal law regarding the privacy of student information;
 - b) Information required to evaluate the consolidated results; and
 - c) Recommendations for program improvement.
- 13) Requires the AIECs to maintain sound fiscal policies and requires the CDE to provide technical assistance and training in order to assist the AIECs to maintain sound fiscal policies.
- 14) Requires the CDE to provide technical assistance and professional development to the directors of the AIECs throughout the year.
- 15) Establishes an American Indian Education Unit within the CDE, to provide technical support to, and proper administrative oversight of, American Indian education programs established by the state in order to ensure that American Indian students in California public schools are able to meet the challenging academic standards of the federal Elementary and Secondary Education Act and that those programs reflect the cultural and educational standards stated in Federal Executive Order No. 13336 relating to American Indian and Alaska Native Education. (EC 33370)
- 16) Requires the SPI to appoint an American Indian Education Unit Manager to oversee the American Indian Education Unit.
- 17) Establishes the duties of the American Indian Education Unit to include the development of clear, consistent, and effective operating policies and procedures that include measures to ensure that the learning needs of American Indian students are being adequately addressed.
- 18) Requires that, on or before January 1, 2011, and again on or before January 1, 2016, the CDE conduct an evaluation of the AIECs to determine whether to renew the application of each existing center or instead to approve an application to establish a new center.
- 19) Requires the CDE to adopt policies that include:
 - a) An equitable process that will be used to select centers that will receive grant awards and determine their respective funding amounts;
 - b) Establish a prompt timeframe for disbursing approved payments to the centers;
 - c) A monitoring process and plan to ensure that fiscal and program information reported by the centers is accurate and complete, including a process for corrective action and investigation by the CDE for noncompliance;
 - d) The incorporation of culturally responsive methodologies in order to ensure that an optimal educational program for American Indian students is supported and maintained; and

- e) Ensuring respect for the federal trust and sovereign nation status of California American Indian tribes.
- 20) Requires the SPI, with input from existing AIEC directors, to appoint an American Indian Education Oversight Committee by January 30, 2007, composed of at least seven educators, four of whom must be California American Indian education center directors.
- 21) Requires that all members shall possess proven knowledge of current educational policies relating to, and issues faced by, American Indian communities in California. Requires that this committee provide input and advice to the SPI on all aspects of American Indian education programs established by the state.
- 22) 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.
- 23) Requires the CDE, by June 1, 2022, to enter into a contract with a county office of education (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.

FISCAL EFFECT: Unknown

COMMENTS:

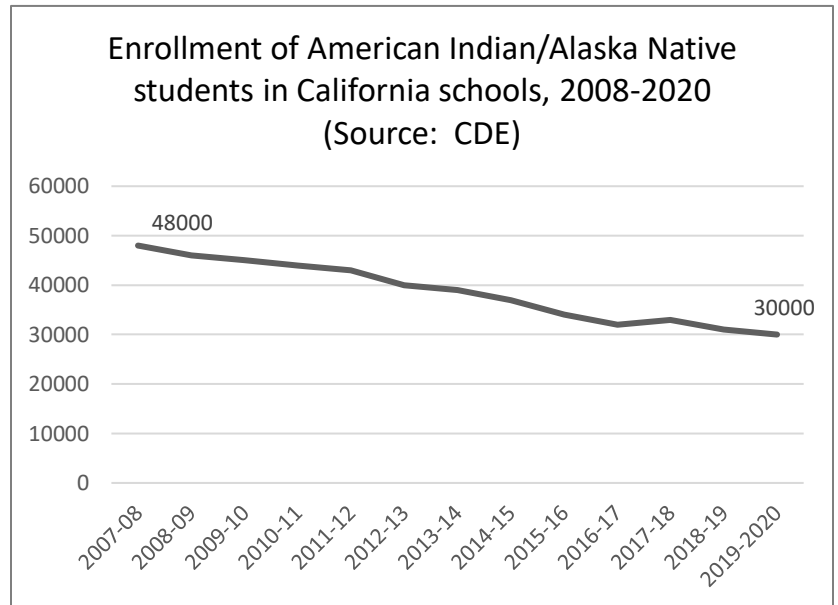
Need for the bill. The author states, “This bill represents the essential first step toward creating a History-Social Science framework for California’s students about the authentic history and culture of the California Native American people and to ensuring the adequate support of the state’s American Indian students. By proactively engaging with the Native American community, education stakeholders, and the Department of Education, this bill will initiate a promising beginning to change the History-Social Science 2023 framework.

AB 1554 will strengthen and expand practices and programs that support correcting California Native American’s history and achievements will ensure adequate staffing at the California Department of Education to support the development of this important shift in our educational practices. The time is now to make these vital changes, correct false historical narratives, and educate our children on the contributions of the state’s original inhabitants.

AB 1554 is needed to ensure that California begin taking steps so that all its students—Native and non-Native American—learn about the history and culture of the state’s First People and their influences upon the land that was to become the nation’s 31st state and the impacts of colonization, settlement, and statehood upon the California tribes.

Such an approach would further and deepen knowledge of social and historical frameworks for all students and develop an appreciation of universal themes in societal development. Just as students learn about ancient Greek and Roman efforts at democracy, they should also learn about similar early and ongoing efforts on their own continent by tribal councils and tribal governments. Just as students learn about atrocities committed on European soil, they should also understand the genocide of Native Americans, including the state sponsorship of genocide here in the State of California. Furthermore, the ingenuity, inventiveness, and engineering progress achieved by the California Native American people and Native American people across the continent deserve proper historical treatment.”

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.



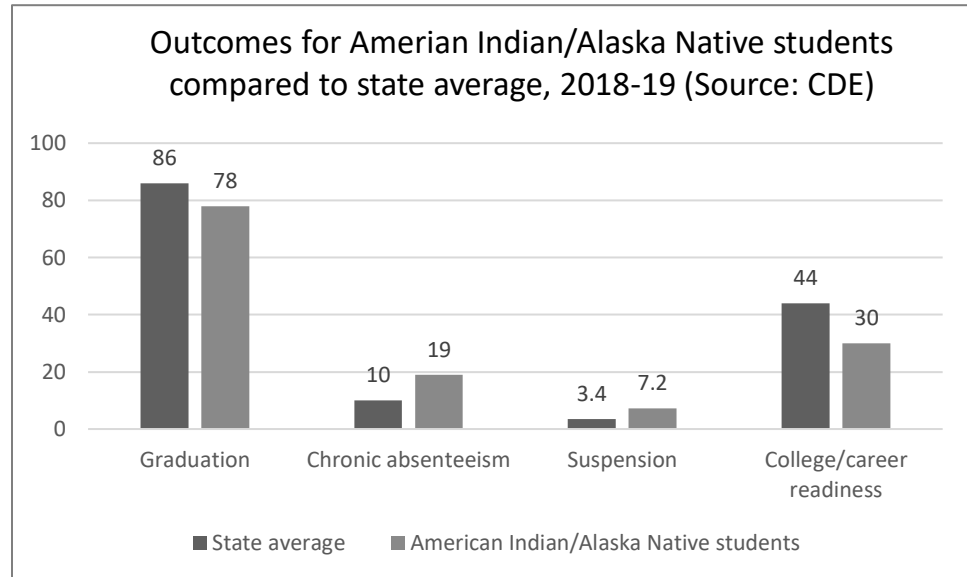
As of 2016, California had the third largest population of American Indian students in the country, but a below average percentage enrollment of American Indian students (National Center for Education Statistics).

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 2014-15, rural and sparsely populated Humboldt County had American Indian enrollment (1,754) exceeding that of Los Angeles Unified School District (1,309), 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% all students.

Staffing of American Indian Education Unit at CDE. This bill states the intent of the Legislature to ensure an adequate level of staffing at the CDE to support LEAs and tribes in implementing effective practices to serve Native American students and to meet requirements of state and federal law.

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 manger and two program staff to oversee the AIEC program. CDE currently supports 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.

Expansion of American Indian Education Centers program. This bill states the intent of the Legislature to expand the AIEC program to serve a greater number of Native American students in California.

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 ESSA. This bill states the intent of the Legislature to support and promote meaningful and timely consultation between LEAs and appropriate officials and representatives of tribal governments regarding the education of Native American students.

The 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 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.

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 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 Santa Ynez Band of Chumash Indians writes, “We believe it is important to teach local California Native American history in our classrooms which will increase tolerance and improve the overall knowledge of our state’s history. The history of California's first people is almost unknown to most Californians today. AB 1554 will

require that the State’s public schools, when teaching Native American history in the classroom, prepare an accurate curriculum, teaching all sides, not just the European narrative, of the Native American history and experience in California.”

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

AB 1055 (Ramos), Chapter 287, Statutes of 2021, revises the definition of students in foster care for purposes of the Local Control Funding Formula 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.

ACA 6 (Ramos) of this Session would require 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 require that the SPI ensure that appropriate instructional materials are available to LEAs and to private schools that wish to obtain these instructional materials.

AB 1962 (Wood), Chapter 748, Statutes of 2018, amended 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.

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.

REGISTERED SUPPORT / OPPOSITION:

Support

Santa Ynez Band of Chumash Indians (co-sponsor)
Barona Band of Mission Indians (co-sponsor)
Torres Martinez Desert Cahuilla Indians (co-sponsor)
California Indian Nations College
California Language Teachers' Association
California Latino Legislative Caucus
Union Roofing Contractors Association
Susanville Indian Rancheria
Several individuals

Opposition

None on file

Analysis Prepared by: Tanya Lieberman / ED. / (916) 319-2087