

Date of Hearing: March 23, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1703 (Ramos) – As Introduced January 26, 2022

SUBJECT: California Indian Education Act: California Indian Education Task Forces

SUMMARY: Encourages local educational agencies (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 California Department of Education (CDE).

Specifically, **this bill:**

- 1) States that the measure shall be known as the California Indian Education Act.
- 2) Encourages 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 encourages them 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 LEAs 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 materials when these materials use depictions of Native Americans.
 - c) Encourage LEAs and charter schools 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.
 - d) Identify the extent and nature of the achievement gap between Indian pupils and other pupils, and identify the strategies necessary to close it.
- 3) Requires California Indian Education Task Forces to submit, within one year of formation and annually thereafter, a report of findings to the CDE, including a finding on the progress of the above activities.
- 4) Requires the CDE to submit, within one year of receiving task force reports and annually thereafter, a report to the Senate and Assembly Committees 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.
- 5) Requires the report to include information about any obstacles encountered, and any strategies under development, to overcome those obstacles.

EXISTING LAW:

- 1) Requires the CDE, no later than June 1, 2022, in collaboration with, and subject to the approval of, the executive director of the State Board of Education (SBE), 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.
- 2) Defines “model curriculum” to mean lesson plans, primary source documents, planning resources, teaching strategies, and professional development activities to assist teachers in teaching about Native American studies.
- 3) Requires that the model curriculum be housed on the platform developed and maintained by the University of California (UC) California History-Social Science Project.
- 4) Requires the designated COE or COEs to work with the California History-Social Science Project and Teaching California to ensure that the model curriculum is accessible and compatible with the platform.
- 5) Requires the COE or COEs to ensure the inclusion of authentic voices and perspectives in the development of the model curriculum, and to provide multiple opportunities for authentic stakeholder engagement across the state.
- 6) Requires the COE or COEs to consult with federally recognized Native American tribes located in California, California Native American tribes, faculty of Native American studies programs at universities and colleges with Native American studies programs, representatives of LEAs, members of the Instructional Quality Commission (IQC), and teachers, including teachers who have relevant experiences or education backgrounds in the study and teaching of Native American studies.
- 7) Requires the Governor’s Tribal Advisor, the Native American Heritage Commission, and the CDE to assist the COE or COEs in statewide tribal consultations with federally recognized Native American tribes located in California and California Native American tribes.
- 8) Requires that the model curriculum be written as a guide to allow school districts and charter schools to adapt their related courses to reflect the pupil demographics in their communities, and to include examples of courses offered by local educational agencies that have been approved as meeting the A–G admissions requirements of the University of California and the California State University, including, to the extent possible, course outlines for those courses.
- 9) Requires that the model curriculum be open source and accessible to educators across the state and include online instructional modules appropriate for use in elementary, middle, and high schools.
- 10) Authorizes the COE or COEs to subcontract with a nonprofit organization or institution of higher education in the development of the model curriculum.

- 11) Requires the COE or COEs to submit a report annually, until the completion of the model curriculum, on its progress to the appropriate fiscal and policy committees of the Legislature and to the SBE.
- 12) Requires, beginning in the school year following the completion of the model curriculum, each school district or charter school maintaining any of grades 9 to 12, inclusive, that does not otherwise offer a standards-based Native American studies curriculum is encouraged to offer to all otherwise qualified pupils a course of study in Native American studies. A school district or charter school that elects to offer a course of study in Native American studies is required to offer the course as an elective in the social sciences or English language arts and shall make the course available in at least one year during a student's enrollment in grades 9 to 12, inclusive.
- 13) 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.
- 14) Establishes the American Indian Education Centers (AIECs) 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)
- 15) 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.

- 16) 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)
- 17) Requires the SPI to appoint an American Indian Education Unit Manager to oversee the American Indian Education Unit.
- 18) 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: Unknown

COMMENTS:

Need for the bill. According to the author, “California lacks high quality curriculum materials that highlight the history, culture, and government of local tribes. Although California students are instructed in Native American history, grave concerns remain about how this instruction is developed and offered. The existing framework focuses on some major lessons such as the mission diorama, which is still taught at the teacher’s discretion. However, this ignores and overlooks the experiences of California Indians before, during and after the mission era and Spanish occupation.

AB 1703 would help to education people in California about the tribes local to their area. So few people understand the diversity of California’s first people. They speak different languages, use different musical instruments, practice different customs and traditions. Few know many tribes were wiped out or almost eliminated during the 1800s.”

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 IQC through a public process, and are adopted by the 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 nine through twelve.

Native American model curriculum to produce resources for teachers. 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 County Office of Education and San Diego County Office of Education were chosen to develop the model curriculum.

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.

History Social Science curriculum framework content on Native American history. The History Social Science Framework for California Public Schools 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.

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.

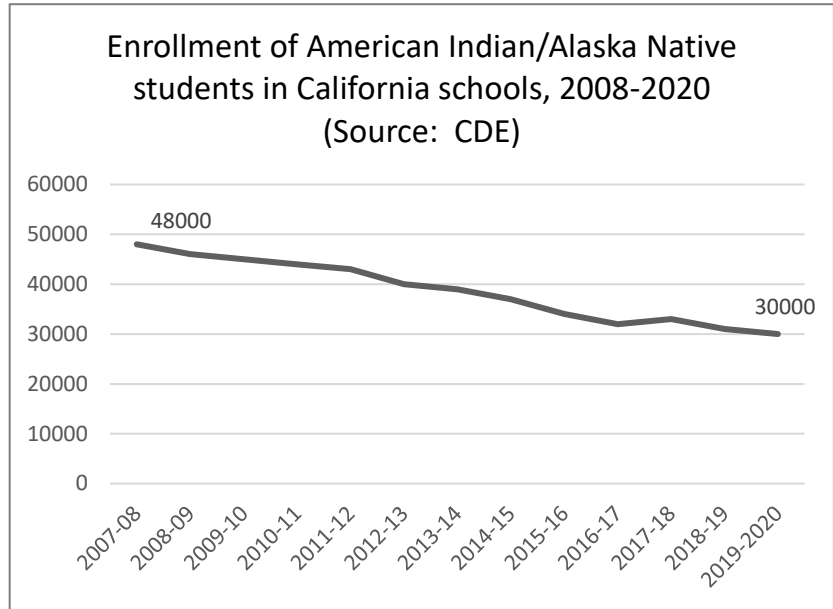
Demographics of American Indian students in California. This bill encourages Indian Education Task Forces to identify the extent and nature of the achievement gap between Indian pupils and other pupils, and identify the strategies necessary to close it.

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 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.

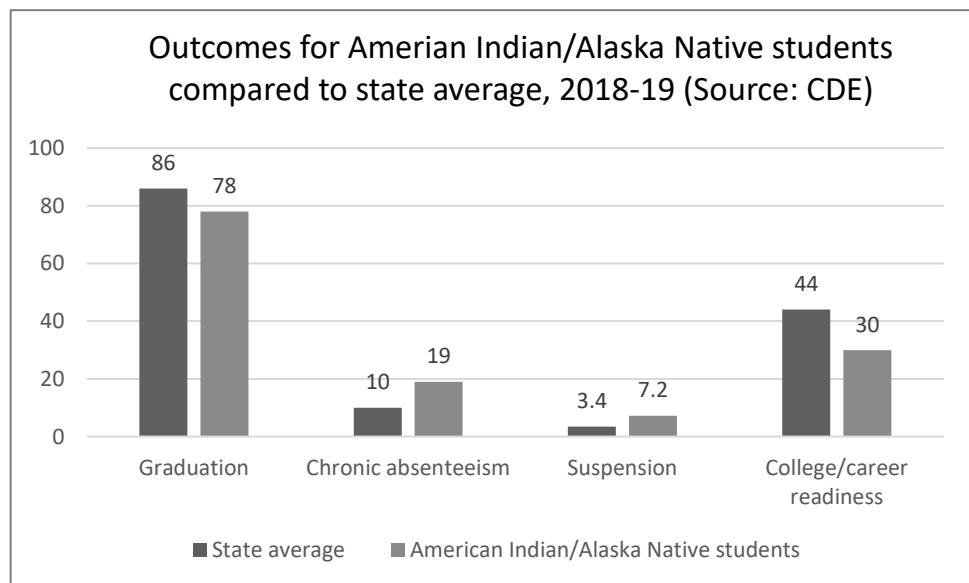


According to the CDE, 32.1% of California American Indian/Alaska Native children living in regions of 10,000 or more are living in poverty.

Achievement gap between Native American students and their peers. This bill requires California Indian Education Task Forces to identify the extent and nature of the achievement gap between Indian pupils and other pupils, and identify the strategies necessary to close it.

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. This bill requires the CDE to submit, within one year of receiving task force reports and annually thereafter, a report to the Legislature regarding the progress made in the narrowing of the achievement gap, and the identification and adoption of curriculum regarding tribal history, culture, and government. LEAs and tribes working to establish California Indian Education Task Forces may benefit from assistance from the CDE in carrying out the activities prescribed in the bill.

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. 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.

Tribal consultation requirements under ESSA. 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 San Manuel Band of Mission Indians writes, “So few people understand the diversity of California’s first people. They speak different languages, use different musical instruments, practice different customs and traditions. Few know many tribes were wiped out or almost eliminated during the 1800’s. This bill would establish the California

Indian Education Act and encourage school districts, county offices of education, and charter schools to form California Indian Education Task Forces with California tribes local to their regions or tribes historically located in the region... This bill will be a first step toward increasing student knowledge, culturally competent curriculum and awareness about the history and culture of tribes residing in the state.”

Related legislation. AB 1554 (Ramos) of this Session 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 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.

AB 101 (Medina), Chapter 661, Statutes of 2021 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.

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 (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.

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. This measure 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

San Manuel Band of Mission Indians (co-sponsor)
Santa Ynez Band of Chumash Indians (co-sponsor)
California Association for Bilingual Education
California Calls
California Charter Schools Association
California State Parent Teacher Association
Californians Together
Federated Indians of Graton Rancheria
Legal Services for Prisoners with Children
Los Angeles County Board of Supervisors
State Superintendent of Public Instruction Tony Thurmond

Opposition

None on file

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