

Date of Hearing: June 22, 2016

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 911 (Hertzberg) – As Amended June 16, 2016

SENATE VOTE: 39-0

SUBJECT: California American Indian education centers

SUMMARY: Deletes the January 1, 2017 repeal of the California American Indian Education Center (AIEC) program thereby extending the operation of the program indefinitely.

Specifically, **this bill:**

- 1) Deletes the January 1, 2017 sunset of the AIEC program thereby extending the operation of the program indefinitely.
- 2) Requires the California Department of Education (CDE) to continue to report on the evaluation of the program every five years, starting in January 2021, and to make this information available to the appropriate fiscal and policy committees of the Legislature.

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.
- 2) Requires each Center to submit an annual report to the CDE and requires the report to include appropriate data that reflects each Center's ability to:
 - a) meet its stated objectives
 - b) measure pupil academic performance
 - c) meet the continued educational and cultural needs of the community that the Center serves
- 3) Requires the CDE, by January 1, 2011 and again by January 1, 2016, to report consolidated results for all AIEC programs and supply information that is required for a comprehensive evaluation of those results, and make recommendations for program improvement.
- 4) Sunsets the AIEC program on January 1, 2017.
- 5) Establishes within the CDE an American Indian Education Unit, to provide technical support and administration of the AIEC program.

FISCAL EFFECT: According to the Senate Appropriations Committee, the Budget Act of 2015 provides \$4.1 million Proposition 98 for this program and removing the AIEC program's statutory sunset will likely result in similar annual costs, indefinitely. The CDE indicates that it

currently spends about \$77,000 General Fund between two positions to administer this program. If this bill were enacted, this support would continue to be needed.

COMMENTS:

Need for the bill. According to the author, while American Indian student performance has improved in recent years, American Indian students continue to perform below state averages at all levels of schooling. The American Indian Education Centers, established in the 1970's, have a long history of offering educational and cultural support to this group of students. By eliminating the sunset on this program, this bill aims to ensure that American Indian students continue to receive services provided through AIEC programs.

Demographics of American Indian students in California. According to CDE's 2016 report to the Legislature on the AIEC program, as well as information maintained on its website (except where noted):

- California schools enrolled 37,000 American Indian/Alaska Native students during the 2014-15 school year, representing 0.6% of total enrollment.
- This enrollment number 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.
- California has third largest population of American Indian students in the country (CDE) but a below average percentage enrollment of American Indian students (National Center for Education Statistics).
- The enrollment of American Indian/Alaska Native students has declined significantly in the last fifteen years, from a high of 53,000 (.9% of enrollment) in 2001-02 to the current enrollment of 37,000 (.6% of enrollment).
- 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, rural and sparsely populated Humboldt County has 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.
- 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 American Indian students and their peers. Data from the CDE suggest that there is a significant achievement gap between American Indian students and their peers, and that this gap may be growing:

- On the 2015 administration of the California Assessment of Student Performance and Progress, (CAASPP) test of English language arts, 33% of American Indian/Alaska Native students scored at “met standard” or above, compared to 61% of their white peers.
- On the 2015 administration of the CAASPP) test of mathematics, 22% of American Indian/Alaska Native students scored at “met standard” or above, compared to 49% of their white peers.
- On the 2013 English language arts test, 47% of American Indian/Alaska Native students scored at proficient or higher, compared with 72% of white students. On the mathematics assessment, 42% scored at this level, compared with 62% of white students.
- While it is not possible to directly compare the CAASPP assessments with the state’s former assessments, the California Standards Tests (CSTs), it is notable that the gap between American Indian students is wider on current assessments. Compared to achievement on the CSTs, the achievement gap reflected in the 2015 CAASPP assessments was 11 percentage points larger in English language arts, and 2 percentage points larger in mathematics.
- The cohort graduation rate for the class of 2014 for American Indian/Alaska Native students was 71%, compared to 87% of white students. American Indian/Alaska Native students had the second lowest graduation rate of any ethnic group, and the second highest annual dropout rate (4.4%).

CDE 2016 report describes services provided. CDE’s 2016 report to the Legislature on the AIEC program indicated the following about the program:

- There are currently 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 percent 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 percent 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 are struggling in school.

CDE recommendations for the AIEC program. In its 2016 report the CDE made the following recommendations for the AIEC program:

- Expand the program to meet the needs of all 38,616 American Indian K–12 students in California.
- Include data on student participation in AIECs, as well as metrics for associated student outcomes, in state data systems and projects, including the California Longitudinal Pupil Achievement Data System, the California Healthy Kids Survey, and CDE’s Smarter Balanced Assessment System.
- Provide funding to expand the provision of services to American Indian parents to pursue on-site programs and trainings or obtain referrals to trainings that will prepare them to successfully join California’s competitive workforce.
- Create an American Indian Education Unit within the CDE, as required in statute.
- The CDE should collaborate with other state agencies that serve American Indian students and their families, including the California Department of Social Services, the California Department of Public Health, and the California Employment Development Department.

CDE report lacks outcome information. Current law requires the each AIEC program annually submit a report to the CDE that includes data that reflects each center’s ability to meet its stated objectives, measure pupil academic performance, and meet the continued educational and cultural needs of the community that the center serves. Current law requires the CDE, by January 1, 2016, to report consolidated results for all centers and supply information that is required for a comprehensive evaluation of those results, and make recommendations for program improvement.

The CDE reports that up until the recession these reports included outcome data for students participating in the program. However, in 2009 the AIEC program became part of categorical budget flexibility, and as a result the Centers did not have to comply with the program’s statutes, including the requirements to report outcome data to the CDE. CDE curtailed its monitoring because compliance with statutes was not required, and it did not conduct the last required, which was due in 2011. In 2013, the AIEC program was one of the few programs which was not eliminated in the establishment of the Local Control Funding Formula. Current law program requirements are in effect.

2016 report contains useful information on activities conducted through the AIEC program (shown above). However, with the exception of one statement about attendance rates for students participating in the program (92%), it does not include information on the center’s “ability to meet its stated objectives, measure pupil academic performance, and meet the continued educational and cultural needs of the community that the center serves.” As a result, is it not possible for the Legislature to determine whether the Centers are meeting their identified goals.

Staff recommends that the bill be amended to require the AIEC program report to include information on each center’s progress toward meeting its stated goals, and that results reported by the CDE conform to federal student privacy law.

Policy issues for the Legislature to consider. CDE's report on the AIEC program raises a number of policy considerations regarding American Indian students:

- Does the state's identification criteria for American Indian students significantly underrepresent the actual population of students? As noted above, American Indian students are identified for purposes of education programs only if they indicate American Indian as their sole race.

According to the United States Census Bureau, on the 2010 Census nearly half of all American Indians identified themselves as of more than one race (2.5 million single race, 2.3 million more than one race). The Census Bureau also noted that American Indians and Alaska Natives have the highest rate of reporting more than one race after Native Hawaiians, and that the percentage of American Indians indicating more than one race is outpacing those who indicate only one. This definition also appears to be misaligned with the federal definition used to identify students for purposes of the Title VII Indian, Native Hawaiian, and Alaska Native Education program of the Every Student Succeeds Act (ESSA).

This is particularly salient question given the steep decline, noted above, in the number of students identified as American Indian in the last fifteen years, from 53,000 in 2002 to 37,000 in 2015.

- Does the small and diffuse population of American Indian students, especially given current identification criteria, reduce local accountability for these students? Current law requires that school districts monitor and work to improve the academic performance of ethnic subgroups of students through their Local Control and Accountability Plans (LCAPs). The enrollment threshold for these subgroups is 30 students in a district. Given the small and declining number of American Indian students (especially given current identification criteria), and the large number of small school districts in the state, is this group of students too small to count?

For example, San Mateo County school districts have a total enrollment of 169 American Indian students. But among its 24 school districts, only one district has enrollment (of 30 or more) constituting a subgroup for accountability purposes. Santa Cruz County's 12 districts enroll 135 students, but *none* of those districts have enrollment of 30 or more American Indian students.

- Should AIEC program be expanded to serve more than 4% of eligible students? The CDE, in its 2016 report to the Legislature, recommended that the AIEC program be expanded to serve all eligible students. Any such future decision is likely to involve review of outcomes for students participating in the current program, but such information appears to be lacking at the state level. In a related recommendation, the CDE proposed that outcome data for students participating in the AIEC program be included in state data systems and projects, including the California Longitudinal Pupil Achievement Data System, the California Healthy Kids Survey, and CDE's Smarter Balanced Assessment System.
- Should the state restore the American Indian Education Unit within the CDE, as established by statute? 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 Superintendent of Public Instruction. According to the CDE, prior to the recession

and associated budget cuts and categorical program flexibility, the department was staffed with a manager and two program staff to oversee the AIEC program. They currently have a .6 position to run the program. In its 2016 report to the Legislature the CDE recommended the reestablishment of the American Indian Education Unit as created in statute.

REGISTERED SUPPORT / OPPOSITION:

Support

Santa Ynez Band of Chumash Indians (sponsor)
Agua Caliente Band of Cahuilla Indians
Bishop Indian Education Center
California Teachers Association
Campo Band of Mission Indians
Fernandeño Tataviam Band of Mission Indians
Foothill Indian Education Alliance, Inc.
Four Winds of Indian Education, Inc.
Grindstone Indian Rancheria
Indian Action Council of Northwestern California
Lake County Citizen's Committee on Indian Affairs
Local Indians for Education, Inc.
Morongo Band of Mission Indians
Northern California Indian Development Council, Inc.
Pala Band of Mission Indians
Pechanga Band of Luiseño Indians
Resources for Indian Student Education, Inc.
Rincon Band of Luiseño Indians
Rincon Indian Education Center
Roundhouse Council Indian Education Center
San Manuel Band of Mission Indians
Soboba Band of Luiseño Indians
Southern California American Indian Resource Center
Southern California Tribal Chairmen's Association
State Superintendent of Public Instruction, Tom Torlakson
Sycuan Band of Kumeyaay Nation
Tribal Alliance of Sovereign Indian Nations
Tule River Indian Tribe of California
Several individuals

Opposition

None on file

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