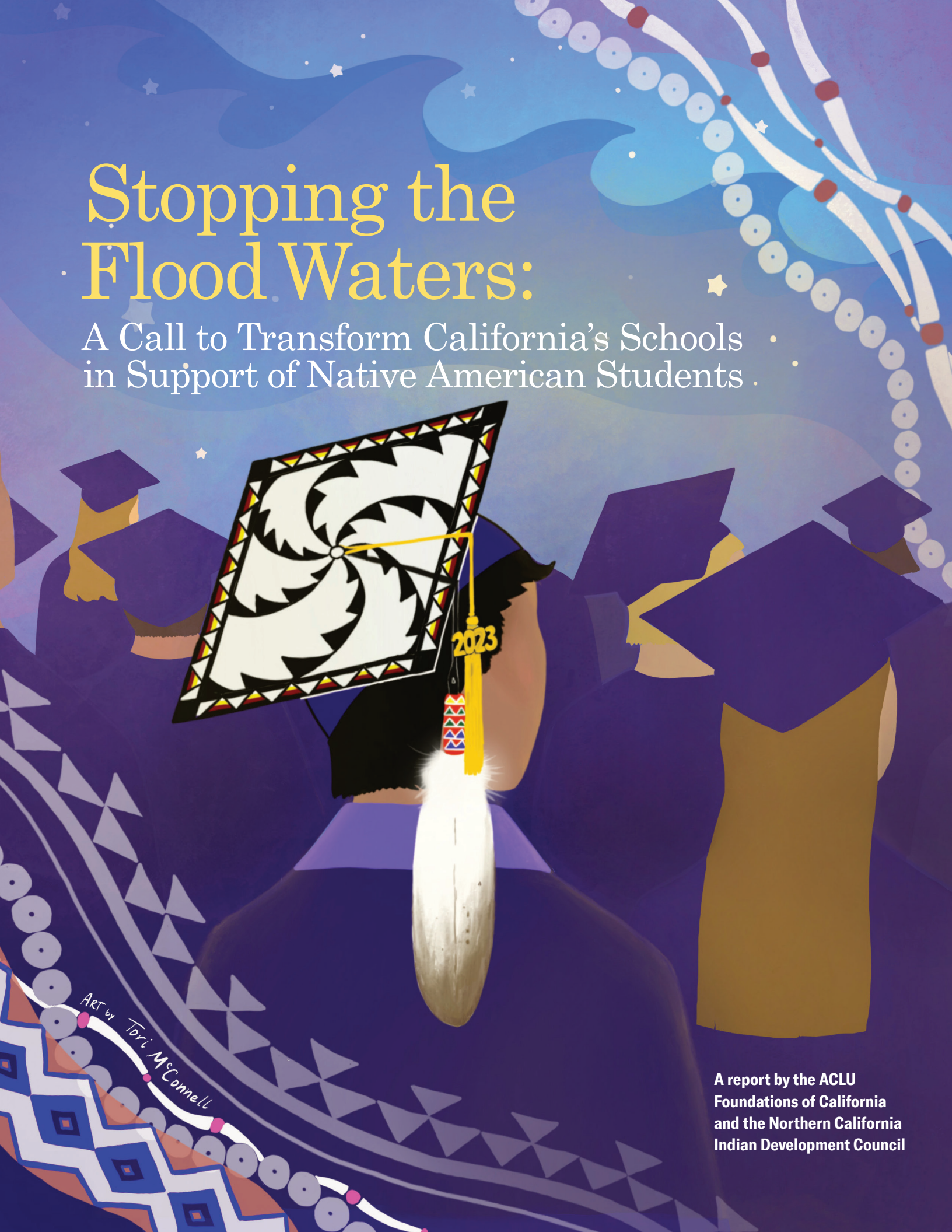
Stopping the Flood Waters:

A Call to Transform California's Schools in Support of Native American Students



A report by the ACLU Foundations of California and the Northern California Indian Development Council

Acknowledgments

Authors

Linnea Nelson, Senior Education Equity Staff Attorney, ACLU Foundation of Northern California

Sonny Tripp (Karuk), Indigenous Education Advocate, Northern California Indian Development Council

Jessica Cobb, Ph.D

Ana Mendoza, Director of Education Equity, ACLU Foundation of Southern California

Anjleena Kour Sahni, Advancing Racial and Economic Justice Policy Advocate, ACLU Foundation of San Diego and Imperial Counties

Many thanks to our editors Rachel Bhagwat, Dakota Bodell, Vincent Feliz (Chumash), Larissa Grijalva, and Amos Wright (Yurok). We are also grateful to Ian Duke for his research assistance.

This report was designed by Ison Design with support from Gigi Harney. Copy editing by Jennie Smith-Camejo. Cover artwork by Tori McConnell (Yurok, Karuk).

We are indebted to our colleagues Karen Asbury (Yurok), Madison Flynn (Wiyot, Yurok), Zach Heiden, Harold Jordan, Carmen King, Troi Madison Newman (Piscataway Conoy Tribe of Maryland), Marc "Bubba" Riggins (Hupa, Yurok), Rachel Meeropol, Amir Whitaker, and Grayce Zelphin for their thoughtful and important feedback.

We are also deeply grateful to Breanna Bollig, Chrissie Castro (Diné, Chicana), Antoinette Del Rio (Miwuk—California Valley Miwok Tribe), Judy Delgado (Mountain Maidu), Morning Star Gali (Ajumawi Band of the Pit River Nation), Cynthia Hogue (Wintu Tribe of Northern California), Heather Hostler (Hupa), Jesse Lara (Big Sandy Rancheria), Rebecca Lowry (Lenape), Traci Maday-Karageorge (Bad River Band of Lake Superior Ojibwe), Jim McQuillen (Yurok Tribal Member, Yurok Tribe Education Director & California State Board of Education Member), Nara Nayar, Maggie Peters (Yurok, Karuk), Jay Petersen, Chelsi Sparti (Wintu), Roman Rain Tree (Choinumni, Dunlap Band of Mono Indians, Wukchumni), Shannon Rivers (Akimel O'otham), Ashley Rojas, Daya Sepsey (Big Pine Paiute), and Jade Tyner, M.A., P.P.S. (Yurok Tribal Member) for providing invaluable comments that improved this report in essential ways.

Published by the ACLU Foundation of Northern California, ACLU Foundation of Southern California, ACLU Foundation of San Diego and Imperial Counties and Northern California Indian Development Council, March 2025.

ACLU
AMERICAN CIVIL LIBERTIES UNION FOUNDATIONS
California

Northern California Indian Development Council

Table of Contents

Executive Summary 1

Introduction 4

Historical Context of California's Failure to Ensure Educational Equity for Native American Students 5

- Traditional Education 5
- First Contact and Early Statehood 5
- Boarding Schools: "The Final Solution" 6
- Government Refusal to Acknowledge Tribes; Termination and Relocation 7
- Present Day Conditions for California's Native American Students 8
- Native American Student Resilience 10
- Supporting Resilience in School 10

Native American Student Populations in California 12

Methodology 15

Key Findings: Holding California School Districts Accountable to Ensure Educational Equity for American Indian/Alaska Native Students 16

- American Indian/Alaska Native Students Experience Vast Inequities in Literacy and Mathematics. 16
- American Indian/Alaska Native Students Experience Vast Inequities in Preparation for Post-Secondary Success. 18
- American Indian/Alaska Native Students Experience Vast Inequities in Graduation Rates. 20
- California's Districts Disproportionately Exclude American Indian/Alaska Native Students from School. 23

(continued)

American Indian/Alaska Native Students Are Disproportionately Suspended From School. 23

American Indian/Alaska Native Students Are Excluded From Learning Time Through School Instability. 29

American Indian/Alaska Native Students Experience Chronic Absenteeism at Disparate Rates. 32

American Indian/Alaska Native Students Deserve In-School Mental Health Support. 34

Recommendations 39

Considerations for the Local Level 39

Statewide Call to Action 44

Additional Resources 48

Endnotes 49

Artist Statement from the Cover Illustrator 59

View the Appendices at
www.aclunc.org/StoppingTheFloodWatersAppendices

Executive Summary

This report is both a toolkit for advocacy and a call to action.

First, the toolkit for advocacy: This report shows how school systems can change when held accountable and given clear direction. The report provides two key components:

1. Accountability tools, including comprehensive appendices tracking American Indian/ Alaska Native student metrics for 2022–23 and guidance for using these statistics to document school district shortfalls and advocate for improvements.

2. Action steps, including specific suggestions to improve district policies and practices.

The social, mental and physical well-being of Native American students must be affirmed and supported by California schools for students to access equal educational opportunity. The collective community, and each person's individual role in that community, is essential to making this a reality. In that spirit, we offer proposals to local and statewide educational agencies—and every person who is part of the school community—to better support Native American students to realize their full potential. *Please see the "Recommendations" section of this report for the full list of proposals and more in-depth discussion of each.*

- **Increase Tribal Consultation for Educational Oversight.** This is a crucial first step that must be incorporated into all other action steps. Tribes have the right as sovereign nations to ensure the education of their Tribal youth.[1] School districts and statewide educational agencies must proactively and regularly consult with Tribal leaders (regardless of whether the Tribe is federally recognized or unrecognized), Native American youth, families, and other Native American-led organizations about educational policies and practices impacting Native American students.
- **Use Culturally and Linguistically Relevant Curriculum in the Classrooms.** The curriculum should draw upon the knowledge and wisdom of local Tribal Nations and people specific to the community in which the school is sited.
- **Create, Increase, and Improve Culturally Competent Professional Development Opportunities for School Staff.** Educators and administrators should receive required annual culturally and linguistically appropriate, historically accurate in-service training on how to respectfully teach about local Native American history, culture, and spiritual practices and how best to support Native American students in the classroom. These trainings should be developed in collaboration with local Tribes and include presenters from those local Tribes.
- **Conduct Inclusive Data Counts Wherever Possible.** School districts should identify as "American Indian/Alaska Native" all students who check the demographic data box "American Indian/Alaska Native" on school registration forms, regardless of what other boxes those students may have checked.
- **Adequately Staff the California Department of Education Native American/ Indian Education Program.** California's statewide Native American/ Indian education program currently allocates only one full-time staff member in a state with 26,971 K–12 students identified as American Indian/Alaska Native—dead last in a survey conducted by the American Institutes for Research. California should have at least one full-time employee per every 1,000 public K–12 AI/AN students, which is on par with Oregon and Washington.

Second, the call to action: In our historical moment, following the California Legislature's passage of the California Indian Education Act in 2022 to develop a statewide Native American Studies Model Curriculum, we urge the state and all California school districts to embrace Native American-led transformative school systems change, achieving a vision for schools that recognizes and embraces California's Native American students.

This need for transformative school systems change is apparent in California's school history, in California's school data collection and reporting systems, and in California's school accountability metrics.

California's school system is rooted in systematic ethnocide of Native American peoples. This report documents this history:

- From the beginning of the European settler-colonial project in California, missions justified their violence by dehumanizing Native American peoples.
- Throughout the late 19th and early 20th century, the state of California funded the trafficking of Native American children into indentured servitude and separated Native American children from their families, languages, cultures, and ancestral homelands into distant boarding schools that sought to eradicate their languages, cultures, and identities.
- For over 150 years, California Tribes have vigorously defended their sovereignty from the violence and deceit of the U.S. government. Native American sovereignty includes the international human rights of Indigenous peoples to establish and access educational systems without discrimination, including education grounded in their own culture and language when possible.
- Native American students and educators have engaged in sustained acts of Native survivance (defined by scholar Gerald Vizenor as "an active sense of presence over historical absence, the dominance of cultural simulations, and manifest manners")[2] and developed culturally responsive curriculum and school supports that can and must be implemented to allow Native American students to access equal educational opportunity.

California school data collection and reporting systems render thousands of Native American students invisible, thereby making it difficult to reveal or document their experiences in California public schools. This report details how:

- Current educational data collection lumps diverse Indigenous peoples of two continents into a single "American Indian/Alaska Native" category, obscuring students' distinct Tribal identities.
- Most data reporting treats this category as exclusive of other racial or ethnic identities. This drastically undercounts American Indian/Alaska Native students in school accountability metrics and enrollment figures, making them appear to be less than one half of one percent of California's student population. The actual Native American student population is much larger.
- School districts fail to collect Tribal identity information that could help identify and support students through federal programs.

California's 2022–23 school accountability metrics show that many school systems are failing in their obligation to ensure educational equity for American Indian/Alaska Native students:

- California's school systems failed to provide appropriate academic supports to American Indian/Alaska Native students, such that in 75% of all districts reporting these data, American Indian/Alaska Native students had significantly lower statewide academic assessment scores in English language arts and mathematics.

- California's school systems failed to prepare American Indian/Alaska Native students for post-secondary success, such that these students were less likely to graduate "A–G ready" and "college and career prepared" by 20 percentage points statewide.
- California's school systems failed to ensure equity in graduation rates for American Indian/Alaska Native students, such that 67% of all districts reporting these students' data showed lower graduation rates for American Indian/Alaska Native students.
- California's school systems failed to ensure equity in school discipline, such that the statewide unduplicated suspension rate for American Indian/Alaska Native students (7.5%) was more than double the overall student rate of 3.6%.
- California's school systems fail to ensure equity in school stability for American Indian/Alaska Native students, such that 75% of all districts reporting these students' data showed higher school instability rates for American Indian/Alaska Native students. The school stability rate measures the percentage of California public school students enrolled during the academic year who completed a full academic year in one school.
- California's school systems fail to ensure equity in school staffing for American Indian/Alaska Native students, such that these students are more likely than others to be in schools with no counselor, no nurse, no social worker, or no psychologist. American Indian/Alaska Native students are also more likely than other students to be attending schools with a law enforcement officer but no counselor, and they are more likely than others to be attending schools with inadequate teaching staff.

Introduction

California's Native American students learn and grow amid a fundamental contradiction: while their families, cultures, and Tribes embrace education as central to their ways of life, California's school systems too often fail to embrace Native American students.

Many students who wish to bring their full selves to school—their culture, their connection to place, their ceremony, and their anti-colonial resistance—find themselves awash in a flood of ignorance, indifference, and hostility from the educators who are supposed to guide them into adulthood. This hostility follows centuries-old patterns of exploitation and ethnocide in school institutions. But change is possible as Native American Tribal leaders, educators, advocates, students, families, and community members reshape California schools into spaces that recognize and nurture Native American students.

Now is an important moment for California. In 2022, the state legislature passed the California Indian Education Act, which created a statewide Native American Studies Model Curriculum and encourages California school districts to form task forces with Tribes to develop locally relevant curriculum in Native American studies and develop strategies to support the academic achievement of Native American students. This legislation creates a small but significant opening for work long championed by Native American educators, to nurture not only academic achievement, but the social, emotional, intellectual, and physical well-being of Native American students. It is an opportunity to center Native American educational practices and expertise in public schools.

Our report will help advocates for Native American students to call California's school systems to account for their failures to support Native American students and propose solutions to address the gaps. The report shows that even as the state legislature has begun to acknowledge the unique contributions of Native Californians, California's school accountability metrics obscure the existence and experiences of most Native American students. Our analyses of the best available data indicate that California school districts must act urgently to address egregious failures to ensure educational equity for students counted as American Indian/Alaska Native. Past advocacy efforts demonstrate that systems transformation is possible when schools follow the lead of Tribes and Native American educators.

This report serves as an active toolkit to support local and statewide advocacy to improve educational equity for Native American students. One essential tool to opening these conversations is acknowledging and exploring the historical context at the foundation of ongoing inequities that Native American students face, as described in the section immediately below. Another feature to advance equity on the ground is an in-depth discussion, beginning on **page 12**, of how California's data metrics erase Native American students, thereby erasing accountability of the state and school districts to do better. The report's key data findings begin on **page 16**, showing egregious failures to support American Indian/Alaska Native students at the local level and statewide in the 2022–23 school year and highlighting examples of the resilience of Native American communities in the face of these challenges. Finally, readers can use the appendices to investigate school accountability statistics in their own districts and bring those statistics to school leaders, along with the report recommendations that are most relevant to their students. We hope that readers will connect with the stories shared by Native American educators and students on these pages, and that they will find space to share stories of their own.

Historical Context of California's Failure to Ensure Educational Equity for Native American Students

Traditional Education

Indigenous peoples of the Americas have maintained their distinct and varied cultures and traditions for millennia from American settler-colonial institutions, including educational systems, even in the face of genocidal and ethnocidal repression. To this day, and despite efforts to eradicate and erase Indigenous peoples, many nations and Tribes maintain their languages, ceremonial practices, and traditions. They do so through education, involving both informal collective teaching and formalized training in traditional knowledge and relationships. Even as settler-colonial schooling has been weaponized against Indigenous peoples, education, in the full sense of the word, remains vital to Indigenous ways of life.

> "Prior to colonization, education occurred as an informal community effort where each community member played a role in teaching information discipline, morals, manners, and generosity. Among California tribes … knowledge is considered a virtue and ignorance a vice because respect requires wisdom … California Indian youth traditionally learned their tribal history, physical science, athletic abilities, etiquette, their roles in taking care of their families, religion, and healthcare by imitating and doing… This way of learning contrasts dramatically with Western modalities."
>
> —Sabine Nicole Talaugon in *On Indian Ground: California.*[3]

First Contact and Early Statehood

Religious indoctrination and state-funded education became a tool of oppression from the moment of first contact between Native American peoples and European settlers. From 1769 to 1836, the Spanish mission system and its Franciscan founders operated as a forced labor system disguised as religious salvation.[4] This system has been described by scholars as "slavery without the actual sale of the individual"[5] and "a communal form of forced labor."[6] The Franciscan founders of the missions justified their violent exploitation of Indigenous Peoples by dehumanizing them, describing Native Californians as "pagans and *gente sin razón*, or 'people without reason.'"[7]

CALIFORNIA'S "MISSIONS CURRICULUM":
Until very recently, it was common practice for California schools to teach a glorified history of the mission system that failed to acknowledge how the missions inflicted genocidal harm and violence upon Native Californians. In an effort led by Native American communities, the California Legislature finally took a critical first step of redress in 2024 by passing AB 1821 into law, which requires public schools to include the treatment and perspectives of Native Americans in teaching about the history of Spanish colonialization and the Gold Rush era in California.[8]

California joined the United States on the promise to continue the forced removal, enslavement, and annihilation of Native American peoples.[9] The state's first governor, Peter Burnett, told the legislature of 1851: "That a war of extermination will continue to be waged between the two races until the Indian race becomes extinct must be expected."[10] California funded massacres against Native Californians in the 1850s, authorizing $1.29 million dollars (equivalent to almost $50 million today) to genocidal militia.[11] The state also displaced and dispossessed Native American people from their ancestral lands and passed laws that sought to erase Native Americans altogether.[12] Such laws included the 1850 "Act for the Governance and Protection of Indians," which made the enslavement of Native Californians legal and fueled the kidnapping and trafficking of Native American children into indentured servitude.[13] Renowned demographer Sherburne Cook estimated that the statewide Native American population was reduced by 90% between 1770 and 1900, a period referred to by many Native Californians as "'the end of the world,' where indiscriminate massacres, murders, kidnappings, introduced disease and removal were commonplace."[14]

Boarding Schools: "The Final Solution"

Starting in the late 1800s, Native Californian youth were separated from their families and ancestral homelands through the boarding school system maintained by the U.S. government.[15] Boarding schools sought to sever young Native Americans' connections to their community values, beliefs, language, and culture,[16] effectively attempting ethnocide. Pre-colonial California included as many as 135 distinct linguistic groups.[17] Boarding schools sought to erase this diversity using "systematic militarized and identity-alteration methodologies" to assimilate Native American children under the guise of providing them a public education.[18] The common practices used against Native American students included:

- forbidding them from using their languages or exercising their religions,
- compelling them to take "English" names,
- forcibly cutting their hair, and
- requiring them to wear military or other standard uniforms rather than familiar clothes from home that reflected their cultures and identities.[19]

One Native American boarding school survivor recalled, "all our clothes were taken away from us and we were given government issued clothing and…we were given numbers, you know, we weren't—we [were] never called by our name, we were all called by our numbers."[20]

In 1944, a U.S. House Select Committee on Indian Affairs promoted the boarding school system for Native American children, approvingly calling it "the final solution of the Indian problem" in a shocking echo of the contemporaneous ethnic cleansing and genocide being committed by Germany's Third Reich.[21] As acknowledged in 1969 by the U.S. government, this country fundamentally betrayed its obligations to Native American students:

> "We have concluded that our national policies for educating American Indians are a failure of major proportions. They have not offered Indian children—either in years past or today—an educational opportunity anywhere near equal to that offered the great bulk of American children. Past generations of lawmakers and administrators have failed the American Indian … What concerned [the Senate subcommittee] most deeply…was the low quality of virtually every aspect of the schooling available to Indian children. The school buildings themselves; the course materials and books; the attitude of teachers and administrative personnel; the accessibility of school buildings—all these are of shocking quality."[22]

Many Native American communities vigorously resisted attempts to kidnap their children and erase their culture. Families refused to send their children to boarding schools, hid their children from federal agents, and petitioned boarding schools to return kidnapped children.[23] Among the first people incarcerated at Alcatraz Island in the San Francisco Bay were 19 Hopi men who were imprisoned for resisting federal coercion, including policies requiring them to send their children to boarding schools.[24] But in the face of overwhelming federal power, thousands of children were forcibly separated from their families. The legacies of these violent policies and practices continue to harm Native American students and their communities up to the present day.

> "This year (2024), the nation learned more about the devastating legacy of federal Indian boarding schools—with twelve sited in California alone—including how many students were lost, the inhumane treatment of children, and the practice of funding those schools with the sale of tribal lands. Last month, we witnessed—for the first time in history—a United States President issue a formal apology for the atrocities committed at federal Indian boarding schools across the nation. We hope that this important acknowledgment of pain, of lost years, and of intergenerational trauma will help Native communities in processing a national campaign designed to destroy cultures, community and identity—one we know was ultimately unsuccessful."
>
> —California Governor Gavin Newsom, November 1, 2024.

After decades of tireless advocacy by Native American activists to stop the government from removing Native American youth from their families and communities by force, Congress finally passed the federal Indian Child Welfare Act (ICWA) in 1978. ICWA provides a legal framework for child custody proceedings that requires government officials to take concrete steps to preserve the cultural integrity and traditions of Native American peoples. Despite the promise and potential of legal protections under federal ICWA and the California analogue, Cal-ICWA, Native American youth continue to face state-sponsored separation from their communities, families, ancestral land, and their cultural practices. This leads to adverse effects, including abysmal educational outcomes for Native American foster youth in California.[25] Conversely, Native American youth who stay connected with their community feel strong cultural ties to their Native identity, which is critical to their well-being.[26]

Government Refusal to Acknowledge Tribes; Termination and Relocation

Native American peoples, including in California, have always resisted—and continue to resist—attempts to erase their land, language, culture, ceremony, sovereignty, and self-determination. From the 1700s through the late 1800s, Tribes throughout California conducted vigorous armed defense of their land and communities.[27] In the 1850s, violent conflicts between Native Californians defending their communities and settler-colonists seeking to exterminate them resulted in the U.S. government negotiating 18 treaties with Tribes throughout California.[28] As described by Professor Edward D. Castillo (Cahuilla-Luiseño) on the State of California Native American Heritage Commission, "[t]he random manner in which the [treaty] commissioners organized the meetings resulted in the majority of tribes not participating."[29] Not only did the federal government fail to negotiate treaties with most of the Tribes, but Congress never ratified even those 18 treaties, a fact which the U.S. government kept secret for decades.[30] Tribal leaders had relied upon the promises in the treaties in exchange for giving

up huge portions of their ancestral lands; yet because the treaties were null and void, Native Californians were repeatedly attacked and relocated without recourse.[31] Through this and other "legal" machinations, Native Californians were essentially dispossessed of all of their lands in the eyes of the U.S. government by the late 1800s.[32] When the 18 unratified treaties of California were revealed decades later, Congress agreed to set aside less than 10,000 acres of land for 50 rancherias where Native Californians rendered "homeless" by the U.S. government's deception were allowed to settle.[33]

Tribal nations have always been sovereign, an empirical fact confirmed in countless ways, including by treaties negotiated with the U.S. government. In the 1950s, in a direct attack on Tribal sovereignty, state and federal governments pursued twin policies of terminating federal recognition of Tribes ("Termination") and relocating Tribal members off reservations and into urban areas ("Relocation").[34] During Termination, the federal California Rancheria Act of 1958 stripped 44 California Tribes of—another act of attempted erasure of the Tribes' existence.[35] Additionally, most Tribal members who moved to urban areas through Relocation were required to sign contracts that they would not return to their reservations to live.[36]

As a result of these events stretching back to the Gold Rush era, many Tribes were either never federally recognized or their federal recognition was revoked in the 1950s and 1960s. These destructive and intimidating policies were—like boarding schools—designed with an ethnocidal intent to obliterate Tribal connections and cultural identity, at a horrifying cost to Native Californians. In urban areas where they lacked traditional family and community supports, Native American peoples in California and nationwide "faced unemployment, low-end jobs, discrimination, homesickness, and the loss of traditional cultural supports."[37]

In the late 1960s, civil rights activism exploded, and Native American students and activists demanded basic human rights, led by members of the American Indian Movement and other civil rights organizations.[38] Since that time, a new generation of Native Californians have fought with renewed vigor—often achieving key successes—to protect Tribal sovereignty and encouraging traditional ceremonies, language retention, and the exercise of Tribal religious practices.[39] In 2007, under powerful and organized pressure from Indigenous advocates worldwide, the General Assembly of the United Nations adopted the United Nations Declaration on the Rights of Indigenous Peoples. This declaration enshrined in international law the rights of Indigenous peoples, including the rights to be free of racial discrimination; to freely maintain the use of their cultural practices, traditions, customs, and sacred items; to freely access, protect and utilize their cultural heritage; and to establish and access educational systems without discrimination and, when possible, access an education in their own culture and provided in their own language.[40]

Of the over 40 Tribes affected by the California Rancheria Act, nearly 20 rancherias and reservations challenged termination and regained their federal status.[41] Tribes that remain federally unrecognized have continued to "vigorously pursue[] acknowledgment processes whose requirements are so impossibly demanding that many large tribes…could not today meet such standards of cultural continuity."[42] Up to the present day, Tribal governments and communities continue to protect their culture, language, Native identities, connections to land, and spiritual practices.

Present Day Conditions for California's Native American Students

California is home to the largest population in the country who identify as American Indian/Alaska Native (alone or in combination with any other race/ethnicity). Some 1,409,609 of California's residents, representing roughly 3.6% of the total

state population, identified themselves in the 2020 Census as American Indian/Alaskan Native alone or in combination with another race/ethnicity.[43] The largest percentage (10.4%) of individuals who identified themselves in the 2020 Census as American Indian, alone or in any combination, reside in California.[44] The largest percentage (32.7%) of individuals who identified themselves as Latin American Indian, alone or in combination with any other race or ethnicity, reside in California. In 2022–23, there were 26,108 students enrolled in California public schools who identified as American Indian/Alaska Native.[45] For reasons detailed in the next section of this report, that number significantly undercounts the real number of Native American students in California.

California's historical context informs the experiences of Native American students, who continue to face systemic barriers that affect their lives both inside and outside of school. In 2018, the U.S. Commission on Civil Rights reported that—due in great part to historical discriminatory policies, insufficient resources, and inefficient federal program delivery—Native American people "continue to rank near the bottom of all Americans in terms of health, education, and employment."[46]

Nationally, Native Americans are the group most likely to be killed by law enforcement, which is also part of the long history of government violence against Indigenous peoples.[47] Native American people are also disproportionately impacted by intergenerational transference of trauma, which occurs when trauma symptoms are untreated and later manifest in descendants of the traumatized group.[48] This historical unresolved grief is described as "the profound unsettled bereavement resulting from cumulative devastating losses, compounded by the prohibition and interruption of Indigenous burial practices and ceremonies."[49]

Looking more closely at barriers in California public schools, California's Native American students and their families often confront a lack of culturally responsive curriculum;[50] inaccurate depictions of California and U.S. history;[51] discriminatory suspensions, expulsions, and transfers to alternative schools;[52] invisibility of Native American contributions to society;[53] and cultural erasure when Native American students are denied their right to express their identity and culture in graduation ceremonies.[54] These fundamental obstacles, part of the landscape in nearly all California school districts, actively prevent Native American students from accessing their full educational potential and lead to vast disparities in educational outcomes.

According to the California Tribal Families Coalition report *California's Failure to Support Native Students*, during the 2021–2022 school year only 33.9% of American Indian/Alaska Native students met or exceeded standards in English language arts/literacy, and only 21.9% of Native American students met or exceeded standards in math.[55] More recently, the California Indian Culture and Sovereignty Center (CICSC) at California State University San Marcos released the *2024 State of American Indian & Alaska Native Education in California* with an in-depth analysis of statewide student data from school years 2015–16 through 2022–23. That analysis revealed that while the statewide graduation rate for American Indian/Alaska Native students has increased over the last 8 years, American Indian/Alaska Native students still consistently score lower statewide in math and English language arts test results, have the lowest college going rate, and have the highest dropout and chronic absenteeism rates in the state of California.[56] The *2024 State of American Indian & Alaska Native Education in California* report also presents essential research regarding American Indian/Alaska Native student enrollment, public school teachers and staff, higher education, workforce readiness, and the impacts of the COVID-19 pandemic on student mental health and well-being.[57]

Native American Student Resilience

Native American students and families have a strong history in California of resistance and resilience in the face of systemic oppression. Despite the federal and state government historically and forcibly denying their rights, Tribes in California have always maintained their ties to language, culture, ceremonies, and land. California Tribes engaged in armed resistance to European invaders for most of two centuries beginning at first contact.[58] In the late 1800s, when Native Californians were at a population nadir due to systematic genocidal policies supported by the state,[59] thousands of Hupa, Yurok, Karuk, and Tolowa Dee-Ni' people came together in cultural ceremonies year after year despite threats of imprisonment from the Bureau of Indian Affairs.[60]

> These acts of survivance[61] showcased how tribes were fighting back against a system designed to negate and destroy their cultural systems…This activism and survivance continues [up to the present day] with the revitalization and revivification of ceremonies as located spaces of decolonization.[62]

However, the reality of genocide is that, despite resiliency, not all Native American people and Tribes today have access to the language, culture, ceremonies, and land that was violently stripped from them.[63] This in no way detracts from an individual or a Tribe's identity or experiences but rather is an important part of the historical context that must also be considered.

Supporting Resilience in School

Indigenous education scholars have long known and spoken out in support of the commonsense idea that culture is a strong protective factor for Native American students.[64] Studies reflect this reality.[65] In general, "colorblind classrooms"—where teachers fail to acknowledge cultural differences—have been shown to negatively impact student identity safety.[66] As stated by current State Board of Education Member Jim McQuillen, "Native students need to see and hear from role models and people who look familiar and who have had life experiences such as theirs."[67] But considering Native American educators make up only 0.5% of all California public school teachers,[68] we must proactively combat the cultural disconnect between student and teacher. For example, Dr. Leilani Sabzalian uses critical race scholarship in combination with the longstanding tradition of Indigenous storytelling to guide educators in countering colonialism and better supporting Native American students.[69]

It is essential that all teachers be culturally competent by, at a minimum, being aware of how the educational system is—or is not—culturally relevant to their students.[70] In fact, Indigenous students' human right to the "dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education" is enshrined in the UN Declaration on the Rights of Indigenous Peoples. Bias against Native Californians has its roots in statewide curricular standards.[71] Curriculum that fails to include Native American perspectives silences Native American people, leading Native American students to internalize their experiences of discrimination and bias.[72] Additionally, when curriculum perpetuates lies or omits the truth regarding the experiences of Native American populations, students lose trust in their educators.

RIVERSIDE UNIFIED IN 2021—ANTI-NATIVE AMERICAN RACISM PERMEATES HIGH SCHOOL MATH LESSON: In 2021, math teacher Candice Reed was videotaped by a student in her classroom as she derisively mocked Native Americans by shouting and dancing around the classroom in a fake "feathered headdress" during a trigonometry lesson, as seen in this video, **https://www.youtube.com/watch?v=P-jdE7RI6V4**. A picture from the school's yearbook from 9 years earlier indicated that this teacher had been conducting this same racist performance in her classroom for many years.[73] After sustained protests by students, families, Tribes and Indigenous-led organizations that led to national attention on Riverside Unified, the district finally fired Ms. Reed months later.[74]

If a student speaks out to correct the teacher, they are often admonished in front of their peers, leading to even greater lack of trust. This lack of trust creates fear, which triggers a brain response that stops the student from learning.[75] Moreover, the failure to acknowledge historical wrongs and multigenerational trauma leads to further isolation and exclusion for the Native American student because their community's history is not discussed with the same level of empathy or compassion as other groups.

Native American scholars, in collaboration with Tribes and culture-bearers, have worked hard to create accurate, culturally responsive curriculum for K–12 schools. Much of this curriculum goes unused because teachers are shy or uncomfortable about using the material.[76] Additionally, some educators may believe the curriculum lacks significant value because they perceive it as only applicable to Native American students, who may comprise a very small percentage of the total student population, rather than as a benefit to all students.

When school district leadership prioritizes quality professional development that is compensated and includes explicit instruction on how to approach the material, teaching for all students is improved and strengthened—and Native American students are made to feel more welcome and included. For example, in 2023, the Northern California Indian Development Council partnered with Eureka City Schools to provide two days of professional development to district administrators about local Tribes and their history, land, and cultural practices, and local Native American students' experiences in school. During the second day of discussion, administrators were already openly identifying ways in which school and teaching practices could be made more welcoming to Native American students. The program was so successful that it was expanded to include all school administrators in 2024.

It is long past time to acknowledge that California's public school system perpetuates a centuries-long campaign rooted in violence against Native American students. It is critical that educational leaders take all possible steps to remove discriminatory barriers to Native American students so they can access equal educational opportunity in California.

Native American Student Populations in California

As noted above, California is home to the largest population in the country of people who identify as American Indian/Alaska Native alone or in combination with any other race/ethnicity.

There are 110 federally recognized Tribes in California, and another 81 Tribes are currently unrecognized.[77] Due to federal termination and relocation policies in the 1950s, a majority of people who identified as American Indian/Alaska Native moved from their ancestral lands in different states to large urban areas. Thus, many Native Americans in California are members of Tribes outside of California.[78] Additionally, the lands of some Tribes that are indigenous to North America are artificially split by national borders; for example, the Tohono O'odham Nation spans southern Arizona and northern Mexico.[79] In California, 18 Tribes and 19 reservations are within 65 miles of the international and imposed border with Mexico.[80]

This report describes findings from annual data from every public local educational agency collected by the California Department of Education (CDE). A "local educational agency" is defined as any state-recognized administrative body responsible for public elementary or secondary schools. Local educational agencies in California typically include elementary school districts, high school districts, unified school districts, and county offices of education. **For ease of reference, we use the term "school districts" to describe local educational agencies in this report.** Our report does not include data from Tribal schools, private schools, or the two U.S. Bureau of Indian Education Schools that are sited in California. The data analyzed in this report are based on each school district's own figures, which CDE compiles into centralized databases. The data include state and federally required metrics including student and staff race and ethnicity,[81] student attendance, student academic outcomes, and school discipline.

The findings presented below are based on the best available data, but they do not produce a complete picture of the inequities faced by Native American students or their effects on student outcomes. This is because a large majority of Native American students are simply not counted as American Indian/Alaska Native in educational data.

Their exclusion has three primary causes:

First, federal guidelines[82] on the collection of student racial and ethnic data are deeply flawed, excluding untold numbers of Native American students from data reporting under the category "American Indian/Alaska Native." This category elides people's distinct Tribal identities and amalgamates the diverse Indigenous peoples of two continents—North America and South America. Recognizing these limitations, this report will use "American Indian/Alaska Native" when referring to school, district, state, and federal data sets that use this terminology. "Native American" is the primary term used in this report to refer to people belonging to Tribal communities of the continental U.S. and the Tribes of Alaska.

HOW "RACE/ETHNICITY" INFORMATION IS COLLECTED: In California, corresponding with federal guidelines, race and ethnicity data are based on self-identification by students or families on school or district registration forms. Many Native American people prefer to be identified first by their Tribal affiliation(s) or grouping(s) rather than being clustered together into one group which includes citizens of hundreds of nations with different languages, customs, traditions, and laws.[83] However, the one single category corresponding to Native American, American Indian, Alaska Native, Indigenous, or Tribal identity is "American Indian or Alaska Native," which is defined as "A person having origins in any of the original peoples of North and South America (including Central America), and who maintains a tribal affiliation or community attachment."[84] This is an extraordinarily broad category. While many people in the United States consider "American Indian or Alaska Native" to reference persons belonging to the Tribal nations of the continental United States and the Tribes of Alaska, the federal definition noted above encompasses Indigenous peoples throughout the Americas. The number of students in California self-identifying as American Indian/Alaska Native in race/ethnicity data who are Indigenous only to the continental U.S. and Alaska is thus not known when looking at the numbers in this category.

Second, federal data reporting guidelines hide many American Indian/Alaska Native students in other ethnic or racial categories.[85] This is because many American Indian/Alaska Native students identify as belonging to multiple ethnicities or racial groups, but educational data reports rely on exclusive identity categories.[86] Data reports only treat students as American Indian/Alaska Native if they identify as American Indian/Alaska Native *alone*, with no other box checked for ethnicity or race. American Indian/Alaska Native students who also check the "Hispanic or Latino" box on their school forms are identified in data reports as "Hispanic or Latino," regardless of what other boxes they check. American Indian/Alaska Native students who do not check "Hispanic or Latino" but who also identify as Asian, Black, white, and/or Native Hawaiian or other Pacific Islander appear in data reports under the category "Two or More Races."[87]

For example, a student who has one parent who is Latina and another parent who is affiliated with the Karuk Tribe, and who identifies as Karuk (American Indian/Alaska Native) and Latina, will *only* be counted as "Hispanic or Latino." As another example, a student who has one parent who is Karuk and another parent who is Black, and who identifies as Karuk (American Indian/Alaska Native) and Black, will only be counted in the "Two or More Races" category.

IN 2023, THE AMERICAN INSTITUTES FOR RESEARCH (AIR) RELEASED *Indigenous Students Count: A Landscape Analysis of American Indian and Alaska Native Student Data in U.S. K–12 Public Schools*.[88] This critical report describes how federal guidelines for collecting student race and ethnicity data significantly undercount Native American students by forcing students with multiple racial or ethnic identities into single categories.[89] AIR estimates that the practice of exclusive categorization of racial/ethnic categories may lead to an undercount Native American students "as high as 70% nationwide."[90] In California, as many as 89.8% of American Indian/Alaska Native students may not be included in the official count.[91]

Third, schools and districts make procedural oversights that prevent families from indicating their eligibility to have their unique cultural, language, and educational needs met through federal Indian Education programs. Many school districts do not include federal forms used to identify Native American students in annual

enrollment packets. Even among districts that provide the forms, many offer minimal or no support to families to complete them. Districts that fail to collect data regarding Tribal citizenship or membership may also fail to honor the student rights that accompany these political affiliations, including the Tribe's right to notice of expulsion proceedings regarding their Tribal foster youth.

"JOM AND TITLE VI PROGRAMS": The two largest federal programs that provide funding to school districts to address the educational needs of American Indian/Alaska Native students are the Johnson O'Malley (JOM) program and the Title VI Indian Education Formula Grant Program (Title VI). These two programs have different eligibility definitions. The JOM program restricts its funding to students who are affiliated with federally recognized Tribes, and the "JOM Student Certification Form" must be signed by a parent/guardian and a Tribal official to be valid. The Title VI program is less restrictive and provides funding for each student who is a member of a Tribal nation that is federally recognized, state recognized, or terminated. The Title VI "ED 506 Form" requires evidence of the student's membership. School districts must apply to the federal government for these grants, and they must collect these forms to receive the grants.[92]

Please see **Appendix A**, "Better Practices to More Accurately Count Native American Students," for our recommendations on how school districts can produce more accurate counts of Native American students. **Appendix A** also compares inclusive and exclusive counts of American Indian/Alaska Native students that we collected from four districts, where inclusive counts produced shockingly higher counts. For example, our analysis of data received from Temecula Unified School District found that if all students who identified as American Indian/Alaska Native either alone or in combination with other races or ethnicities were counted, the number of American Indian/Alaska Native students was over 13 times higher than the exclusive count.

The ongoing erasure of Native American peoples from key government documents, such as school databases, is part of the historical legacy of ethnocide against Native Californians. Systematic undercounts of Native American students in California Department of Education data files and California school district information systems inhibit accountability and prevent educators and advocates from identifying the places where new opportunities, programming, and supports are needed.[93]

Our data analyses presented below are intended to provide Native American students, families, Tribes, educators, and community organizations with the best information that currently exists to hold their districts and the state accountable for failures to support Native American students. At the same time, we join other researchers and advocates in calling for better, clearer, more culturally responsive data collection and reporting systems to identify and serve those same students.

Methodology

This report compiles multiple school accountability metrics pertaining to students identified for reporting purposes as "American Indian/ Alaska Native."

The sections below each pertain to a unique accountability metric, such as the school stability rate or suspensions, and each is associated with an appendix that includes data for every district in the state reporting on American Indian/ Alaska Native students for that metric in the 2022–23 school year. Files from the California Department of Education redact data about any student subgroup with fewer than 11 students. Due to the chronic undercounting of and exclusive data reporting on American Indian/ Alaska Native students discussed in the previous section, in most districts, American Indian/ Alaska Native student populations are quite small. In 2022–23, only 482 of 1,008 districts reported cumulative enrollments of 11 or more American Indian/Alaska Native students.

Because of the flaws in data reporting around race/ethnicity described above, these statistics do not describe the full range of outcomes for Native American students. But failures on these metrics clearly indicate the need for urgent conversations about how districts can better support Native American students. Where districts have adopted positive interventions to support Native American students, these accountability metrics may be used as a proxy to track progress over time, but **the best measures of progress and success will account for all Native American students instead of relying on the exclusive American Indian/Alaska Native category.**

Please see **Appendix C**, "Methodology," for a more detailed description of the data sources used for this analysis.

Key Findings: Holding California School Districts Accountable to Ensure Educational Equity for American Indian/Alaska Native Students

California's public schools are not providing American Indian/Alaska Native students with the equitable education to which they have a fundamental constitutional and human right.

The data highlighted below show egregious failures to support American Indian/Alaska Native students at the district level and statewide in the 2022–23 school year. These failures affected students at all levels of education. For example, among fourth graders, only 30% of California's American Indian/Alaska Native students tested at or above grade level standards in English language arts, compared to 46% of all students in the state. And among graduating seniors, only 32% of California's American Indian/Alaska Native students left school having completed the necessary coursework to attend a California State University or University of California school, compared to 45% of all students.

The failures reported below are institutional failures; they do not reflect the incredible resilience, intelligence, creativity, and knowledge of California's Native American students and their families. In many places, school systems disadvantage Native American students by design; in others, resource scarcity may hamper educators' best efforts to ameliorate longstanding inequities. By calling attention to patterns and sites of inequity, advocates can establish a basis for positive change. The State of California and the districts identified below can improve equity for Native American students by supporting more inclusive practices and drawing on the unique cultural, linguistic, community knowledge, and resilience of Tribes and Native American communities.

CALIFORNIA MUST STAFF ITS INDIGENOUS EDUCATION PROGRAM: California will not be able to improve its accountability metrics for American Indian/Alaska Native youth until the State adequately staffs its statewide Indigenous education program. In a survey conducted by the American Institutes for Research, California ranked last in the nation in state education agency staffing to support Indigenous education.[94] The program currently allocates only one full-time Indigenous education staff member at the California Department of Education in a state with 26,971 K–12 students identified as American Indian/Alaska Native alone and many, many more under-identified Native American students. At the time of publication, this role within the CDE is currently vacant. CDE has conveyed it intends to fill the role.

American Indian/Alaska Native Students Experience Vast Inequities in Literacy and Mathematics.

The Smarter Balanced Summative Assessments (SBSA) are comprehensive, end-of-year assessments that measure whether California's students are performing at grade level. We examined English language arts and math assessment scores for the fourth, eighth, and eleventh grades, comparing American Indian/Alaska Native students to all students in their district and statewide.

Statewide, on each test and at each level, a majority of American Indian/Alaska Native students in California did not meet grade-level standards. Figure 1A shows that American Indian/Alaska Native students scored 10–14 percentage points below all students statewide in English language arts/literacy, and 12–15 percentage points below all students statewide in mathematics.

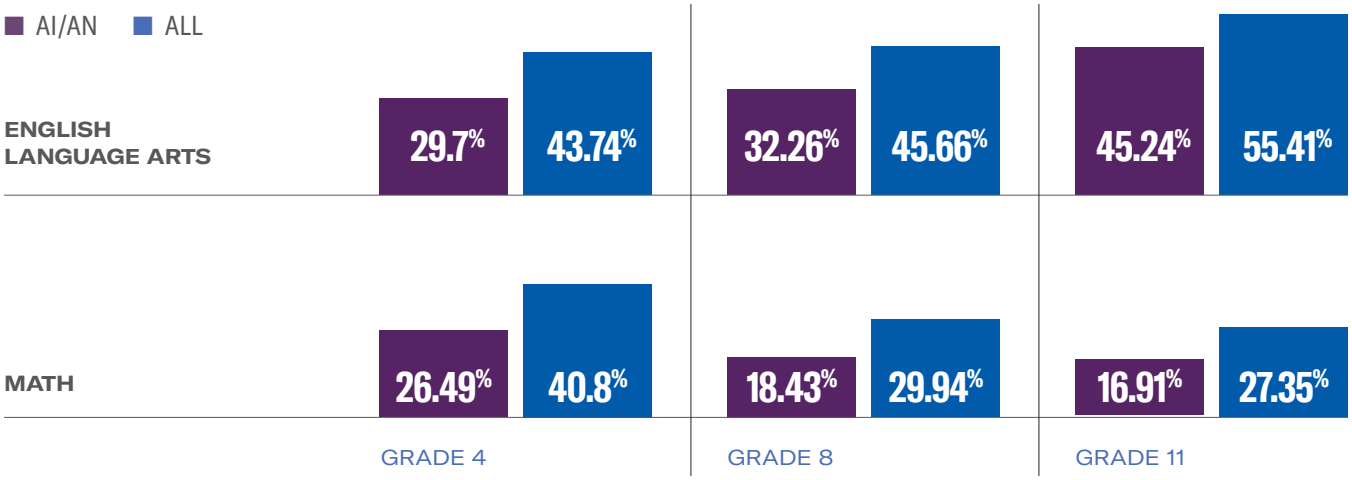
70% of California's American Indian/Alaska Native fourth-graders **did not meet** grade-level literacy standards in 2022–2023. 83% of American Indian/Alaska Native eleventh-graders **did not meet** grade-level standards in mathematics.

The SBSA datafile includes 280 districts (out of a total 1,0008 districts statewide) reporting average scores for American Indian/Alaska Native students combined across all tests (grades 3–8 and 11). In roughly three-quarters of these districts, American Indian/Alaska Native showed lower grade-level achievement than other students on these exams.[95]

Some districts showed extremely large disparities in grade-level achievement between American Indian/Alaska Native students and others. For example:

- In Elk Grove Unified School District, only 7% of American Indian/Alaska Native fourth graders met or exceeded grade-level standards in English language arts, compared to 51% of all fourth graders in the district. In mathematics, only 13% of American Indian/Alaska Native fourth graders met or exceeded grade-level standards, compared to 45% of all fourth graders in the district.
- In Bonsall Unified School District, only 36% of American Indian/Alaska Native eighth graders met or exceeded grade-level standards in English language arts, compared to 61% of all eighth graders in the district. None (0%) of the 13 American Indian/Alaska Native eighth graders who took the SBSA in mathematics met or exceeded grade-level standards, compared to 36% of all eighth graders in the district.
- In Santa Rosa High School District, only 14% of American Indian/Alaska Native eleventh graders met or exceeded grade-level standards in English language arts, compared to 48%

FIGURE 1A. Percent Meeting or Exceeding Grade Level Standards on Smarter Balanced Summative Assessments—Statewide



of all eleventh graders in the district. None of the 12 (0%) of the American Indian/Alaska Native eleventh graders who took the SBSA in mathematics met or exceeded grade-level standards, compared to 23% of all eleventh graders.

Disparities like these indicate a need for an urgent conversation in each district about appropriate supports for the educational achievement of American Indian/Alaska Native students.

Conversely, in some districts, a majority of American Indian/Alaska Native students met or exceeded grade-level standards in English language arts *and* math. In San Ramon Valley Unified School District, 76% of American Indian/Alaska Native students across all grades met or exceeded grade-level standards in English language arts, and 78% exceeded grade-level standards in math. Other districts where a majority of American Indian/Alaska Native students across all grades met or exceeded grade-level standards in English language arts *and* math are Lammersville Joint Unified School District, Irvine Unified School District, Cupertino Union School District, Milpitas Unified School District, Pacific Grove Unified School District, and Conejo Valley Unified School District.

See **Appendix D** for districts reporting "met or exceeded standards" rates for American Indian/Alaska Native students across all grades and in fourth grade, eighth grade, and eleventh grade, respectively.

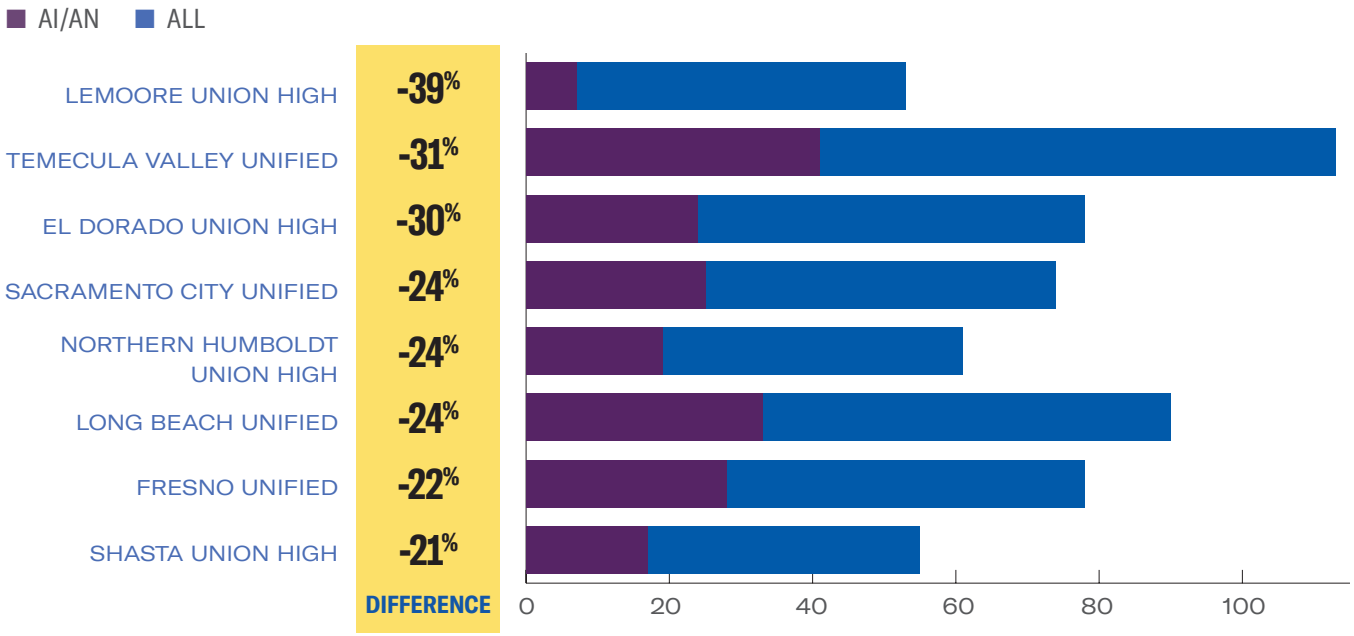
American Indian/Alaska Native Students Experience Vast Inequities in Preparation for Post-Secondary Success.

The "A–G Completion" indicator shows the percentage of graduates in the four-year adjusted cohort who completed all A–G course requirements for admission into a University of California (UC) or California State University (CSU) school with a grade of C or higher.[96]

In 2022–23, 52% of all California students met the A–G requirements to be considered for admission to a UC/CSU four-year college. By contrast, only 32% of American Indian/Alaska Native students met those college requirements statewide. Of the 52 school districts reporting this metric for American Indian/Alaska Native students, over 70% (38 out of 52 districts) showed a lower A–G completion rate for American Indian/Alaska Native students compared to the rate for all students in the district.

In eight districts, American Indian/Alaska Native students met A–G requirements at a rate **at least 20 percentage points lower** than the rate for all district students. Many of these districts also showed extremely low A–G completion rates for American Indian/Alaska Native students.

FIGURE 1B. Districts showing the greatest disparities in A-G completion



In 18 California school districts, fewer than one in every five American Indian/Alaska Native students were eligible to attend a four-year UC/CSU college after graduating.

Three districts showed A–G completion rates of zero for American Indian/Alaska Native students.

- San Pasqual Valley Unified School District in Imperial County, adjacent to the Fort Yuma Indian Reservation. None of the district's 23 American Indian/Alaska Native graduates completed A–G requirements. The districtwide A–G completion rate for all students was 16.7%.
- Needles Unified School District in San Bernardino County, adjacent to the Colorado River Indian Reservation, Chemehuevi Reservation, and Fort Mojave Reservation. None of the district's 19 American Indian/Alaska Native graduates completed A–G requirements. The districtwide A–G completion rate for all students was 9.7%.
- Valley Center-Pauma Unified School District in San Diego County, adjacent to the Rincon Reservation, Pauma and Yuima Reservation, Pala Reservation, San Pasqual Reservation, and La Jolla Reservation. None of the district's 33 American Indian/Alaska Native graduates, nor graduates of any other race or ethnicity, completed A–G requirements.

Conversely, in six districts, a majority of American Indian/Alaska Native graduates completed the A–G requirements and at a rate equal to or greater than the rate for all students in the district: San Diego Unified School District, Los Angeles Unified School District, Hemet Unified School District, Riverside Unified School District, Round Valley Unified School District, and Corona-Norco Unified School District.

See **Appendix E** for a table with A–G completion rates for all 52 districts reporting rates for American Indian/Alaska Native students.

The "College/Career Indicator" is a metric to assess high school graduates on their preparation for success after graduation based on completion of "rigorous coursework," "passing challenging exams" (e.g., Advanced Placement or International Baccalaureate exams), or "receiving a state seal" (e.g., State Seal of Biliteracy).[97]

College and career readiness is a broader alternative measure of preparation for post-secondary success. On that metric as well, California schools are graduating American Indian/Alaska Native students far less prepared than other student groups.

In 2022–23, statewide data show that 44% of all California students were rated as "prepared" for a college or career pathway, while only 27% of American Indian/Alaska Native students were rated as "prepared"—a difference of 17 percentage points.

Forty-six districts in California reported this metric for American Indian/Alaska Native students. In 89% of these districts (41 out of 46), a lower percentage of American Indian/Alaska Native completed this metric as compared to all students in each of those districts. In eight districts, American Indian/Alaska Native students were deemed "prepared" for a college or career pathway at a rate **at least 20 percentage points lower** than the rate for all district students. Those districts are Lemoore Union High School District, Sacramento City Unified School District, Lassen Union High School District, Eureka City Schools, Sweetwater Union High School District, Elk Grove Unified School District, Shasta Union High School District, and Temecula Valley Unified School District.

See **Appendix F** for a table with college/career ready (prepared) rates for all 46 districts reporting rates for American Indian/Alaska Native students.

American Indian/Alaska Native Students Experience Vast Inequities in Graduation Rates.

The "California School Dashboard Graduation Rate" includes both traditional and alternative schools, such as continuation schools. It is based on the number of high school students who graduate with a regular high school diploma in either four or five years.[98]

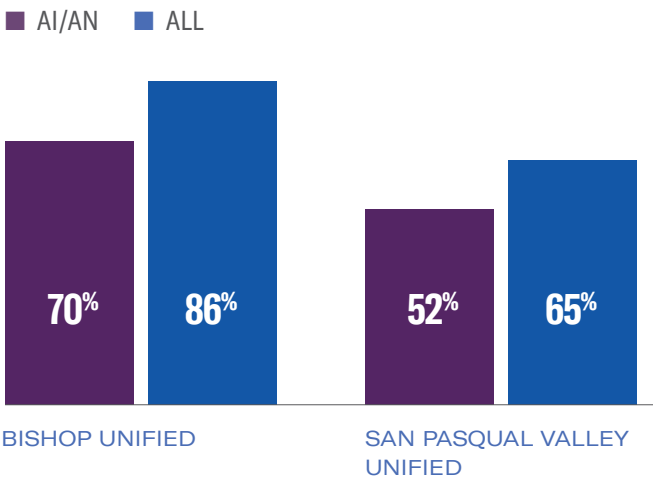
In 2022–23, 86% of all California students graduated within five years of starting high school. The comparable statewide graduation rate for American Indian/Alaska Native students was lower, at 80%.[99]

Forty-seven districts in California reported graduation rate data on American Indian/Alaska Native students. Of those, two-thirds (32 out 47) showed lower graduation rates for American Indian/Alaska Native students than for all students. Eleven districts showed disparities of 10 percentage points or more.

Two of those 11 districts serve large percentages of American Indian/Alaska Native students. These districts are:

- San Pasqual Valley Unified in Imperial County, adjacent to the Fort Yuma Indian Reservation. In that district, 43% of the 54 students in the four- and five-year graduation cohort were American Indian/Alaska Native. American Indian/Alaska Native students had a graduation rate of 52%—22 percentage points lower than the graduation rate for all students in the district.
- Bishop Unified in Inyo County, adjacent to the Inyo Reservation. In that district, 16% of the 170 students in the four- and five-year graduation cohort were American Indian/Alaska Native. American Indian/Alaska

FIGURE 1C. Difference in graduation rates



Native students had a graduation rate of 70%—15 percentage points lower than graduation rate for all students in the district.

Conversely, four districts showed a 100% graduation rate for American Indian/Alaska Native students in 2023: Banning Unified School District (11 students), Northern Humboldt Union High School District (28 students), Corona-Norco Unified School District (11 students), and Willits Unified School District (14 students).

See **Appendix G** for a table with graduation rates for all 47 districts reporting rates for American Indian/Alaska Native students.

Inadequate education often leads to lifelong negative impacts on an individual's employment and health outcomes later in life.[100] Students with lower educational outcomes are more likely to have lower income,[101] fewer employment prospects,[102] increased interaction with the criminal legal system,[103] and poorer physical health.[104] For Native American students, these negative impacts are compounded by the complex and multigenerational trauma described in the "Historical Context" section of this report, above.

With the background of systemic barriers Native American students face to achieving their full potential at school, increased targeted academic supports are crucial for students to be able to meet academic standards and graduate college-ready on time.[105] One way school districts can impart greater academic support to Native American students is to incorporate Native American cultures, histories, and languages into the school curriculum, which leads to increased student motivation, academic achivement and sense of belonging.[106] The Klamath-Trinity Joint Unified School District uses a Native American curriculum developed by its Indian Education Program with lessons in every grade that address the Common Core state standards and highlight the culture of Tribal nations in Northwest California and which is available for purchase by other school districts.[107] The Inyo County Office of Education offers a Paiute Shoshone Curriculum for fourth, eighth, and eleventh graders that is available free of charge.[108] **The State of California also took a crucial step forward in this regard in 2022, passing the California Indian Education Act to develop a statewide Native American Studies Model Curriculum that will be finalized in September 2025.**[109] These examples are models for school districts to use and to build upon to better support their American Indian/Alaska Native students' academic achievement.

YAHMONEE HEDRICK (*MAIDU, CHICKASAW, TAOS PUEBLO, UTE*)

When I was in fourth grade in the Sacramento City Unified School District, I was assigned a history project on Mission San Gabriel. This project, which required building a model of the mission, became a powerful experience when I traveled to the mission and was guided by Kimberly Morales Johnson, a member of the Tongva Gabrielino tribe. During the tour, I asked pointed questions about the treatment of Native peoples during the mission period and learned about the brutal realities of enslavement, torture, and death that they endured.

When I returned home, rather than build a model, I chose to write a powerful essay detailing my new understanding of the missions. In my essay, I expressed that no Native person should ever have to build a mission again, a sentiment that led me to reject the traditional project. My parents supported my decision, allowing me to focus on my writing instead of constructing a model. When my teacher questioned the absence of a model, my essay became a bold statement against the historical injustices tied to the missions.

In the years since, I have reflected on my experience as a fourth grader, recognizing both the trauma I endured and the hope my story brings to future generations. I have shared my story at various conferences, youth gatherings, and education programs, hearing from others who also experienced the emotional toll of the California mission project. I found that many students silently endured the assignment, and many parents wished they had taken a stand.

I am encouraged by the progress made in California, including the passage of AB 1821 (Ramos) and districts that have abolished the mission project. I remain committed to the ongoing fight for a reinterpreted, culturally sensitive education for Native students. My experience serves as a reminder of the importance of challenging harmful curricula and amplifying the voices of marginalized communities in education.

Yahmonee Hedrick is 24 years old and is from the Maidu, Chickasaw, Taos Pueblo, and Ute Tribes. Yahmonee is currently the program coordinator for the 5th Direction, a nonprofit organization focused on uplifting and providing space for local Native youth run by his father, Calvin Hedrick.

California's Districts Disproportionately Exclude American Indian/Alaska Native Students from School.

Schools where students feel connected, supported, and valued are critical to student learning and belonging.[110] Unwelcoming school environments—where practices that contribute to students feeling excluded or unwanted are embedded into the school culture—commonly lead to student disengagement, absenteeism, dropping out, or formal exclusion from school, a phenomenon collectively known as school "push-out." Unfortunately, in California, Native American students are rarely provided the school climate, curricula, and supports needed to thrive—or even stay in the classroom.[111] Across California, school districts are disproportionately pushing American Indian/Alaska Native students out of school, as shown through rates of exclusionary discipline, school instability, and chronic absenteeism.

American Indian/Alaska Native Students Are Disproportionately Suspended From School.

American Indian/Alaska Native students are particularly likely to be targeted for suspensions in California school districts. One way the U.S. Department of Education measures discipline rates is by counting the number of students who experience certain forms of punishment (as opposed to the number of punishments issued); this is referred to as the "unduplicated" rate. In 2022–2023, California reported an unduplicated suspension rate of 3.6% for all students statewide. Because the "unduplicated rate" means that a student who experienced multiple suspensions is only counted in the rate once, an unduplicated suspension rate of 3.6% means that 3.6% of all California students were suspended at least once during the school year. In contrast, 7.5% of California's American Indian/Alaska Native students were suspended at least once during the school year—more than double the statewide rate for all students. This disparity is even greater for American Indian/Alaska Native students with disabilities, almost 10% of whom were suspended during the 2021–22 school year, and for American Indian/Alaska Native foster youth students with disabilities, 17% of whom were suspended that year.[112]

Suspensions often contribute to chronic absenteeism, thereby repeatedly depriving students of learning time and increasing their risk of falling behind, not graduating, and becoming truant.[113] A longitudinal study of nearly one million public school students in Texas found robust correlations between students being suspended and an increased likelihood of repeating a grade, dropping out, and becoming involved in the juvenile legal system.[114] For students who miss three or more days of instruction, research has shown that their National Assessment of Educational Progress scores in reading and math are lower than students with fewer absences.[115] Additionally, repeated suspensions contribute to a significant increase in the odds of experiencing an arrest.[116] The research demonstrates that multiple suspensions subject students to ineffective punitive encounters with school staff, negatively impacting their educational outcomes and experiences.

In 80% (275 of 346) of the school districts that reported non-zero suspension rates for American Indian/Alaska Native students, these students had a higher suspension rate than the rate for all students in the district. **In 123 school districts, American Indian/Alaska Native students were suspended at more than double the rate for all students in the district.**

These discrepancies cannot be explained away as simply related to the suspension of one or two students from a small subpopulation. Even when the analysis is limited to the 246 districts where five or more American Indian/Alaska Native students were suspended in a

school year, these students experienced higher suspension rates than their peers in two-thirds of districts (179 of 264). **Table 2A(a)** below shows five school districts where at least five American Indian/Alaska Native students were suspended in the 2022–23 school year and American Indian/Alaska Native students were suspended **at four to seven times** the rate of all students.

TABLE 2A(A). Districts showing the greatest disparities in the unduplicated suspension rate.

District	Unduplicated Suspension Rate—AI/AN	Unduplicated Suspension Rate—ALL	Proporational Difference
Fremont Union High	13.5	2	6.8x
William S. Hart Union High	18.2	3.3	5.5x
Alpine Union Elementary	8.2	1.8	4.6x
Windsor Unified	20	4.4	4.5x
East Side Union High	15.1	3.7	4.1x

Table 2A(b) below shows the five districts with the highest *number* of American Indian/Alaska Native students suspended in 2022–23 and their corresponding suspension rates. In each of these districts, the suspension rate for American Indian/Alaska Native students was much higher than their statewide rate of suspension.

See **Appendix H** for a table with unduplicated suspension rates for all 246 districts that reported suspending at least one American Indian/Alaska Native student in the 2022–23 school year.

TABLE 2A(B). Districts with the highest number of AI/AN students subjected to at least one suspension in 2022-23.

District	Count—AI/AN	Unduplicated Students Suspended—AI/AN	Unduplicated Suspension Rate—AI/AN
Klamath-Trinity Joint Unified	817	96	11.8
Del Norte County Unified	565	81	14.3
Fresno Unified	520	49	9.4
Round Valley Unified	280	47	16.8
Kern High	223	39	17.5

Defiance Suspensions

In the 2022–2023 school year, 79 California school districts suspended American Indian/Alaska Native students for "defiance," defined in state law as "disrupt[ing] school activities or otherwise willfully def[ying] the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties."[117] Defiance is a highly subjective label used to vilify common low-level student behavioral issues like failing to follow directions or bring materials, wearing a hat in class, or talking back to a teacher.[118] Because of this subjectivity, research shows that suspensions for defiance often reflect the implicit racial bias of school adults.[119] These suspensions represent missed opportunities to connect students to behavioral supports instead of ineffective school exclusion. In significant part because of this documented history of racial bias, California recently banned defiance suspensions for students in all grades through July 1, 2029.[120] Overall suspension numbers in California have plummeted for all student groups, though discipline disproportionalities still remain for Native American students.

In 2022–23, American Indian/Alaska Native students were overrepresented in the share of defiance suspensions in 95% of districts where any American Indian/Alaska Native student was suspended for defiance (75 of 79 districts). This demonstrates the pervasive racial bias experienced by American Indian/Alaska Native students suspended for "defiance."

For example, in Columbia Union Elementary School District in Tuolumne County, adjacent to the Chicken Ranch Rancheria, American Indian/Alaska Native students were only 4% of the district student population, but they accounted for 38% of the district's 13 defiance suspensions in 2022–23. **Table 2A(c)** below shows the five California districts with the highest number of defiance suspensions for American Indian/Alaska Native students and their relative share of all defiance suspensions in that district.

TABLE 2A(C). Districts with the highest number of defiance suspensions for AI/AN students.

District	Defiance Suspension Count—AI/AN	District Population Percent—AI/AN	Share of Defiance Suspensions—AI/AN
Modoc Joint Unified	20	7.20%	**30%**
Ceres Unified	15	0.40%	**2%**
Corona-Norco Unified	14	0.32%	**2%**
Del Norte County Unified	14	14.04%	**25%**
Klamath-Trinity Joint Unified	12	79.63%	75%

The **bolded numbers** represent districts where AIAN students were overrepresented in defiance suspensions.

DISCIPLINE VIOLATES NATIVE AMERICAN STUDENTS' CIVIL RIGHTS IN FALL RIVER JOINT UNIFIED: A multi-year investigation of the Fall River Joint Unified School District (in an area that is home to the Pit River Tribe) by the U.S. Department of Education Office for Civil Rights described inconsistent student discipline policies at different schools that contributed to "persistent overrepresentation of Native American students in discipline for each year analyzed from SY 2013–14 through 2022–23," and many instances where the district appeared to sanction Native Americans more harshly than similarly situated white students for the same or similar offenses, even when their discipline histories were comparable or worse than those of the Native American students.[121] Tellingly, Native American students were overrepresented among students disciplined for subjective behaviors such as "defiance or disruption."[122] Moreover, while 12% of the district's students were Native American in 2022–23, Native American students were 22.7% of students who were suspended and 52.4% of students who were expelled, disciplinarily transferred out of school, or referred to law enforcement.[123] In 2024, the district informed the Office for Civil Rights that it would adopt one uniform districtwide discipline matrix in a commonsense step toward equity.

See **Appendix H** for a table with American Indian/Alaska Native students' share of defiance suspensions for all 79 districts that reported suspending at least one American Indian/Alaska Native student for defiance in the 2022–23 school year.

Repeat Suspensions

California typically reports the suspensions as an unduplicated rate, which means that a student who experienced multiple suspensions is only counted in the rate once. But the total number of suspensions—which is a different rate than the unduplicated rate—identifies schools and districts where students are suspended multiple times.

Some districts repeatedly suspended American Indian/Alaska Native students for the racially biased behavior category of "defiance" (described above) in 2022–2023. For example:

- Ceres Unified in Stanislaus County suspended only two of 61 American Indian/Alaska Native students in 2022–23, for an unduplicated suspension rate of 3.3%, which was lower than the unduplicated suspension rate for all students. **But these two students received a total of 17 suspensions, for an average of 8.5 suspensions per suspended student. Fifteen of these 17 total suspensions were for "defiance."**
- Modoc Joint Unified in Modoc County is adjacent to the Pit River Tribe and Alturas Rancheria. In 2022–2023, the district suspended 12 of their 64 American Indian/Alaska Native students, for an extremely high unduplicated suspension rate of 18.8%. Even more outrageous, **these 12 students received a total of 48 suspensions, for an average of four suspensions per suspended student.** Twenty of those 48 suspensions were for defiance. **American Indian/Alaska Native students accounted for 7% of the district's student population but 30% of defiance suspensions.** This demonstrates a clear pattern of racial bias in suspensions in Modoc Joint Unified.

Table 2A(d) below shows the five districts with the highest rates of repeat suspensions for American Indian/Alaska Native students in 2022–23.

TABLE 2A(D). Districts showing the highest rate of repeat suspensions for AI/AN students.

District	Unduplicated Students Suspended—AI/AN	Total Suspensions—AI/AN	Suspensions Per Suspended Student—AI/AN
Ceres Unified	**2**	**17**	8.5
Mt. Diablo Unified	2	9	2.5
Modoc Joint Unified	**12**	**48**	4
Hayward Unified	5	20	4
Rowland Unified	1	4	4

2 AI/AN students received a total of 17 suspensions in Ceres Unified and **12 students received a total of 48 suspensions** in Modoc Joint Unified.

In some places, local Tribes have engaged in significant advocacy with school districts to find solutions to mitigate disciplinary bias against Native American students. For example, in Del Norte County, the ACLU of Northern California filed a lawsuit on behalf of local Yurok students in 2007 because of a longstanding pattern of discriminatory discipline against Native American students.[124] In 2009, Del Norte County Unified School District entered into a settlement agreement which was later extended into 2017.[125] Local Tribes were involved in many aspects of the settlement agreement and ultimately convened the Del Norte American Indian Education Advisory Council to collaborate with the school district "to create the conditions for equitable access and academic and personal success for American Indian students" on the foundation of "maintaining and sustaining the unique status of American Indians, preserving

cultural identity, language, and raising cultural awareness."[126] One result of this partnership was the creation of an "Equity and Diversity Conference," a professional development opportunity for district and school staff to hear directly from local Native American scholars and advocates about issues impacting students. Staff later described this professional development as the best they had ever received on cultural competence addressing the culture, history, and contributions of local Tribes.

These conversations facilitated by the Del Norte American Indian Education Advisory Council were essential to opening conversations between district staff and Tribal leaders about racial and ethnic bias and mitigating discrimination in the schools that made Native American students feel targeted and unwelcome. This work continues today with professional development training for teachers and administrators on local Native American curriculum, understanding the local Tribes and their histories, as well as introductions to the local Yurok and Tolowa languages for teachers. There is curriculum on Tribal cultures and history available for the local K–12 schools and a sustained partnership to work toward mutual goals. The school district hired a new American Indian Education Director this year, and both the Yurok and Tolowa languages continue to be offered at the high school grade levels. Local Tribes are also looking forward and assisting with the new statewide K–12 Native American Studies Model Curriculum that will be finalized in September 2025.

JASMINE GRIFFITH (*NAVAJO, OTTAWA, POTAWATOMI, AND OJIBWE NATION*)

Like many Native students, my high school experience was one that I don't look back on fondly. A memory from my sophomore year (2022) at Arcata High School stands out. During my AP U.S. History class, my teacher claimed that the only genocide in United States' history was against enslaved Black people. This statement deeply hurt and offended me because of my own background and what I know to be true: The United States deliberately committed genocide against Native Americans in the process of founding this country.

I raised my hand and told my class about the genocide inflicted upon Native Americans. Rather than thank me for sharing, my teacher kicked me out of class and told me I was not welcome back for the rest of the year. Word of what happened spread, and the Indian Education coordinator learned about the incident. Despite the risk to her own position, she stood up for me. While she was unable to get me back into the classroom, she made sure that I could still complete assignments outside of class. However, the AP U.S. History teacher gave me a failing grade for every assignment I submitted.

The Indian Education coordinator continued her fierce advocacy for me, but the school took no action. I had to make up my final grade during summer school, missing out on a summer break while my peers and friends enjoyed theirs. I hope no student ever has to experience what I endured.

This experience taught me how crucial it is to have staff who will advocate for Native students, support Indian Education programs, and ensure school curricula are historically accurate and inclusive.

Jasmine Griffith is Navajo, Ottawa, Potawatomi, and Ojibwe Nation. She is very proud of her heritage. Jasmine is currently 19 years old, and she went to both Arcata High School and Pacific Coast High School. Since graduating from Pacific Coast High School, Jasmine has worked at the Northern California Development Council (NCIDC). Outside of her work at NCIDC, Jasmine has a passion for photography and Native jewelry making.

American Indian/Alaska Native Students Are Excluded From Learning Time Through School Instability.

The school stability rate is the percentage of California public school students enrolled during the academic year who completed a full academic year in one school.[127]

Schools are intended to provide students with a stable learning environment where they can form trusting relationships with teachers, support staff, and peers. School stability—the ability to remain in one school over the course of a full school year without disruption—helps students develop academically and social-emotionally. For this reason, California measures the school stability rate, which is the percentage of California public school students enrolled during the academic year who completed a full academic year in one school.[128] The school stability rate is lower when students disenroll from the school or are transferred across schools or districts. Performance on this metric is within the control of educational decisionmakers who determine staffing, services, school climate, and other environmental factors in a school that make students and families feel welcomed and valued—or not, in which case the family may transfer the student to a different school that can better address their educational needs.

For example, in 2013, the Wiyot Tribe filed a complaint with the U.S. Department of Education Office for Civil Rights alleging that Native American students, especially those with disabilities, were being discriminated against in the Loleta Union Elementary School District.[129] The District's special education program was woefully inadequate, and Native American students with disabilities were routinely denied services they desperately needed, in addition to other legal violations, such as racially-biased discipline. This led to significant disruption in the school environment, as students were routinely (and unlawfully) disciplined for disability-related behavior or due to the racial bias of school administrators. Many Native American families realized they needed to send their students to an adjoining school district to access meaningful educational opportunity.

After the school district entered into a Voluntary Resolution Agreement with the Office for Civil Rights in 2017 that required much deeper engagement and consultation with local Tribes and communities, along with important reforms to the special education system, the school stability rate for American Indian/Alaska Native students improved significantly, from a low of 58% in 2018–19 to a peak of 81% in 2021–22. In 2022, the school climate director left the district, and the situation worsened to the point that the Bear River Band of the Rohnerville Rancheria filed another complaint with the Office for Civil Rights regarding recurring racial and disability discrimination.[130] Once again, Native American families felt they had to transfer their students to a different district to protect their safety and access to education, and the school stability rate went down to 74% in the 2022–23 school year. In 2023, significant changes to the teaching staff resulting from the Bear River Band's advocacy led to a more welcoming environment, and anecdotal evidence indicates that inter-district transfers decreased once again, improving school stability.

Statewide, American Indian/Alaska Native students in California have a lower stability rate than other students and experience extremely low stability rates in many districts. In 2022–23, California reported a statewide stability rate of 91% for all students. The statewide stability rate for American Indian/Alaska Native students was 86%**.** American Indian/Alaska Native students have lower stability rates than all other students in nearly **three-quarters of school districts** (351 of 482) that reported data for American Indian/Alaska Native students.

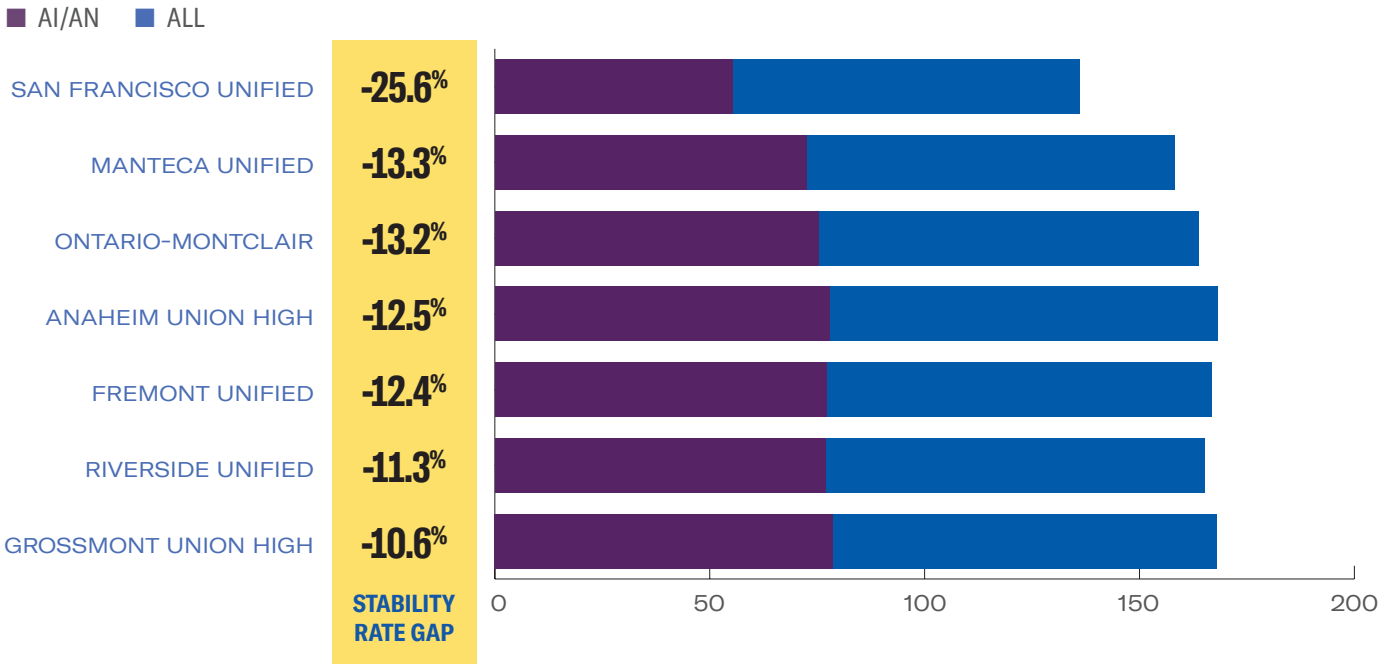
Focusing only on California school districts with 100 or more American Indian/Alaska Native students, 93% of districts (42 of 45) showed lower stability rates for American Indian/Alaska Native students than for all students. Seven of these districts showed disparities of more than 10 percentage points, indicating systemic failures to provide American Indian/Alaska Native students with equitable supports to remain in their schools throughout the school year.

See **Appendix I** for a table with stability rates for American Indian/Alaska Native students in all districts with a districtwide population of 11 or more American Indian/Alaska Native students.

On the more positive side, 20 school districts reported a stability rate of 100% for American Indian/Alaska Native students in 2022–23: Encinitas Union Elementary, Albany City Unified, Loomis Union Elementary, Redondo Beach Unified, Glendora Unified, Rescue Union Elementary, Carlsbad Unified, Arcadia Unified, Sulphur Springs Union, Eastern Sierra Unified, Wright Elementary, Norwalk-La Mirada Unified, North Cow Creek Elementary, Berryessa Union Elementary, Parlier Unified, Stanislaus Union Elementary, Atwater Elementary, Mother Lode Union Elementary, Sebastopol Union Elementary, and Lemon Grove School District.

California school districts must examine barriers to school stability in their local context to effectively address it and offer the fundamental educational services Native American students need for equal educational opportunity. In some districts, improving school stability is as straightforward as complying with legal requirements to provide transportation for students with qualifying disabilities and foster youth. Advocates and educational leaders in the school districts listed above may have important information to share about how they were able to achieve 100% school stability for their American Indian/Alaska Native students.

FIGURE 2B(A). Districts with large AI/AN populations* with stability rate gaps of 10 percentage points or more



*Defined as populations of 100 or more AI/AN students.

CONTINUATION SCHOOLS: In some school districts, transfers to continuation schools are a source of instability for American Indian/Alaska Native students. It is hard to get an accurate picture of these transfers due to chronic undercounting of the American Indian/Alaska Native student population and restrictions on data reporting for small subpopulations. But eleven California continuation schools reported data in 2022–2023 on both American Indian/Alaska Native populations and school graduation rates, and these data show cause for concern.

All the continuation schools in Table 2B below show high proportions of American Indian/Alaska Native students relative to the statewide average. In 10 of the 11 schools, American Indian/Alaska Native students were overrepresented relative to traditional schools in the district. This indicates that American Indian/Alaska Native students are transferred to continuation schools at higher rates than their peers.

All of these continuation schools also show poor academic outcomes for graduating students. Four of these schools had college/career readiness rates of 0, and the other seven schools had rates between 1.1 and 6.4. Ten of these schools had A–G completion rates of zero. The only school with a non-zero A–G completion rate was East High School in Fortuna Union High School District. East High School's A–G completion rate of 2.6 represents one single student out of a class of 47 graduates. In some schools, rather than increasing academic supports for Native American students with disabilities, those students are set on a graduation track that fails to include A–G requirements. Schools can and must do better to take basic steps to provide desperately needed special education services and support college readiness so that Native American youth can realize their full potential.

TABLE 2B. AI/AN student population precentages in continuation schools that report data on AI/AN students

School Name	District	School % AI/AN	District % AI/AN
Captain John Continuation High	Klamath-Trinity Joint Unified	76.10%	80%
South Valley High (Continuation)	Ukiah Unified	**16.70%**	5%
Sunset High	Del Norte County Unified	**23.30%**	14%
Pioneer Continuation High	Shasta Union High	**6.90%**	4%
Round Valley Continuation	Round Valley Unified	**72.20%**	52%
Prospect High (Continuation)	Oroville Union High	**13.20%**	7%
Oak Glen High	Valley Center-Pauma Unified	**14.30%**	9%
Palisade Glacier High (Continuation)	Bishop Unified	**31.40%**	14%
East High (Continuation)	Fortuna Union High	**13.90%**	4%
Natural High (Continuation)	Lakeport Unified		10%
Salisbury High (Continuation)	Red Bluff Joint Union High	**4.90%**	3%

The **bolded numbers** represent districts where AIAN students were overrepresented in defiance suspensions.

American Indian/Alaska Native Students Experience Chronic Absenteeism at Disparate Rates.

The chronic absenteeism indicator represents the percentage of students who were absent for 10 percent or more of the instructional days they were enrolled to attend. Only students in grades K–8 are included in the indicator, and a student must be enrolled for at least 31 days to be included in the chronic absenteeism rate.[131]

Elementary and middle school students are considered chronically absent if they miss 10% or more of the days they were expected to attend.[132] As with the other school accountability metrics analyzed in this report, chronic absenteeism is rooted in systemic and structural issues often outside of a student or family's control, including a negative school climate. Factors contributing to a negative school climate for Native American students are racial or ethnic bullying, a lack of culturally responsive curriculum, inaccurate depictions of history, discriminatory discipline, invisibility of Native American contributions to society in the classroom, and cultural erasure when Native American students are denied their right to express their identity and culture. Other systemic factors are barriers to school transportation, illness and lack of access to health care, involvement in the family policing system,[133] and well-founded mistrust arising from the historical context of state educational systems being used as a tool of oppression as described previously in this report.

Attendance Works, an advocacy organization dedicated to promoting equal opportunities to learn and advance student success by reducing chronic absence, has collected research and resources that states and school districts can use to reduce chronic absenteeism.[134] For example, Connecticut has developed a multi-layered strategy to increase collection and transparency of actionable data, promote family engagement with schools, create strategic partnerships with community agencies and advocacy groups, and increase resources to its lowest performing districts.[135] Specifically with respect to improving attendance among Native American students, Tribal leaders in California working with Attendance Works have developed recommendations to:

- Learn about local Native American communities;
- Meet with Tribal leaders and hold listening sessions with Native American leaders, influencers, and students;
- Identify key contacts to develop relationships and connect students and families to services and supports;
- Educate school staff; and
- Invite "knowledge keepers" into the classroom to share their culture.[136]

In recent years, the Shasta County Office of Education has worked to reduce chronic absenteeism by taking concrete steps to:

- Engage in Tribal consultation with the Shasta County American Indian Advisory committee, which represents the Pit River Tribe, Wintu Tribe of Northern California, Redding Rancheria, and the Winnemem Wintu Tribe;
- Support activities for Native American youth and families, such as the Gathering of Native Americans;
- Create lesson plans about and in collaboration with local Tribes with teams of teachers working with Knowledge Keepers from the Tribes; and
- Create a system of family liaisons, among other actions.[137]

The Western Educational Equity Assistance Center also provides technical assistance in this area for state and local educational agencies.[138]

The COVID-19 pandemic greatly increased chronic absenteeism rates across the nation, and those rates remain high as compared to pre-pandemic rates. In the three school years immediately prior to the pandemic, chronic absenteeism rates for all students statewide averaged around 11%.[139] In 2022–23, California reported a statewide chronic absenteeism rate of 25% for all students, which is over double the pre-pandemic average from 2016–19.

Both pre- and post-pandemic, American Indian/Alaska Native students have faced the highest rates of chronic absenteeism of any ethnic/racial subgroup. In the three school years immediately prior to the pandemic, the statewide chronic absenteeism rate for American Indian/Alaska Native students averaged around 21%, nearly double the statewide rate for all students during that time.[140] In 2022–23, California reported a statewide chronic absenteeism rate of 36% for American Indian/Alaska Native students, nearly 1.5 times the rate for all students that year.

Chronic absenteeism rates were higher for American Indian/Alaska Native students than for all students in 85% (120 of 141) of California school districts that reported this metric.[141] **Fifteen of these districts showed extremely large disparities of 20 percentage points or more in American Indian/Alaska Native students' chronic absenteeism rates compared to all students.** For example, Porterville Unified School District in Tulare County, adjacent to the Tule River Reservation, had a chronic absenteeism rate of 56% for American Indian/Alaska Native students, compared to 18% for all students. This means that 111 of Porterville Unified's 199 American Indian/Alaska Native students in grades K–8 missed 10% or more of the school year.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT showed an extreme disparity in the chronic absenteeism rate for American Indian/Alaska Native students, at 60% in 2022–23, compared to a rate of 26% for all students. This means that 36 of San Francisco Unified's 65 American Indian/Alaska Native students in grades K–8 missed 10% or more of the school year. San Francisco Unified also showed an extremely large gap in the school stability rate of 55% for American Indian/Alaska Native students, compared to 81% for all students. This means that 88 of San Francisco's 197 American Indian/Alaska Native students in grades K–12 experienced a transfer or school exit in 2022–23. **San Francisco Unified must do more to support American Indian/Alaska Native students to avoid disruptions to their schooling.**

The ten districts with the highest chronic absenteeism rates for American Indian/Alaska Native students are named in **Table 2C** below. These districts show shockingly high rates of between 62% and 81%.

TABLE 2C. Districts showing the highest chronic absenteeism rates for AI/AN students

District	Number of AI/AN K–8 Students	Chronic Absenteeism Rate—AI/AN
Big Pine Unified	41	80.5
Oakland Unified	55	78.2
Laytonville Unified	30	73.3
Mountain Empire Unified	59	69.5
Lompoc Unified	32	68.8
Klamath-Trinity Joint Unified	535	67.5
Happy Camp Union Elementary	43	65.1
Lakeport Unified	108	63.9
Barstow Unified	36	63.9
Coachella Valley Unified	37	62.2

See **Appendix J** for a table with chronic absenteeism rates for American Indian/Alaska Native students in all districts with a districtwide population of 11 or more American Indian/Alaska Native students.

In some school districts, the chronic absenteeism rate may be inflated for Native American students because absences to attend cultural ceremonies and traditional activities are included in the rate. This fails to recognize the essential and educational nature of these activities and is a missed opportunity to celebrate the student's participation in important cultural events. Participation in cultural events is a fundamental aspect of Native American students' learning and identity and should be treated as a co-curricular activity that enriches students' educational journey. Such participation is already protected as an "excused absence" from California schools.[142] California lawmakers should go further to exclude these absences from the chronic absenteeism rate.

American Indian/Alaska Native Students Deserve In-School Mental Health Support.

California students from all demographics face an unprecedented need for mental health support, a trend that began long before the COVID-19 pandemic led the American Academic of Pediatrics and partner organizations to declare a National State of Emergency in children's mental health.[143] Native American students are more impacted by this crisis than other student groups. For example, in 2021, the national death rate from suicide for American Indian/Alaska Native females ages 15–19 was more than five times the rate for non-Hispanic white females of the same age.[144] Risk factors impacting these disparities include the historic and systemic injustices discussed in this report, high rates of poverty and victimization, and low rates of access to appropriate mental health care.[145]

Usually, schools and school-based programs are the first to identify and support children who are sick, stressed, or experiencing trauma. This is especially true in areas with little access to mental health resources outside of the school context, such as those in rural or remote areas.[146] Unfortunately, despite the heightened vulnerability of the mental wellness of California's Native American students, they are attending schools with disproportionately poor student support structures and more punitive responses to student behavior compared to the average California student. California has made significant investments in youth mental health in past years through efforts like the Children and Youth Behavioral Health Initiative. But state and local leaders can do much more to address this crisis sustainably and ensure they are meeting the needs of Native American students.

ADVERSE CHILDHOOD EXPERIENCES: One important measure of mental and emotional health is adverse childhood experiences (ACEs), "stressful and traumatic events experienced during childhood," including "environmental factors that undermine a child's sense of safety and stability," which are "associated with poor physical, mental, and behavioral health outcomes."[147] Native American youth are particularly affected, with American Indian/Alaska Native individuals consistently demonstrating a significantly greater average number of ACEs in childhood.[148] This finding is undergirded by historical and complex trauma from colonization and systemic racism, forced assimilation policies, and the disruption of traditional cultural practices consistently experienced in Tribal communities.[149]

Higher levels of ACEs are linked to higher rates of chronic health problems, mental illness, and substance abuse and more limited education and job opportunities. Trauma also directly and negatively affects a student's ability to learn.[150] But these negative outcomes from ACEs are preventable with appropriate interventions. Providing stable, nurturing relationships, teaching social-emotional learning, and connecting youth to mentors in school are essential to counteracting the long-lasting damaging effects of ACEs on youth.[151] Additionally, for Native American students, it is "crucial to incorporate cultural safety in all interventions and treatments, ensuring they respect and align with AI/AN cultural beliefs and practices."[152]

CHRISTINA ALANIZ (*SERRANO/MARRÉGA'YAM, CAHUILLA/WANEPUHPA'YAM*)

As a high school student in California, I endured persistent harassment for being Indian—from racial slurs to cruel taunts about going back to my 'teepee.' Now, as an educator (2010–present) and California Teachers Association (CTA) union leader, I strive to address these ingrained issues from within the educational system. Unfortunately, I still face resistance when I advocate for accurate and inclusive education on Native American histories or culturally responsive pedagogy.

As vice chair of the CTA's American Indian/Alaskan Caucus, I have the privilege of serving on the Racial Equity Affairs Committee, advocating for AI/AN students and educators to CTA leadership. At our quarterly state council meetings, I raise questions about AI/AN education issues, particularly how school districts engage with Tribes in light of recent legislation such as AB 945 (Ramos), AB 1248 (Gloria), AB 1703 (Ramos), and AB 1821 (Ramos). I was told these matters were local issues. But local union leaders were not addressing them. I attempted to bridge this gap by connecting local Tribal leaders with local associations and CTA conferences, but these efforts were rejected. The structure meant to promote equity was instead impeding meaningful progress and engagement with California Native peoples.

From the mission projects that erase Indigenous experiences to professional development that dismisses partnerships with local Tribes, there is a lack of political will to effect real change. Despite these challenges, I remain committed to pushing district administrators and the CTA to enact mandatory cultural competency training, inclusive curricula, and teacher preparation programs that reflect and respect the diversity of our student populations.

Christina Alaniz is a Serrano/Maarrênga'yam and Cahuilla/Wanepuhpa'yam first descendant from the Morongo Band of Mission Indians. She grew up on the Morongo Reservation and attended K-12 schools in Riverside County, California, where she experienced bullying due to her Native American identity. After earning her B.A. in history and teaching credential from the University of Redlands, Christina began her career at the Morongo School before joining the Palm Springs Unified School District, where she continues to teach. At Palm Springs USD, Christina helped establish the first Native American Parent Advisory Council and is active in the Palm Springs Teachers Association, the California Teachers Association (CTA), and the National Education Association (NEA). Now a doctoral researcher, her research focuses on addressing academic disparities and advocating for culturally respectful solutions to remove barriers to success for Native American students.

Culturally focused mental health practices and educational practices are a demonstrated protective factor for Native American students. Research affirms that the trauma of historic and current discrimination experienced by Native American communities can be effectively counterbalanced in part by "fostering positive intersecting ethno-cultural identities, supporting family and community interactions, promoting civic engagement, revitalizing cultural ceremonies, and celebrating the religious and spiritual heritage of children and youth."[153] School districts can provide culturally focused school-based mental health programs for Native American students by partnering with organizations that embrace this approach. For example, Two Feathers Native American Family Services, located in Humboldt County, focuses on community building and cultural affirmation to address long-standing mental health challenges faced by Native American youth.[154] Two Feathers operates a school group counseling program in elementary and high schools in multiple school districts.[155] The United Indian Health Service and the Northern California Indian Development Council have also entered into memoranda of understanding with local schools on the North Coast of California to provide student mental wellness services, and the Klamath Trinity Joint Unified School District has a wellness center where Native American students can receive mental health services centering the culture and experiences of Native American peoples. These examples can serve as models to schools in other counties across California.

Across the board, California students are among the most underserved in the country in terms of school-based mental health, with ratios of students to teachers, counselors, nurses, psychologists, and social workers that far exceed best practices and national averages.[156] Our analysis of school-based mental health staffing, based on the 2020–21 federal Civil Rights Data Collection, reveals that American Indian/Alaska Native students in California experience this even more severely than the average student in California. In fact, American Indian/Alaska Native students are disproportionately likely to attend schools that have **no** counselors, **no** nurses, **no** social workers, or **no** psychologist, which is deeply troubling:

- No Counselor: Over 5,000 (or 54%) of American Indian/Alaska Native primary students are in schools with no counselor, and over 2,600 (13%) of American Indian/Alaska Native secondary students attend schools with no counselor.
- No Nurse: 29% percent of American Indian/Alaska Native primary students and 35% of American Indian/Alaska Native secondary students are in schools with no nurse.
- No Social Worker: 81% of American Indian/Alaska Native primary students and 78% of American Indian/Alaska Native secondary students are in schools with no social worker.
- No Psychologist: 20% of American Indian/Alaska Native primary students and 28% of American Indian/Alaska Native secondary students are in schools with no psychologist.

Schools where more school-based mental health professionals are employed are more likely to have positive educational outcomes for students, including improved attendance, fewer disciplinary incidents, and improved academic achievement rates.[157] Our data analysis reveals that Native American students have disproportionately low access to that opportunity in California.

Shortages in student support staff are linked to the rates of criminalization and school pushout of Native American students. **In California, American Indian/Alaska Native students are over 1.5 times more likely than all students in California to attend schools with an assigned law enforcement officer, but no school counselor.** Across all grades, 951 American Indian/Alaska Native students attend such schools. When schools lack appropriate student support staff, overwhelmed educators

often resort to punitive responses to student behaviors (such as substance use or changes in the student's attitude) that would be better addressed by a counselor or social worker. The uniquely challenging staffing dynamics of the schools that Native American students attend put them at higher risk for being exposed to law enforcement or exclusionary discipline instead of receiving support for their behavioral needs.

As a final note on troubling staffing data, California's American Indian/Alaska Native students are also more likely to be enrolled in schools with an inadequate teacher workforce, meaning that they are more likely to be educated by teachers with less training and credentialing. Ten percent of American Indian/Alaska Native secondary students and 6% of primary students are in schools where 10% or more of teachers are lack certification, compared to 8% and 5%, respectively, of all students.

See **Appendix K** for a table reflecting American Indian/Alaska Native students' representation statewide in schools that lack appropriate staffing.

Creating school climates that are supportive of Native American students' mental wellness requires more than simply hiring adequate numbers of staff. As noted above, to better support their students, school districts must provide culturally focused school-based mental health programs through partnering with local organizations such as Two Feathers Native American Family Services or by increasing funding to appropriate school-based mental health staff whose practices respect and align with Native American cultural beliefs and practices.

KAREN ASBURY (*YUROK*)

Similar to foster children across the country, my foster daughter experienced a deeply traumatic event before coming to live with me. As with any trauma, the effects continue to affect her daily life, including in school.

Thankfully, my daughter's school, Eureka High School, has a strong Indian Education program where she found tremendous support from the program's staff. One day in 2024, while visiting the Indian Education teacher, my daughter decided to try returning to one of her regular classes. However, when she arrived in class, she realized it would be too overwhelming for her, so she asked the teacher if she could leave and do the classwork in the Indian Education classroom.

Instead of approaching my daughter in a trauma-informed and culturally sensitive manner, the teacher reacted harshly: "You're finally back in class and you already want to leave? Go sit down and pay attention. You don't have any right to leave." My daughter, knowing she had an advocate in the Indian Education teacher, texted them about the incident. The Indian Education teacher then informed my daughter's regular teacher that my daughter did, in fact, have the right to leave due to her IEP. This angered my daughter's regular teacher so much so that she slammed my daughter's work on her desk and ordered her to leave the classroom.

As a parent, hearing about this experience from my daughter was incredibly frustrating—teachers should support their students, not tear them down. The experience reinforced my belief that teachers and school staff must undergo trauma-informed and cultural humility training to better understand and serve Native students, especially those who have experienced the foster care system.[158]

Karen Asbury is a Yurok tribal member who grew up primarily in Humboldt County. As a mother of nine children, Karen strives to encourage her children and all Native youth to become richer in their culture and help them thrive in whatever they may dream of.

The photo above is of Karen's daughter, Angelica.

Recommendations

The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) affirms the principles upon which every government agency should align its actions.[159] Among many rights enshrined in the UN Declaration, the principles undergirding educational systems' interactions with Native American youth include Indigenous peoples' rights to be free from any kind of discrimination in the exercise of their rights, in particular that based on their Indigenous origin or identity (Article 2);[160] to practice and revitalize their cultural traditions and customs (Article 11);[161] to practice, develop, and teach their spiritual and religious traditions, customs, and ceremonies (Article 12);[162] to establish and control their educational systems and to access all levels and forms of education without discrimination, including (when possible) an education in their own culture and provided in their own language (Article 14);[163] to maintain and strengthen their distinctive spiritual relationship with their traditionally owned lands (Article 25);[164] and to maintain, control, protect, and develop their cultural heritage, traditional knowledge, and traditional cultural expressions (Article 31).[165]

The social, mental, and physical well-being of Native American students must be affirmed and supported by California schools for students to access equal educational opportunity. The collective community, and each person's individual role in that community, is essential to making this a reality. In that spirit, we offer proposals below for local and statewide educational agencies—and every person who is part of the school community—to better support Native American students to realize their full potential.

Considerations for the Local Level

Schools and local education agencies can take important steps to improve the experience and outcomes of Native American students. The local or regional context of school districts—including size, location, urban or rural setting, local Tribal communities, and numbers of Native American students—varies widely statewide, so we present below some key topics for Tribal leaders, advocates, students, families, and local educational decisionmakers to consider in how to best support local Native American students and families.

The capacity of local school districts and county offices of education to act effectively also often depends on support from statewide entities, including guidance and training from the California Department of Education, adequate funding, and the passage and enforcement of laws codifying these standards. Consequently, each of these local and regional considerations below also has a parallel in the state-level recommendations in the next section below.

- **Increase Tribal Consultation for Educational Oversight.** Native American youth and their support networks are the best experts in what approaches, interventions and supports they need. School districts should hold monthly regional meetings with Tribal representatives, Native American youth, families, and other Native American-led school district committees (such as Indian Policies and Procedures committees) about school district policies and practices impacting Native American students and co-identify preferred solutions to be brought to the superintendent. Tribal governments must be given the opportunity to weigh in meaningfully in public education systems. Tribes have the right as sovereign nations to ensure the education of

their Tribal youth.[166] Tribal consultation should take place with all Tribes local to the school district, regardless of whether the Tribe is federally recognized or unrecognized. Regular, meaningful consultation can also help improve trust and build relationships between school and district administrators and Native American communities.

> "Eureka City Schools' Native American Parent Advisory Committee (PAC) has helped provide valuable feedback on practices and policies that support Native American students. By actively consulting Indigenous families and Tribes, the PAC has driven meaningful changes, including culturally relevant curriculum, staff training in cultural competency, and trauma-informed practices. These efforts have fostered trust, improved school climate, and ensured accountability in meeting the unique needs of Native students."
>
> —Gary Storts, *Superintendent, Eureka City Schools*

- **Use Culturally and Linguistically Relevant Curriculum in the Classrooms.** It is essential—and a legal requirement in California—for Native American students to see themselves and their communities reflected in educational curricula.[167] Honest and truthful depictions of the historical experiences of Native Californians—including that the state-supported and sanctioned genocide of Native American peoples and entire communities—is fundamental to the education of all of California's students, equipping them to better understand our diverse history and perspectives and better appreciate how to address—and avoid repeating—past harms. The curriculum should draw upon the knowledge and wisdom of local Tribal Nations and people specific to the community in which the school is sited. **Districts must ensure curriculum and associated complementary materials are developed in collaboration with local Native American leaders and educators.** Some quality examples include:
  - Klamath-Trinity Indian Education Program, Native American Curriculum, **https://www.ktjusd.k12.ca.us/ourpages/auto/2023/3/15/44446445/Curriculum%20Catalog%202021%20.pdf?rnd=1678887066967**
  - Inyo County Office of Education, Education Services Department, Paiute Shoshone Curriculum, **https://sites.google.com/inyocoe.org/pscp/home?pli=1**.
  - Kumeyaay Diegueño Land Conservancy, Kumeyaay Heritage and Conservation (HC) Project, **https://www.csus.edu/college/education/engagement/_internal/_documents/indian_kumeyaay_heritage_and conservation_project.pdf**.
  - California Indian Education for All, Classroom Resources, **https://www.caindianeducationforall.com/classroom-resources**.
  - The statewide Native American Studies Model Curriculum, which will be finalized in fall 2025, includes lessons for transitional kindergarten through grade 12. This curriculum includes lessons about the state-sponsored genocide and enslavement of Native Californians; the boarding schools era; and the resilience and survival of Native Californians, including cultural and language revival in recent decades. The Humboldt County Office of Education and the San Diego County Office of Education are the lead agencies developing the statewide curriculum pursuant to the California Indian Education Act.[168] More information about the curriculum is available at **https://hcoe.org/native-american-studies-model-curriculum/**.

If possible, collaborate with local Tribes when teaching these classroom lessons to include spiritual and ceremonial histories and celebrate Tribal contributions to California's culture, history, languages, and science. Bringing in Native American leaders and culture-bearers as speakers in the classroom can also help when teaching about the historical violence perpetrated against Native Californian communities, to alleviate the anxiety of Native American students when these topics are covered, and to help address the misinformation that often crops up during classroom discussions of these difficult topics. Districts can use professional development funds to contract with the authors of specific lessons in a model curriculum to lead in-person or virtual trainings with educators.

- **Create, Increase, and Improve Culturally Competent Professional Development Opportunities for School Staff.** Educators and administrators should receive required annual culturally and linguistically appropriate, historically accurate "in-service" training on how to respectfully teach about local Native American history, culture, and spiritual practices (using locally relevant classroom curricula developed in consultation with local Tribes) and how to best support Native American students in the classroom. These trainings should be developed in collaboration with local Tribes, include presenters from those local Tribes, and be at no cost to participants. County Offices of Education should support professional development for school districts by hiring Native American Learning Specialists to develop this training, support local school districts, facilitate partnerships with local Tribes, and support Title VI programs, which are often understaffed on the district level due to lack of adequate funding.
- **Recognize and Honor Cultural Participation as Valid Education.** In some school districts, school leaders unlawfully deem absences to attend cultural ceremonies and traditional activities as an "unexcused" absence. This practice violates California Education Code section 48205(a), which specifically states that "observance of a holiday or ceremony of the pupil's religion" and "[f]or purposes of participating in a cultural ceremony or event" are deemed excused absences.[169] This practice also fails to recognize the essential and educational nature of these activities and is a missed opportunity to celebrate the student's participation in important cultural events. At a minimum, school districts should formalize policies granting excused absences for cultural and religious ceremonies, as required under California law, and allow Native American students floating holidays to miss school to participate in cultural ceremonies.

  Participation in cultural events is a fundamental aspect of Native American students' learning and identity and should be explicitly recognized as an educational experience. Students' cultural identity should be celebrated by providing school credit for participation in cultural ceremonies and events held during school hours. This is an affirmation of Native American education systems that aligns with the international human rights to self-determination and culturally appropriate methods of teaching and learning.[170]
- **Conduct Inclusive Data Counts Wherever Possible.** School districts should identify as "American Indian/Alaska Native" all students who check the demographic data box "American Indian/Alaska Native" on school registration forms, regardless of what other boxes those students may have checked. Use this method not only to describe enrollment, but also to produce duplicated statistics on American Indian/Alaska Native students for key indicators of school performance, such as graduation rates and suspension rates, so that educational outcomes are properly tracked.

- **Collect Data on Students Eligible for Title VI Services While Respecting Tribal Data Sovereignty.** School districts should proactively identify all district students who are eligible to receive services under the federal Title VI Indian Education Formula Grant (Title VI) program, including the students' Tribal affiliation(s), and track data on school indicators for this group. **School districts should also conduct meaningful Tribal consultation to determine how the data should be reported back to the Tribes and other government agencies and assist Tribes to navigate federal privacy laws to better advocate for their Tribal youth.** School districts, Tribal governments, service providers, and Native American-led community-based organizations should develop memoranda of understanding (MOUs) to establish a stable relationship between the entities that endures even if individual staff members leave and to respect the principles of Indigenous data sovereignty. A standard MOU should establish and formalize data-sharing and consultation practices to align services; improve communication and understanding; and develop ways to most effectively and appropriately serve students, families, and communities.

INDIGENOUS DATA SOVEREIGNTY is the right of a nation to govern the collection, ownership, and application of its own data. It derives from Tribes' inherent right to govern their peoples, lands, and resources.[171]

- **Support Culturally Appropriate School-Based Mental Wellness Services for Native American Students.** Prioritize school-based mental wellness services by culturally competent mental wellness providers. For example, as noted above, some school districts in Humboldt County have entered into contracts with Two Feathers Native American Family Services (https://twofeathers-nafs.org/) for culturally appropriate counseling services to support Native American students. Where school districts directly hire mental health providers to work in the schools, rather than contracting with an outside organization, they should ensure those school staff have received cultural competency training and are able to focus on mental health duties, i.e., that counselors are providing mental wellness counseling to students rather than primarily spending their time on purely academic advising, achievement test proctoring, and clerical tasks.
- **Increase and Improve Schoolwide and Districtwide Practices to Improve School Climates for Native American Students.** School districts should implement culturally appropriate, districtwide, multi-tiered systems of support practices that have a focus on healing-centered engagement with students, which have been shown to improve mental wellness, deepen interpersonal relationships that encourage students to stay in school and on track to succeed, and enhance student self-esteem and identity. These approaches must be developed in consultation with Tribal leaders and other Native American advocates, educators, and professionals. To improve accountability and transparency in this measure, school districts should develop a rubric or quarterly assessment and training to measure progress.
- **Apply for All Available Federal "Indian Education" Grants and Ensure District Indian Education Programs Have Sufficient Resources.** Native American students benefit from having consistent mentors who reflect their culture and tradition, understand their community and lived experiences, and can support them through their unique and specific challenges and barriers, so that Native American students stay in school and on track to succeed. In Eureka City Schools,

having a designated "Indian Education room" has helped Native American students academically, mentally, and emotionally when they need support from a mentor and has helped students graduate on time. School districts should apply for all federal "Indian Education" grants for which they are eligible and otherwise ensure the Indian Education programs have sufficient physical space, verbal support, and financial resources to provide meaningful services to students.

JOM AND TITLE VI PROGRAMS: The two largest federal "Indian Education" programs that provide funding to school districts to address the educational needs of American Indian/Alaska Native students are the Johnson O'Malley (JOM) program and the Title VI Indian Education Formula Grant Program (Title VI). The JOM program funds educational services for students who are affiliated with federally recognized Tribes. The Title VI program funds educational services for all students who are members of a Tribal nation that is federally recognized, state recognized, or terminated. School districts must apply to the federal government for these grants.[172]

- **Develop More Effective Discipline Policies in Consultation With Tribes and Other Members of the School Community.** Research demonstrates that the practice of excluding students from school for disciplinary reasons, without sufficient consideration of alternatives, is ineffective in creating safe and healthy learning environments for students, teachers, and staff. Moreover, as noted in the sections above, in many districts, American Indian/Alaska Native students are more likely to be more harshly disciplined with suspension, expulsion, involuntary transfers, and referrals to law enforcement. Given these harmful impacts, school districts should strongly consider a ban on exclusionary discipline, particularly for the youngest students in grades K–6. School districts should consult with Tribes, districtwide committees such as the Indian Policies and Procedures Committee, students, families, and other advocates for Native American youth to study historical district data on racial discipline disparities and develop a uniform districtwide student discipline policy using a racial equity lens.
- **Increase the Number of Native American Students Entering Colleges and Universities.** In consultation with Tribes, districtwide committees such as the Indian Policies and Procedures Committee, students, families, and other advocates for Native American youth, school districts should implement initiatives to increase the number of Native American students who meet the A–G requirements to be considered for admission to a UC/CSU four-year college and create other programs and opportunities that support their readiness for postsecondary education.
- **Find Other Creative Ways to Build an Inclusive and Welcoming School Environment for Native American Students.** In consultation with Tribes, districtwide committees such as the Indian Policies and Procedures Committee, students, families, and other advocates for Native American youth, school districts should seek creative ways to create welcoming schools by:
  - Prioritizing recruitment and retention of Native American educators who can serve as role models to Native American students and who may share similar cultural experiences with those students;
  - Changing place names and mascots that are offensive to Native American students, families, communities, and Tribes;
  - Identifying speakers and creating events that promote a cultural exchange between staff and Native American families;
  - In close partnership with local Tribes, creating a land acknowledgment that

names the Native Californian people to whom the land belongs and the history of the land and any related treaties; uses accurate Native Californian place names; and includes a call to action to district leaders and staff to better support Native American students;

- Planning events that promote and nurture student relationships with community elders; and
- Ensuring that all school community events are planned at a time when families are most likely to attend, providing food and childcare if in-person events are possible, and hosting livestreamed events on social media platforms with giveaways for attendees to maximize participation.

Statewide Call to Action

Improving the experience and outcomes of Native American students statewide requires a unified commitment from all branches of state government, as well as collaboration with nongovernmental statewide education organizations. Each recommendation below identifies the entities involved in its realization.

KEY

CDE = California Department of Education

SBE = State Board of Education

GOV = Governor

LEG = Legislature

CDE/LEG = CDE could take administrative action and/or the Legislature could pass legislation mandating or encouraging this

AG = Attorney General enforcement

NGO = Nongovernmental statewide organization

- **Increase Tribal Consultation for Educational Oversight.** California should develop a statewide Native American education council composed of Tribal representatives, Native American youth, families, and Native American-led organizations and regularly consult with the council regarding statewide policies and practices impacting Native American students. This statewide council should also have authority to promote and, where legally required, ensure school districts are consulting on the local level with Tribes, Native American youth, families, and Native American-led school district committees (such as Indian Policies and Procedures committees) about district-level policies and practices impacting Native American students. (**CDE, SBE, LEG, GOV, NGO**)
- **Require School Districts to Use Culturally and Linguistically Relevant Native American Studies Curriculum.** California took an important step to support Native American students in passing the California Indian Education Act in 2022. The state should expand the Act to require—rather than simply encourage—school districts to adopt the statewide Native American Studies Model Curriculum. Alternatively, a school district could adopt a curriculum (and associated instructional materials) that is tailored to the local context and developed in collaboration with local Tribal leaders. The legislature may also have additional opportunities to create curriculum standards requiring the accurate teaching of history as it pertains to Native Americans, such as the curriculum mandated by AB 1821 (Ramos, 2024). (Leg; AG) Adopt standards for teaching these curricula. (**CDE/SBE**)
- **Recognize and Honor Cultural Participation as Valid Education.** Participation in cultural events is a fundamental aspect of Native American students' learning and identity and should be explicitly recognized as an educational

experience. California should do more to honor and accommodate Native American students' cultural identities by clarifying in the Education Code that school districts can, and are encouraged to, provide school credit for participation in cultural ceremonies and events held during school hours. Moreover, when measuring and reporting chronic absenteeism rates, California should exclude student absences for participation in cultural ceremonies and events, so that school districts are not penalized for honoring students' cultural participation.

Additionally, California should clarify in the Education Code that school districts may not impede students' rights to wear Tribal, cultural, or religious regalia at graduation ceremonies by requiring the student to obtain pre-approval, and that the authority to determine what is "traditional Tribal regalia" or "a recognized object of cultural or religious significance" under California Education Code § 35183.1 resides with the student. (**LEG**) Provide education to schools and districts about the importance of these approaches. (**CDE**)

- **Collect Inclusive Data Counts Wherever Possible.** California should modify its statewide student data collection system(s) to use an inclusive counting method for a more accurate "state count" of American Indian/Alaska Native students, and to collect more detailed ancestry/ethnicity information (including primary and secondary Tribal affiliation(s)), similar to the Minnesota Department of Education's student data system.[173] (**CDE**) The state should also provide guidance to districts and hands-on training on how to collect, produce, and track inclusive counts of American Indian/Alaska Native students in school district student data systems. (**CDE/SBE**) As an interim step, until these changes are made, California should report all public CDE data files with duplicated counts and percentages that include each student in every racial-ethnic category to which they belong and provide training to educators and the public on how to interpret duplicated and unduplicated statistics. (**CDE**)
- **Train School Districts on Best Practices to Collect Data on Students Eligible for Federal Title VI Programs While Respecting Tribal Data Sovereignty.** (**CDE**) California should develop or expand training to school districts to avoid the procedural oversights that can prevent families from identifying their students as Native American on federal Title VI Indian Education Formula Grant Program eligibility forms. For example, some basic best practices are:
  - Include Title VI "ED 506 Forms" in annual enrollment packets.
  - Give assistance to families to fill out the ED 506 Forms.
  - Conduct meaningful Tribal consultation to determine how the data should be reported back to the Tribes and other government agencies.
  - Assist Tribes to navigate federal privacy laws to better advocate for their Tribal youth
- **Adequately Staff the California Department of Education Native American / Indian Education Program.** According to a survey conducted by the American Institutes for Research, California ranked last in the nation in state education agency staffing to support Native American education. The program currently allocates only one full-time Native American education staff member in a state with 26,971 K–12 students identified as American Indian/Alaska Native and many, many more under-identified Native American students. California should have at least one full-time employee per every 1,000 public K–12 AI/AN students, which is on par with Oregon and Washington.[174] California should also greatly expand its American Indian

Education Center Program, which is separate from the Native American/Indian Education Program. (**GOV, LEG, CDE**)

- **Support School Districts to Create, Deepen, and Improve Culturally Competent Professional Development Opportunities for School Staff.** California should require school districts with significant numbers of American Indian/Alaska Native students to institute annual culturally and linguistically appropriate, historically accurate, mandatory "in-service" professional development for school staff to learn how to respectfully teach about local Native American history, culture, and spiritual practices (using locally relevant classroom curricula developed in consultation with local Tribes) and how to best support Native American students in the classroom. Educators should also receive training on the principles enshrined in the UN Declaration on the Rights of Indigenous Peoples that undergird educational systems' interactions with Native American youth, as described at the beginning of this section. (**CDE/LEG**) Statewide educational administrators should work in partnership with statewide teachers' unions to ensure smooth adoption of this kind of professional development. (**CDE, NGO**)
- **Support Culturally Appropriate School-Based Mental Wellness Services for Native American Students.** (**CDE, GOV, LEG**) In consultation with the statewide Native American education council described in the first recommendation, California should:
  - Create training for school districts on what "culturally competent school-based mental wellness services" means with respect to Native American students;
  - Increase funding for culturally competent school counselors, psychologists, social workers, and nurses, especially to schools where American Indian/Alaska Native students are enrolled at higher-than-statewide averages. Fund workforce channels for these positions;
  - Fund programs that address the teacher and other staff shortages that lead schools to occupy student support staff with tasks unrelated to their professions;
  - Increase funding for the implementation of culturally appropriate districtwide multi-tiered systems of support practices that have a focus on healing-centered engagement with students, including funding to train school personnel in these practices; and
  - Eliminate any regulatory barriers to school districts who wish to partner with culturally competent external partners to provide culturally appropriate school-based student mental wellness services.
- **Remove Barriers to School Districts Adopting More Equitable, Effective Student Discipline Policies.** (**LEG**) Given the documented disciplinary bias against Native American students and overrepresentation in discipline described in this report, California should restrict the practice of responding to student mental health needs with law enforcement, surveillance, or exclusionary discipline that further traumatizes youth, stigmatizes behavioral health support, and is more likely to be used in a discriminatory fashion against Native American youth. For the same reasons, California should sustain and extend statewide legal changes that reduce reliance on suspensions and expulsions as a response to student behavior:
  - Remove the sunset provision on the final elimination of "willful defiance" suspensions (SB 274, Skinner, 2023);
  - Avoid passing new legislation that creates loopholes to expand the use of suspension and expulsion in schools; and
  - Ban exclusionary discipline for the youngest students in grades K–6.

- **Increase the Number of Native American Students Entering Colleges and Universities.** In consultation with the statewide Native American education council described in the first recommendation, California should fund and support the implementation of programs to help more Native American students qualify for admission to a UC/CSU four-year college and improve their readiness to succeed in postsecondary education. (Leg, Gov, CDE) The state should also create targeted credential pathways for Native American students to enter fields such as teaching, school psychology, counseling, or social work to create a school support staff workforce that is more reflective of the students they serve. (**CDE/LEG**)

Additional Resources

- Dr. Joely Proudfit, et al., *The State of American Indian & Alaska Native Education in California*, California State University-San Marcos, (2024), **https://drive.google.com/file/d/1FJcjRXxHDoixmlCbeRVvBWYZPaRUw7S1/view**
- Cal. Tribal Families Coalition, *California's Failure to Support Native Students: Raising Awareness of Education Disparities Impacting Native Youth with Disabilities and Native Foster Youth*, (Dec. 2023), **https://caltribalfamilies.org/wp-content/uploads/2024/01/2023-Education-Fact-Sheet-1.pdf**.
- Indigenous Education State Leaders Network & American Institutes for Research, *Indigenous Students Count: A Landscape Analysis of American Indian and Alaska Native Student Data in U.S. K–12 Public Schools* (2023), **https://www.air.org/sites/default/files/2023-10/Indigenous-Students-Count-report-2023.pdf**
- Bryan Newland, *Federal Indian Boarding School Initiative Investigative Report*, U.S. Dep't of the Interior, (2022), **https://www.bia.gov/sites/default/files/dup/inline-files/bsi_investigative_report_may_2022_508.pdf**
- Bryan Newland, *Federal Indian Boarding School Initiative Investigative Report: Vol. II*, U.S. Dep't of the Interior, (2024), **https://www.bia.gov/sites/default/files/media_document/doi_federal_indian_boarding_school_initiative_investigative_report_vii_final_508_compliant.pdf**
- Gold Chains Podcast, *Indigenous Injustice*, ACLU of N. Cal., (Nov. 1, 2022), **https://www.aclunc.org/sites/goldchains/podcast/episodes/ep03-indigenous-injustice.html**
- Regional Educational Laboratory Northwest, *Native Youth Count: A Resource Guide for Families of American Indian and Alaska Native Students* (June 2020), **https://ies.ed.gov/ncee/edlabs/regions/northwest/pdf/aian-enrollment.pdf**
- Gwynne Evans-Lomayesva et al., *Advancing American Indian & Alaska Native Data Equity*, Georgetown Center on Poverty and Inequality, (Nov. 2022), **https://www.georgetownpoverty.org/wp-content/uploads/2022/11/AdvancingAIANDataEquity-Nov2022.pdf**
- Phyllis Ault & Laura John, *Obscured Identities: Improving the Accuracy of Identification of American Indian and Alaska Native Students*, Education Northwest, (May 2017), **https://educationnorthwest.org/sites/default/files/resources/obscured-identities.pdf**
- Forthcoming report from the California Truth and Healing Council. Keep updated here: **https://tribalaffairs.ca.gov/cthc/**

Endnotes

1 See e.g., *Meyers v. Bd. of Educ. of the San Juan Sch. Dist.*, 905 F. Supp. 1544, 1578 (D. Utah, 1995) ("[T]he focus should be on the interest of the children, and the method should be one of cooperation among the [state, federal, and tribal] entities, each of which has some authority and means to educate the student[s]…").

2 Gerald Vizenor, *Native Liberty: Natural Reason and Cultural Survivance* 1 (2009)

3 Sabine Nicole Talaugon, *History of Indian Education in California*, *in* On Indian Ground California: A Return to Indigenous Knowledge-Generating Hope, Leadership and Sovereignty through Education 19, 20–22 (Joely Proudfit & Nicole Quinderro Myers-Lim eds., Information Age Publishing 2017).

4 Benjamin Madley, *California's First Mass Incarceration System*, 88 Pacific Historical Review 14, 17 (2019), **https://www.protectjuristac.org/wp-content/uploads/2020/04/2019-Madley-California%E2%80%99s-First-Mass-Incarceration-System.pdf**.

5 Jeannette Henry Costo & Rupert Costo, *Bigotry in Academia: Malevolent and Benign*, *in* The Missions of California: A Legacy of Genocide 171, 187 (Costo and Costo, eds., San Francisco: The Indian Historian Press 1987).

6 Rosaura Sánchez, *Telling Identities: The Californio Testimonios* 55 (1995).

7 Madley, *California's First Mass Incarceration System*, *supra* note 4, at 17.

8 Assemb. B. 1821, 2023–2024 Leg., Reg. Sess. (Cal. 2024).

9 Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe, 1846–1873* 145–172 (2016).

10 *Id.* at 231–288.

11 *See* Brendan C. Lindsay, *Murder State: California's Native American Genocide, 1846–1873* 346 (2015); Madley, *An American Genocide*, *supra* note 9, at 186–194.

12 Madley, *An American Genocide*, *supra* note 9, at 186–194; Cutcha Risling Baldy & Kayla Begay, *Xo'ch Na:nahsde'tl-te Survivance, Resilience and Unbroken Traditions in Northwest California*, *in* Ka'm-t'em: A Journey Toward Healing 39, 47–49 (Kishan Lara-Cooper & Walter J. Lara Sr., eds., 2019); *see also* Cutcha Risling Baldy, *We Are Dancing for You: Native Feminisms and the Revitalization of Women's Coming-of-Age Ceremonies* (2018).

13 Gold Chains Podcast, *Indigenous Injustice*, ACLU of N. Cal., at 07:50 (Nov. 1, 2022), **https://www.aclunc.org/sites/goldchains/podcast/episodes/ep03-indigenous-injustice.html**.

14 Baldy & Begay, *Xo'ch*, *supra* note 12, at 47; *see also* Edward D. Castillo, *California Indian History*, State of California Native American Heritage Commission, **https://nahc.ca.gov/native-americans/california-indian-history/** (last visited Jan. 21, 2025).

15 Bryan Newland, *Federal Indian Boarding School Initiative Investigative Report*, U.S. Dep't of the Interior, 35 (2022), **https://www.bia.gov/sites/default/files/dup/inline-files/bsi_investigative_report_may_2022_508.pdf**.

16 Adrienne Colegrove-Raymond, *A Time of Reflection: The Role of Education in Preservation*, *in* Ka'm-t'em: A Journey Toward Healing 277, 278–279 (Kishan Lara-Cooper & Walter J. Lara Sr., eds., 2019) (describing the author's grandmother's experiences at The Sherman Institute in Riverside, California).

17 *The First Peoples of California*, *in* California as I Saw It: First-Person Narratives of California's Early Years, 1879 to 1900, (The Library of Congress), **https://www.loc.gov/collections/california-first-person-narratives/articles-and-essays/early-california-history/first-peoples-of-california/#:~:text=As%20European%20settlement%20came%20late,enjoyed%20a%20comparatively%20peaceful%20life** (last visited Jan. 21, 2025).

18 Newland, *supra* note 15, at 51.

19 Newland, *supra* note 15, at 53.

20 Bryan Newland, *Federal Indian Boarding School Initiative Investigative Report: Vol. II*, U.S. Dep't of the Interior, 83 (2024), **https://www.bia.gov/sites/default/files/media_document/doi_federal_indian_boarding_school_initiative_investigative_report_vii_final_508_compliant.pdf**.

21 S. Rep. No. 91-501, at 13 (1969), **https://files.eric.ed.gov/fulltext/ED034625.pdf**.

22 *Id.* at XI–XII.

23 *See* Kishan Lara-Cooper, *More than a Boat: Bias, Institutional Frameworks, and Testimonial Injustice*, *in* KA'M-T'EM: A JOURNEY TOWARD HEALING 15, 18–19 (Kishan Lara-Cooper & Walter J. Lara Sr. eds., 2019).

24 Wendy Holliday, *Hopi Prisoners on the Rock*, National Park Service, **https://www.nps.gov/articles/hopi-prisoners-on-the-rock.htm#:~:text=Hopi%20History%3A%20The%20Story%20of%20the%__ontent/uploads/2024/01/2023-Education-Fact-Sheet-1.pdf**.

26 Malcolm King, et al., *Indigenous Health Part 2: The Underlying Causes of the Health Gap*, 4 Lancet 76, (2009); Emily Hicks & Jessica L. Liddell, *"When you hear the noise, you know it's love": Family Support in American Indian Communities*, 30:1 Am. Indian and Alaska Native Mental Health Research 82, 84 (2023), **https://coloradosph.cuanschutz.edu/docs/librariesprovider205/journal_files/vol30/30_1_2023_82_hicks.pdf**.

27 Castillo, *supra* note 14 (describing armed and political resistance from the time of contact up to the present day).

28 Baldy & Begay, *Xo'ch*, *supra* note 12, at 48–50; Castillo, *supra* note 14.

29 Castillo, *supra* note 14.

30 Baldy & Begay, *Xo'ch*, *supra* note 12, at 48–50.

31 Baldy & Begay, *Xo'ch*, *supra* note 12, at 50–52; Castillo, *supra* note 14.

32 Castillo, *supra* note 14.

33 Baldy & Begay, *Xo'ch*, *supra* note 12, at 50–52; *Status and Needs of Unrecognized and Terminated California Indian Tribes*, **UCLA American Indian Studies Center, https://www.aisc.ucla.edu/ca/Tribes14.htm (last visited Jan. 21, 2025)**.

34 Native Voices: Native Peoples' Concepts of Health and Illness, *1953: Congress seeks to abolish tribes, relocate American Indians*, National Library of Medicine, **https://www.nlm.nih.gov/nativevoices/timeline/488.html** (last visited Jan. 21, 2025); Picture This: California Perspectives on American History, *Homogenization, Protests & Outright Rebellion: 1950s: Native Americans Move to the City—The Urban Relocation Program*, Oakland Museum of California, **https://picturethis.museumca.org/timeline/homogenization-protests-outright-rebellion-1950s/native-americans-move-city-urban-relocat-0** (last visited Jan. 21, 2025); Castillo, *supra* note 14.

35 *California Tribal Court-State Court Forum: Frequently Asked Questions: Indian Tribes Tribal Communities in California*, Cal. Courts—Judicial Branch of Cal., **https://courts.ca.gov/sites/default/files/courts/default/2024-08/tribalfaqs.pdf** (last visited Jan. 21, 2025).

36 *Id.*

37 *Native American Urban Relocation*, National Archives, **https://www.archives.gov/education/lessons/indian-relocation.html** (last visited Jan. 21, 2025).

38 Vernon E. Jordan Law Library, *A Brief History of Civil Rights in the United States: The Self-Determination Era (1968–Present)*, Howard University Sch. of Law, **https://library.law.howard.edu/civilrightshistory/indigenous/selfdetermination** (last visited Jan. 21, 2025).

39 Castillo, *supra* note 14.

40 G.A. Res. 61/295 art. 2, 11, 12, 13, 14, 31, U.N. Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).

41 *Hardwick et al. v. USA et al.*, No. 79-cv-01710-EMC, (N.D. Cal. 1979). As a result of this important federal litigation, the following Tribes regained federal recognition: The Big Valley Tribe of Pomo Indians, Blue Lake Rancheria, Buena Vista Rancheria, Chicken Ranch Rancheria of Me-Wuk Indians of California, Cloverdale Rancheria of Pomo Indians of California, Elk Valley Rancheria, Greenville Rancheria, Mooretown Rancheria of Maidu Indians of California, North Fork Rancheria of Mono Indians of California, Picayune Rancheria of Chukchansi Indians of California, Pinoleville Pomo Nation, Potter Valley Tribe, Quartz Valley Indian Reservation of California, Reeding Rancheria, Redwood Valley Little River Band of Pomo Indians, Bear River Band of the Rohnerville Rancheria, and Tolowa Dee-ni' Nation.

42 Castillo, *supra* note 14.

43 America Counts Staff, *California Remained Most Populous State but Growth Slowed Last Decade*, U.S. Census Bureau (Aug. 25, 2021), **https://www.census.gov/library/stories/state-by-state/california-population-change-between-census-decade.html**.

44 Ana I. Sánchez-Rivera, et al., *A Look at the Largest American Indian and Alaska Native Tribes and Villages in the Nation, Tribal Areas and States*, U.S. Census Bureau (Oct. 3, 2023), **https://www.census.gov/library/stories/2023/10/2020-census-dhc-a-aian-population.html**.

45 Dr. Joely Proudfit, et al., *The State of American Indian & Alaska Native Education in California*, California State University-San Marcos, 9 (2024), **https://drive.google.com/file/d/1FJcjRXxHDoixmlCbeRVvBWYZPaRUw7S1/view**.

46 *Tribal and Native American Issues*, U.S. Government Accountability Office, **https://www.gao.gov/tribal-and-native-american-issues** (last visited Jan. 21, 2025).

47 Elle Lett, *Racial Inequity in Fatal US Police Shootings, 2015–2020*, 75 J. of Epidemiology and Community Health 1, 2 (2020), **https://www.chea.upenn.edu/wp-content/blogs.dir/70/files/sites/70/2020/10/Racial-Inequity-in-Fatal-US-Police-Shootings.pdf**; William Rauschenberg, *An Ongoing Struggle: Police Brutality and Native Americans*, Minnesota J. of Law & Inequality (Apr. 3, 2024), **https://lawandinequality.org/2024/04/03/an-ongoing-struggle-police-brutality-and-native-americans/#_ftn1**.

48 Julie A. Gameon & Monica C. Skewes, *A Systematic Review of Trauma Interventions in Native Communities*, Am. J. Community Psychology 1, 3 (Mar. 2020), **https://pmc.ncbi.nlm.nih.gov/articles/PMC7243818/pdf/nihms-1589776.pdf** (suggesting that historical trauma contributes to negative health outcomes by impeding the development of healthy coping behaviors that have served Native communities for millennia).

49 Maria Yellow Horse Brave Heart et al., *Historical Trauma Among Indigenous Peoples of the Americas: Concepts, Research, and Clinical Considerations*, 43 J. of Psychoactive Drugs 282, 283 (2011), **http://materials.ndrn.org/virtual20/session28/Building%20Relationships/Historical%20Trauma,%20Brave%20Heart.pdf**.

50 Roxanne Dunbar-Ortiz, *The Miseducation of Native American Students*, Education Week (Nov. 28, 2016), **https://www.edweek.org/leadership/opinion-the-miseducation-of-native-american-students/2016/11**; Reclaiming Native Truth, *Research Findings: Compilation of All Research*, Illuminative 31 (2018), **https://illuminative.org/wp-content/uploads/2022/06/FullFindingsReport-screen-spreads.pdf** (finding in a study of schools in 2011–12 87% of state history standards do not mention Native American history after 1900 and 27 states make no mention of a single Native American in their K–12 curriculum).

51 Talaugon, *History of Indian Education*, *supra* note 3, at 21–22; Joely Proudfit & Nicole Quinderro Myers-Lim, *Teaching Truth: Social Justice for California Native Students*, *in* ON INDIAN GROUND CALIFORNIA: A RETURN TO INDIGENOUS KNOWLEDGE-GENERATING HOPE, LEADERSHIP AND SOVEREIGNTY THROUGH EDUCATION 83, 83–87 (Joely Proudfit & Nicole Quinderro Myers-Lim, Information Age Publishing 2017).

52 Letter from Ava De Almeida Law, Team Leader, U.S. Dep't of Educ. Office for Civil Rights, to Morgan Nugent, Superintendent, Fall River Joint Unified School District (Dec. 20, 2024), **https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/09141325-a.pdf** (finding "persistent overrepresentation of Native American students in discipline for each year analyzed from SY 2013–14 through 2022–23," that "Native American students were 10.2 times more likely than white students to receive the district's most severe discipline outcomes," and that one cause of the higher rates of discipline for Native American students was that they were "overrepresented among students disciplined for subjective behaviors such as defiance or disruption"); Sacramento Native American Higher Education Collaborative & Community College Equity Assessment Lab at San Diego State University, *From Boarding Schools to Suspension Boards: Suspensions and Expulsions of Native American Students in California Public Schools*, (July 15, 2019), **https://bmmcoalition.com/wp-content/uploads/2019/07/From-Boarding-Schools-to-Suspensions-Boards.pdf**; Letter from Jory Steele et al., ACLU, Michael Harris, et al., Nat. Center for Youth Law, Delia Parr, Cal. Indian Legal Services, to U.S. Dep't of Educ. Office for Civil Rights San

Francisco Office (Dec. 18, 2013), **https://www.aclunc.org/sites/default/files/2013.12.18%20Loleta%20OCR%20Complaint.pdf**); *Jessica K. v. Eureka City Schs. Dist.*, 2014 WL 1420367 (N.D. Cal.), Compl., **https://www.aclunc.org/sites/default/files/001%202013%2012%2018%20Complaint%20and%20Civil%20Cover%20Sheet.pdf**; Agreement, ACLU N. Cal. & Del Norte County Unified School District, Reduction in Student Discipline Agreement (May 6, 2009), **https://www.aclunc.org/sites/default/files/2020-01/Reduction_in_Student_Discipline_Agreement.pdf**.

53 Reclaiming Native Truth, *supra* note 55, at 30.

54 Complaint Letter from Linnea Nelson et al., ACLU N. Cal., Jay Petersen, Cal. Indian Legal Services, Ana Najera Mendoza, ACLU S. Cal., Efaon Cobb, ACLU San Diego & Imperial Counties, to Rob Bonta, Cal. Attorney General, Cal. Dep't of Justice, **https://www.aclunc.org/sites/default/files/2024.09.12_FINAL_ACLU_CILS_Complaint_to_AG_Bonta_Redacted.pdf**; Ana Mendoza, *California's Dress Codes: Violations of Indigenous Students' Rights to Self-Determination and Cultural Preservation*, ACLU S. Cal., et al. (Sept. 2024), **https://www.aclunc.org/sites/default/files/Violations_of_Indigenous_Students_Rights_at_Graduation_Report.pdf**.

55 Cal. Tribal Families Coalition, *California's Failure*, *supra* note 30.

56 Dr. Joely Proudfit, *supra* note 50, at 9.

57 *Id.*

58 Castillo, *supra* note 14 (describing guerilla warfare, assassinations and armed revolts throughout California from the late 17th century through the late 19th century).

59 Madley, *supra* note 9, at 3.

60 Baldy & Begay, *Xo'ch*, *supra* note 12, at 50–51.

61 Gerald Vizenor, *Survivance: Narratives of Native Presence* 1 (2008) ("Survivance stories are renunciations of dominance, detractions, obstructions, the unbearable sentiments of tragedy, and the legacy of victimry. Survivance is the heritable right of succession or reversion of an estate and, in the course of international declarations of human rights, is a narrative estate of native survivance.").

62 Baldy & Begay, *Xo'ch*, *supra* note 12, at 50–51, 56.

63 G.A. Res. 260 A (III), U.N. Convention on Prevention and Punishment of the Crime of Genocide (Dec. 9, 1948), ("Acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.").

64 Michael Yellow Bird et al., *The Indigenous Lifecourse: Strengthening the Health and Well-being of Native Youth*, Native Americans in Philanthropy, 11 (Nov. 1, 2015), **https://nativephilanthropy.issuelab.org/resource/the-indigenous-lifecourse-strengthening-the-health-and-well-being-of-native-youth.html** ("Native youth success depends on knowing who they are.").

65 Lara-Cooper, *More than a Boat*, *supra* note 23, at 9 (citing to a study on Indigenous youth that found "'…cultural affinity promotes self-esteem and…cultural identity, combined with high self-esteem, is a protective factor against alcohol and substance abuse.'").

66 Beck Cohn-Vargas, et al., *Belonging and Inclusion in Identity Safe Schools: A Guide for Educational Leaders* 14 (2021), **https://us.sagepub.com/sites/default/files/upm-assets/119714_book_item_119714.pdf**.

67 Jim McQuillen, *Next Steps: The Education System; Inclusiveness, School Dropouts, and Cultural Pride*, *in* Ka'm-t'em: A Journey Toward Healing 285, 285–286 (Kishan Lara-Cooper & Walter J. Lara Sr. eds., 2019).

68 EdTrust, *Educator Diversity State Profile: California*, (July 27, 2022), **https://edtrust.org/rti/educator-diversity-state-profile-california/**.

69 *See generally* Leilani Sabzalian, *Indigenous Children's Survivance in Public Schools* (2019).

70 Colegrove-Raymond, *A Time of Reflection*, *supra* note 16, at 282.

71 Nicole Quinderro Myers-Lim, *Assessing California State Curriculum and Its Impacts on K–12 Students*, *in* On Indian Ground: A Return To Indigenous Knowledge: Generating Hope, Leadership, And Sovereignty Through Education 157, 161 (Joely Proudfit & Nicole Quinderro Myers-Lim eds., Information Age Publishing 2017) (noting that bias against Indigenous Californians in curriculum "emerges in many forms, such as loaded words, stereotypes, misinformation, lack of information, myths, lies, inappropriate justifications, and culturally insensitive lesson plans, songs, and projects").

72 Kishan Lara-Cooper, *Protecting the Treasure: A History of Indigenous Education in California*, *in* On Indian Ground: A Return To Indigenous Knowledge: Generating Hope, Leadership, And Sovereignty Through Education 1, 13–14 (Joely Proudfit & Nicole Quinderro Myers-Lim eds., Information Age Publishing 2017).

73 Christopher Eberhart, *Viral Fury How Suspended Riverside Teacher Candice Reed did 'Offensive' Native American Headdress Dance for YEARS, Yearbook Reveals*, The U.S. Sun (Oct. 22, 2021), **https://www.the-sun.com/news/3912140/candice-reed-riverside-math-teacher/**.

74 Jennipher Vasquez, *Board Votes to Fire Riverside Teacher Caught Imitating Native American Culture*, Riverside City College Viewpoints (Feb. 5, 2022), **https://viewpointsonline.org/2022/02/board-votes-to-fire-riverside-teacher-caught-imitating-native-american-culture/**.

75 Zaretta Hammond, *Culturally Responsive Teaching and the Brain: Promoting Authentic Engagement and Rigor Among Culturally and Linguistically Diverse Students*, 74 (2014).

76 McQuillen, *Next Steps*, *supra* note 72, at 287.

77 *Federal Indian Law and Tribal Law: California Tribes*, San Diego Law Library, **https://sdlawlibrary.libguides.com/c.php?g=1290774&p=9477481** (last visited Jan. 23, 2025).

78 *Detailed Races and Ethnicities in the United States and Puerto Rico: 2020 Census*, U.S. Census Bureau (Sept. 21, 2023), **https://www.census.gov/library/visualizations/interactive/detailed-race-ethnicities-2020-census.html** (select California on the map, then "American Indian and Alaska Native alone or in any combination" in the far left drop-down menu, and "second largest detailed group" in the middle drop-down menu) (denoting 126,202 California residents of Cherokee heritage among many other individuals affiliated with non-California Native American Tribes including the Navajo Nation, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, Crow Tribe of Montana, Lumbee Tribe of North Carolina, Omaha Tribe of Nebraska, and Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota).

79 Rachael Marchbanks, *The Borderline: Indigenous Communities on the International Frontier*, 26 Tribal College J. Am. Indian Higher Educ., (2015), **https://tribalcollegejournal.org/borderline-indigenous-communities-international-frontier/#:~:text=The%20Tohono%20O'odham%20Nation,%2C%20language%2C%20and%20religious%20traditions**.

80 Native American Environmental Protection Coalition, *Border Tribes*, **https://naepc.com/border-tribes/** (last visited Jan. 24, 2025).

81 *FAQs Race and Ethnicity Collection and Reporting*, Cal. Dep't of Educ., **https://www.cde.ca.gov/ds/sp/cl/refaq.asp#q26** (last visited Jan. 23, 2025).

82 *Id.*

83 *See, e.g.,* Native American Journalists Association, *Reporting and Indigenous Terminology*, 2, **https://indigenousjournalists.org/wp-content/uploads/2023/06/NAJA_Reporting_and_Indigenous_Terminology_Guide.pdf** (last visited Jan. 23, 2025); Native Americans in Philanthropy, *Indigenous Identity: More Than "Something Else"*, (Nov. 24, 2020), **https://nativephilanthropy.org/blog/2020/11/24/indigenous-identity-more-than-something-else**.

84 *About the Topic of Race*, U.S. Census Bureau (Dec. 20, 2024), **https://www.census.gov/topics/population/race/about.html**.

85 Indigenous Education State Leaders Network & American Institutes for Research, *Indigenous Students Count: A Landscape Analysis of American Indian and Alaska Native Student Data in U.S. K–12 Public Schools*, 9 (2023), **https://www.air.org/sites/default/files/2023-10/Indigenous-Students-Count-report-2023.pdf**

86 *Id.*

87 *Id.*

88 Indigenous Education State Leaders Network & American Institutes for Research, *Indigenous Students Count: A Landscape Analysis of American Indian and Alaska Native Student Data in U.S. K–12 Public Schools* (2023), **https://www.air.org/sites/default/files/2023-10/Indigenous-Students-Count-report-2023.pdf**.

89 *Id.* at 7–8.

90 *Id.* at 5.

91 *Id.* at 21.

92 *Id.* at 12.

93 *See id.* at 25 (noting that "[w]hen teachers and schools are aware of all their Indigenous students, they may be more likely to teach culturally responsive, place-based, and relevant context; differentiate between student cultural needs within programs; and/or employ instructional strategies that have been shown to be effective with Indigenous students."); *see also* National Congress of American Indians Policy Research Center, *Data Disaggregation*, **https://archive.ncai.org/policy-research-center/research-data/data** (last visited Jan. 23, 2025) (noting that "[t]he absence of American Indian and Alaska Native peoples in data and policy domains reflects the lack of a national public discourse on the status of our nation's First Peoples," leading to systematic failure to provide resources and services to Native American communities).

94 Marissa Spang, et al., *A Scan of State Education Agency Staffing for Indigenous Education*, American Institutes for Research, 4 (Oct. 2024), **https://www.air.org/sites/default/files/2024-11/Scan-of-State-Education-Agency-Staffing-for-Indigenous-Education-October-2024.pdf**.

95 Measured in terms of proportion of students "meeting or exceeding standards," 74% of the 280 reporting districts showed lower performance for American Indian/Alaska Native students on English Language Arts/literacy and 78% showed lower performance on the mathematics exam.

96 *File Structure: ACGR and Outcome Data*, Cal. Dep't of Educ., **https://www.cde.ca.gov/ds/ad/fsacgr.asp** (last visited Jan. 23, 2025).

97 *College/Career Indicator (CCI): Measures of College Readiness*, Cal. Dep't of Educ., **https://www.cde.ca.gov/ta/ac/cm/documents/ccicollege.pdf** (last visited Jan. 23, 2025).

98 *Graduation Rate Indicator*, Cal. Dep't of Educ., **https://www.cde.ca.gov/ta/ac/cm/dashboardgrad.asp** (last visited Jan. 23, 2025).

99 This section uses data pertaining to the four- and five-year graduation rate, which is used to generate the California School Dashboard Graduation Rate Indicator. The rate includes students in the four-year graduation cohort and students from the prior cohort who graduated in their fifth year of high school.

100 Mirza Balaj, *Effects of education on adult mortality: a global systematic review and meta-analysis*, 9 The Lancet e155, e160 (2024), **https://www.thelancet.com/action/showPdf?pii=S2468-2667%2823%2900306-7** (finding an average reduction in mortality risk of 1.9% per year of education across 18 years in a meta-analysis of 603 studies conducted internationally); *Education pays, 2023*, U.S. Bureau of Labor Statistics (Apr. 2024), **https://www.bls.gov/careeroutlook/2024/data-on-display/education-pays.htm** (stating that "[a]s workers' educational attainment rises, their unemployment rates decrease and earnings increase").

101 Michael Itzkowitz, *Golden Opportunities: Measuring Return on Investment in California Higher Education for Low- and Moderate-Income Learners*, College Futures Foundation (May 2024), **https://collegefutures.org/insights/golden-opportunities-measuring-return-on-investment-in-california-higher-education-for-low-and-moderate-income-learners/**.

102 *See* Organisation for Economic Co-operation and Development, *Education At a Glance 2020: OCED Indicators,* OECD Publishing, 70 (2020), **https://read.oecd-ilibrary.org/education/education-at-a-glance-2020_1bbc2e6a-en#page1** (finding that higher educational attainment increases the likelihood of being employed for each age group studied).

103 *See* Caroline Wolf Harlow, *Bureau of Justice Statistics Special Report: Education and Correctional Populations*, U.S. Dep't of Justice, (Jan. 2003), **https://bjs.ojp.gov/content/pub/pdf/ecp.pdf**; Bill DeBaun & Martens Roc, *Saving Futures, Saving Dollars: The Impact of Education on Crime Reduction and Earnings*, Alliance for Excellent Educ., 3 (Sept. 2013), **https://all4ed.org/wp-content/uploads/2013/09/SavingFutures.pdf** (noting that lower educational attainment is correlated with increased arrest and incarceration rates, especially for males).

104 Michael Niño et al., *The Long Arm of School Punishment: The Role of School Suspension on Self-Rated Health from Adolescence to Midlife*,

10 Socius 1, 1 (2024), **https://journals.sagepub.com/doi/epdf/10.1177/23780231241284942** (finding that students who are suspended are more likely to report poorer health in adolescence and that suspension is correlated with negative self-rated health patterns over time); Ursula Running Bear, et al., *The impact of individual and parental American Indian boarding school attendance on chronic physical health of Northern Plains Tribes*, 42 Family & Community Health 1, 5 (2019), **https://pmc.ncbi.nlm.nih.gov/articles/PMC6241300/pdf/nihms1502518.pdf**.

105 *Introduction to the QSF*, Cal. Dep't of Educ., **https://www.cde.ca.gov/qs/ab/index.asp?tabsection=4** (identifying the ten essential elements of quality schooling); Sarah Komisarow, *Comprehensive Support and Student Success: Can Out of School Time Make a Difference?*, 17 Educ. Finance and Policy 579, (2022), **https://direct.mit.edu/edfp/article/17/4/579/108153/Comprehensive-Support-and-Student-Success-Can-Out** (finding causal evidence of intensive, comprehensive education, nutrition, and support services provided outside of the regular school day on early high school outcomes of disadvantaged students).

106 *See* Mneesha Gellman, *Unsettling settler colonialism in words and land: A case study of far Northern California*, 15 Int'l J. of Critical Indigenous Stud. 22, 28–29 (2022), **https://ijcis.qut.edu.au/article/view/2322/1223** (finding Yurok language classes boosted Native American students' self-esteem and confirmed positive identity image while also benefiting non-Native American students by challenging myths and stereotypes); Thomas Dee & Emily Penner, *The Causal Effects of Cultural Relevance: Evidence from an Ethnic Studies Curriculum* 54 Am. Educ. Rsch. J. 127, 127 (2017), **https://cepa.stanford.edu/content/causal-effects-cultural-relevance-evidence-ethnic-studies-curriculum** (finding in a study of San Francisco Unified School District that taking an ethnic studies course increased ninth-grade student attendance by 21 percentage points, grade point average by 1.4 grade points, and credits earned toward graduation by 23).

107 Klamath-Trinity Unified School District Indian Education Program, *Native American Curriculum Catalog*, **https://www.ktjusd.k12.ca.us/ourpages/auto/2023/3/15/44446445/Curriculum%20Catalog%202021%20.pdf?rnd=1678887066967** (last visited Jan. 23, 2025).

108 *Paiute Shoshone Curriculum*, Inyo County Office of Education, **https://sites.google.com/inyocoe.org/pscp/4th-grade/audio-visual-resources?authuser=0** (last visited Jan. 23, 2025).

109 *California Indian Education Act*, Cal. Dep't of Educ., **https://www.cde.ca.gov/ci/cr/cf/indianeducationact.asp** (last visited Jan. 23, 2025).

110 Matthew Stone, *'A Universal Prevention Measure' That Boosts Attendance and Improves Behavior*, Education Week (Apr. 14, 2024), **https://www.edweek.org/leadership/a-universal-prevention-measure-that-boosts-attendance-and-improves-behavior/2024/04**.

111 Dunbar-Ortiz, *supra* note 55; Reclaiming Native Truth, *supra* note 55, at 31 (finding in a study of schools in 2011–12 87% of state history standards do not mention Native American history after 1900 and 27 states make no mention of a single Native American in their K–12 curriculum); Talaugon, *History of Indian Education*, *supra* note 3, at 19–22; Proudfit & Quinderro Myers-Lim, *Teaching Truth*, *supra* note 56, at 87–89; Sacramento Native American Higher Education Collaborative & Community College Equity Assessment Lab at San Diego State University, *supra* note 57; Cal. Tribal Families Coalition, *California's Failure*, *supra* note 30.

112 Cal. Tribal Families Coalition, *California's Failure*, *supra* note 30 at 9.

113 Emily Morgan et al., *The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of Juvenile Justice System*, Council of State Governments Justice Center, 9 (2014), **https://safesupportivelearning.ed.gov/sites/default/files/The_School_Discipline_Consensus_Report.pdf**

114 Tony Fabelo, et al., *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*, Justice Center & Public Policy Research Institute, ix, xi–xii (July 2011), **https://csgjusticecenter.org/wp-content/uploads/2020/01/Breaking_Schools_Rules_Report_Final.pdf**.

115 Alan Ginsburg et al., *Absences Add Up: How School Attendance Influences Student Success*, Attendance Works, 3 (Aug. 2014), **https://www.attendanceworks.org/wp-content/uploads/2017/05/Absenses-Add-Up_September-3rd-2014.pdf**.

116 Thomas Mowen & John Brent, *School Discipline as a Turning Point: The Cumulative Effect of Suspension on Arrest*, 53 J. of Research in Crime and Delinquency 628, (2016), **https://doi.org/10.1177/0022427816643135**.

117 Cal. Educ. Code § 48900(k) (West).

118 *Fix School Discipline Bills AB 420 Fact Sheet*, Fix School Discipline, **http://www.fixschooldiscipline.org/wp-content/uploads/2014/11/AB-420-Fact-Sheet-Implementation.pdf** (last visited Jan. 23, 2025).

119 Jayanti Owens & Sara S. McLanahan, *Unpacking the Drivers of Racial Disparities in School Suspension and Expulsion*, 98 Social Forces 1548, 1564 (2020), **https://pmc.ncbi.nlm.nih.gov/articles/PMC8133760/pdf/nihms-1701019.pdf** (proving a Black-White student gap in school suspension by explaining that "behavior differences account for a relatively small share (9%) of the gap when behavior is measured at school entry and prior to suspension" and that "a large portion (46%) of the racial gap is due to the differential treatment/support of Black and White children who attend similar schools and who exhibit similar behaviors at the time they enter school.").

120 S. B. 274, 2023–2024 Leg., Reg. Sess. (Cal. 2023) (noting legislative findings that "[r]esearch confirms that pupils of color…are more likely to be suspended for behavior deemed to be a willfully defiant offense even when harmless"); Cal. Educ. Code § 48900(k).

121 Letter from Ava De Almeida Law to Morgan Nugent, *supra* note 57.

122 *Id.*

123 *Id.*

124 *Gensaw v. Del Norte County Unified School District*, 2008 WL 1777668 (N.D. Cal. Apr. 18, 2008), Compl., **https://turtletalk.blog/wp-content/uploads/2008/04/gensaw-complaint.pdf**.

125 Agreement, ACLU N. Cal. & Del Norte County Unified School District, *supra* note 57; Addendum, ACLU N. Cal. & Del Norte County Unified School District, Addendum to Reduction in Student Discipline Agreement (May 23, 2014), **https://www.aclunc.org/sites/default/files/2020-01/Addendum_to_Reduction_in_Student_Discipline_Agreement.pdf**.

126 Del Norte American Indian Education Advisory Council Vision Statement and Mission Statement (undated) (on file with ACLU of N. Cal.).

127 *Information about the Stability Rate Report*, Cal. Dep't of Educ., **https://www.cde.ca.gov/ds/ad/srinfo.asp** (last visited Jan. 23, 2025).

128 *Id.*

129 *See* Letter from Jory Steele et al. to U.S. Dep't of Educ. Office for Civil Rights San Francisco Office, *supra* note 57.

130 Letter from Linnea Nelson, Senior Staff Attorney, ACLU N. Cal., to Brian Lambert, U.S. Dep't of Educ. Office for Civil Rights (Dec. 5, 2022), **https://www.aclunc.org/sites/default/files/2022.12.05%20Bear%20River%20Band%20Complaint%20to%20OCR%20re%20Loleta%20USD.pdf**.

131 *Chronic Absenteeism Indicator*, Cal. Dep't of Educ., **https://www.cde.ca.gov/ta/ac/cm/dashboardchronic.asp** (last visited Jan. 23, 2025).

132 Data Quest, *2022–23 Chronic Absenteeism Rate*, Cal. Dep't of Educ., **https://dq.cde.ca.gov/dataquest/DQCensus/AttChrAbsRate.aspx?agglevel=State&cds=00&year=2022-23** (last visited Jan. 23, 2024).

133 The ACLU Foundation of Northern California and the ACLU Foundation of Southern California use the term "family policing system" instead of "foster care system" or "child welfare system" to describe how this system surveils and controls low-income families of color, in much the same way as law enforcement operates against people of color. Many scholars also identify the "child welfare system" as the "family policing system" or the "family regulation system." *See* Dorothy Roberts, *Torn Apart* 2 (2022).

134 Attendance Works Home Page, **https://www.attendanceworks.org/** (last visited Jan. 23, 2024).

135 Hedy Chang, *Chronic Absence: A Call for Deeper Student and Family Engagement*, National Ass'n of State Boards of Educ., 21–22 (Sept. 2023), **https://nasbe.nyc3.digitaloceanspaces.com/2023/09/Chang_September-2023.pdf**.

136 Western Educational Equity Assistance Center, Increasing Attendance and Engagement for American Indian and Alaska Native Students 37–46 (Sept. 12, 2023), **https://weeac.wested.org/wp-content/uploads/2024/02/Increasing-Attendance-and-Engagement-for-American-Indian-and-Alaska-Native-Students-ADA.pdf**.

137 *Id.* at 29–36.

138 Hedy N. Chang & Cecelia Leong, *Missing More Than School: Reducing Chronic Absence for American Indian and Alaska Native Students*, Western Educational Equity Assistance Center, 10 (2024), **https://weeac.wested.org/wp-content/uploads/2024/05/WEEAC-Missing-More-Than-School-04.30-ADA-FINAL.pdf**.

139 Data Quest, *2016–17 Chronic Absenteeism Rate*, Cal. Dep't of Educ., **https://dq.cde.ca.gov/dataquest/DQCensus/AttChrAbsRate.aspx?agglevel=State&cds=00&year=2016-17**; Data Quest, *2017–18 Chronic Absenteeism Rate*, Cal. Dep't of Educ., **https://dq.cde.ca.gov/dataquest/DQCensus/AttChrAbsRate.aspx?agglevel=State&cds=00&year=2017-18**; Data Quest, *2018–19 Chronic Absenteeism Rate*, Cal. Dep't of Educ., **https://dq.cde.ca.gov/dataquest/DQCensus/AttChrAbsRate.aspx?agglevel=State&cds=00&year=2018-19**.

140 *Id.*

141 Only districts with counts of 30 or more students in the category of interest can be included on the California State Dashboard. In this case, only 141 districts showed 30 or more students identified as American Indian/Alaska Native in grades K–8.

142 Cal. Educ. Code § 48205(a) (West).

143 Amir Whitaker & Caroline Lopez-Perry, *State of Student Mental Wellness California*, ACLU Cal. Action, Cal. Association of School Counselors, & Center to Close the Opportunity Gap at the Calif. State University, 8 (2022), **https://aclucalaction.org/wp-content/uploads/2022/01/2022_State_of_Student_Wellness_Report_.pdf**.

144 *Mental and Behavioral Health—American Indians/Alaska Natives*, U.S. Dep't of Health and Human Servies Office of Minority Health, **https://minorityhealth.hhs.gov/mental-and-behavioral-health-american-indiansalaska-natives** (last edited Nov. 1, 2024).

145 *Physical and Mental Health*, Youth.gov, **https://youth.gov/youth-topics/american-indian-alaska-native-youth/physical-mental-health** (last visited Jan. 23, 2025).

146 *See* Amir Whitaker, et al., *Cops and No Counselors: How the Lack of Mental Health Staff is Harming Students*, ACLU, 4 (Mar. 4, 2019), **https://www.aclu.org/publications/cops-and-no-counselors**.

147 Nat'l Indian Health Board, *Healing Frameworks: Understanding ACEs in Indigenous Communities*, **https://www.nihb.org/aces-resource-basket/** (last visited Jan. 23, 2025).

148 Nat'l Indian Health Board, *2024 Resource Guide: Adverse Childhood Experiences Report*, 11 (2024), **https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:e9405e48-a9fc-4dcb-8a25-3fd1b4aa0386**; Zachary Giano et al., *Adverse Childhood Events in American Indian/Alaska Native Populations*, 60 Am. J. of Preventative Medicine 213 (2021), **https://www.sciencedirect.com/science/article/abs/pii/S0749379720304050#:~:text=The%20average%20adverse%20childhood%20experience,participants%20(2.52%20vs%202.12)**.

149 Nat'l Indian Health Board, *2024 Resource Guide*, *supra* note 153 at 8; *see also* Running Bear et al., *supra* note 109, at 1.

150 Am. Psych. Ass'n, *Students Exposed to Trauma: APA Mental Health Primers*, **https://www.apa.org/ed/schools/primer/trauma** (last visited Jan. 24, 2025).

151 Center for Disease Control and Prevention, *Preventing Adverse Childhood Experiences*, (Oct. 8, 2024), **https://www.cdc.gov/aces/prevention/index.html**; *see* Jack Norton, *Genocide in Northwestern California: When Our Worlds Cried* (1979); *see* Center for Youth Wellness, *A Hidden Crisis: Findings on Adverse Childhood Experiences in California* (2014), **https://centerforyouthwellness.org/wp-content/themes/cyw/build/img/building-a-movement/hidden-crisis.pdf**; *see also* Let's Get Healthy California, *Adverse childhood experiences have a lasting, harmful effect on health and wellbeing*, **https://letsgethealthy.ca.gov/goals/healthy-beginnings/adverse-childhood-experiences/**.

152 Nat'l Indian Health Board, *2024 Resource Guide*, *supra* note 153 at 13.

153 Meenal Rana & Kishan Lara-Cooper, *Identity, Relationships, and Community as Antidotes for Historic and Race-Based Trauma: Lessons from Sikh and Indigenous Communities*, 2 Adversity and Resilience Science, 269, 269 (2021), **https://www.researchgate.net/publication/356611920_Identity_Relationships_and_Community_as_Antidotes_for_Historic_and_Race-Based_Trauma_Lessons_from_Sikh_and_Indigenous_Communities**; *see also* Mick Adams et al., *Cultural Identity and Practices Associated with the Health and Well-being of Indigenous Males*, 1 J. of Indigenous Studies and First Nations and First People's Cultures ab-Original 42, 51 (2017) **https://scholarlypublishingcollective.org/psup/ab-original/article-abstract/1/1/42/201796/Cultural-Identity-and-Practices-Associated-with** (finding that "cultural identity, combined with high self-esteem, is a protective factor against alcohol and substance abuse" in a study of Indigenous male youth).

154 Two Feathers Native American Family Services Home Page, **https://twofeathers-nafs.org/** (last visited Jan. 23, 2025).

155 Two Feathers Native American Family Services, *Chekws Counseling & Family Services*, **https://twofeathers-nafs.org/programs/mental-health/#:~:text=Our%20counseling%20program%20includes%20open,well%20as%20Fortuna%20High%20School** (last visited Jan. 23, 2025).

156 Whitaker, *State of Student Mental Wellness*, *supra* note 148, at 4–5.

157 Whitaker, *Cops and No Counselors*, *supra* note 151, at 4.

158 The ACLU Foundation of Northern California and the ACLU Foundation of Southern California use the term "family policing system" instead of "foster care system" or "child welfare system" to describe how this system surveils and controls low-income families of color, in much the same way as law enforcement operates against people of color. Many scholars also identify the "child welfare system" as the "family policing system" or the "family regulation system." *See* Dorothy Roberts, *Torn Apart* 2 (2022).

159 G.A. Res. 61/295, U.N. Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).

160 G.A. Res. 61/295 art. 2, U.N. Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007); *see also* U.S. Const. art XIV, § 1; Cal. Const. art. I, § 7(a), art. IV, § 16(a); *Butt v. State of Cal.*, 4 Cal. 4th 668, 681 (1992); Cal. Educ. Code § 220 (West); Cal. Gov't Code § 11135 (West); Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c *et seq*.; Title VI of the Civil Rights Act of 1964, 42 § 2000d *et seq*.; Equal Educational Opportunities Act, 20 U.S.C. § 1703(f) (1974).

161 G.A. Res. 61/295 art. 11, U.N. Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).

162 G.A. Res. 61/295 art. 12, U.N. Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).

163 G.A. Res. 61/295 art. 14, U.N. Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).

164 G.A. Res. 61/295 art. 25, U.N. Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).

165 G.A. Res. 61/295 art. 31, U.N. Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).

166 See e.g., *Meyers*, 905 F. Supp. at 1578 ("[T]he focus should be on the interest of the children, and the method should be one of cooperation among the [state, federal, and tribal] entities, each of which has some authority and means to educate the student[s]…").

167 Cal. Educ. Code § 51204.5 (West).

168 *California Indian Education Act*, Cal. Dep't of Educ., **https://www.cde.ca.gov/ci/cr/cf/indianeducationact.asp** (last visited Jan. 23, 2025).

169 Cal. Educ. Code § 48205(a)(7), (11).

170 G.A. Res. 61/295 art. 3, 14, U.N. Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).

171 Indigenous Education State Leaders Network & American Institutes for Research, *supra* note 93, at 17.

172 U.S. Dep't of Interior Bureau of Indian Educ., *Johnson-O'Malley*, **https://www.bie.edu/landing-page/johnson-omalley** (last visited Jan. 23, 2025); U.S. Dep't of Educ., *Indian Education Formula Grants (Formula)*, **https://www.ed.gov/grants-and-programs/formula-grants/formula-grants-special-populations/indian-education-formula-grants-formula** (last visited Jan. 23, 2025).

173 Indigenous Education State Leaders Network & American Institutes for Research, *supra* note 93, at 32.

174 Spang, *supra* note 99, at 4.

ARTIST STATEMENT FROM THE COVER ILLUSTRATOR

"When thinking about how to portray an experience for Native students across the entire state of California, I couldn't help but think of Native American regalia worn in school graduation ceremonies, and the need to protect our rights to cultural attire even in recent years. While California's Native students are grounded so strongly in our traditions, to this day they still have faced discrimination and exclusion due to the violence, misunderstandings, and injustices upon which California's mainstream society is founded. This piece represents the positive side of being a Native student in California: the ability to represent the loving care that many family members and friends pour into children's cultural adornment and upbringings, common to both tribal and intertribal communities across California. There are other details in the art relating to common themes in the report, which I'll let you interpret for yourself."

Tori McConnell (Yurok/Karuk) is an enrolled member of the Yurok Tribe and recent Miss Indian World (2023-24). She is currently finishing her Master's degree at Cal Poly Humboldt while working as graduate student Fire Coordinator as well as Tribal Policy Advocate for Youth Forward California. Tori is an artist, musician, and traditional Yurok/Karuk basket weaver, singer, and Indigenous foods practitioner, who herself is a California Indian graduate of California's public school system. She hopes that after reading this report all teachers, parents, community members, and students see Native students not as statistics, but as individuals; for that is where student success begins.


2023
Art by Tori McConnell