

Date of Hearing: March 18, 2026

ASSEMBLY COMMITTEE ON EDUCATION
Darshana Patel, Chair
AB 1581 (Ramos) – As Introduced January 13, 2026

SUBJECT: Pupils: data reporting: American Indian and Alaska Native pupils

SUMMARY: Requires the California Department of Education (CDE), beginning with the 2027–28 school year, to require, as part of the California Longitudinal Pupil Achievement Data System (CALPADS), a record of the tribal affiliation of each pupil new to a local educational agencies (LEAs) or charter school who identifies as American Indian or Alaska Native (AI/AN), and requires LEAs and charter schools to collect and report this information in CALPADS. Specifically, **this bill:**

- 1) Requires the CDE, beginning with the 2027–28 school year, to require, as part of the CALPADS, a record of the tribal affiliation of each pupil new to a school district, COE, or charter school who identifies as AI/AN, including a pupil who identifies AI/AN in addition to another race or ethnicity.
- 2) Requires that, on or before July 1, 2027, a school district, COE, or charter school collect and report in the CALPADS the tribal affiliation of each pupil enrolled in the 2026–27 school year who identifies as AI/AN, including a pupil who identifies as AI/AN in addition to another race or ethnicity.
- 3) Requires the CDE to provide technical assistance to school districts, COEs, and charter schools in implementing this section.

EXISTING LAW:

- 1) Establishes the CALPADS system, to:
 - a) Provide school districts and the CDE access to data necessary to comply with federal reporting requirements;
 - b) Provide a better means of evaluating educational progress and investments over time;
 - c) Provide LEAs with the data needed to improve pupil achievement, including college and career readiness;
 - d) Provide an efficient, flexible, and secure means of maintaining longitudinal statewide pupil level data;
 - e) Facilitate the ability of the state to publicly report data; and
 - f) Ensure that any data access provided to researchers, to the extent that the data access is in compliance with the federal Family Educational Rights and Privacy Act of 1974. (Education Code (EC) 60900)

- 2) The federal Every Student Succeeds Act (ESSA) requires specified LEAs to consult with appropriate officials from American Indian tribes or tribal organizations approved by the tribes located in the area served by the LEA prior to its submission of a required plan or application for a covered program under the Act. (20 U.S. Code section 7918)
- 3) Establishes the American Indian Education Centers (AIEC) program to provide community-based educational resource centers to American Indian students, parents, guardians, and public schools in order to promote the academic and cultural achievement of American Indian students. (EC 33381)
- 4) Encourages LEAs and charter schools to form California Indian Education Task Forces with California Indian tribes local to their region or tribes historically located in the region. (EC 33391)
- 5) Requires the CDE, by June 1, 2022, to enter into a contract with a COE or a consortium of COEs for the purpose of developing a model curriculum related to Native American studies by September 1, 2025. Requires that the model curriculum be housed on the platform developed and maintained by the California History-Social Science Project. (EC 51226.9)

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

COMMENTS:

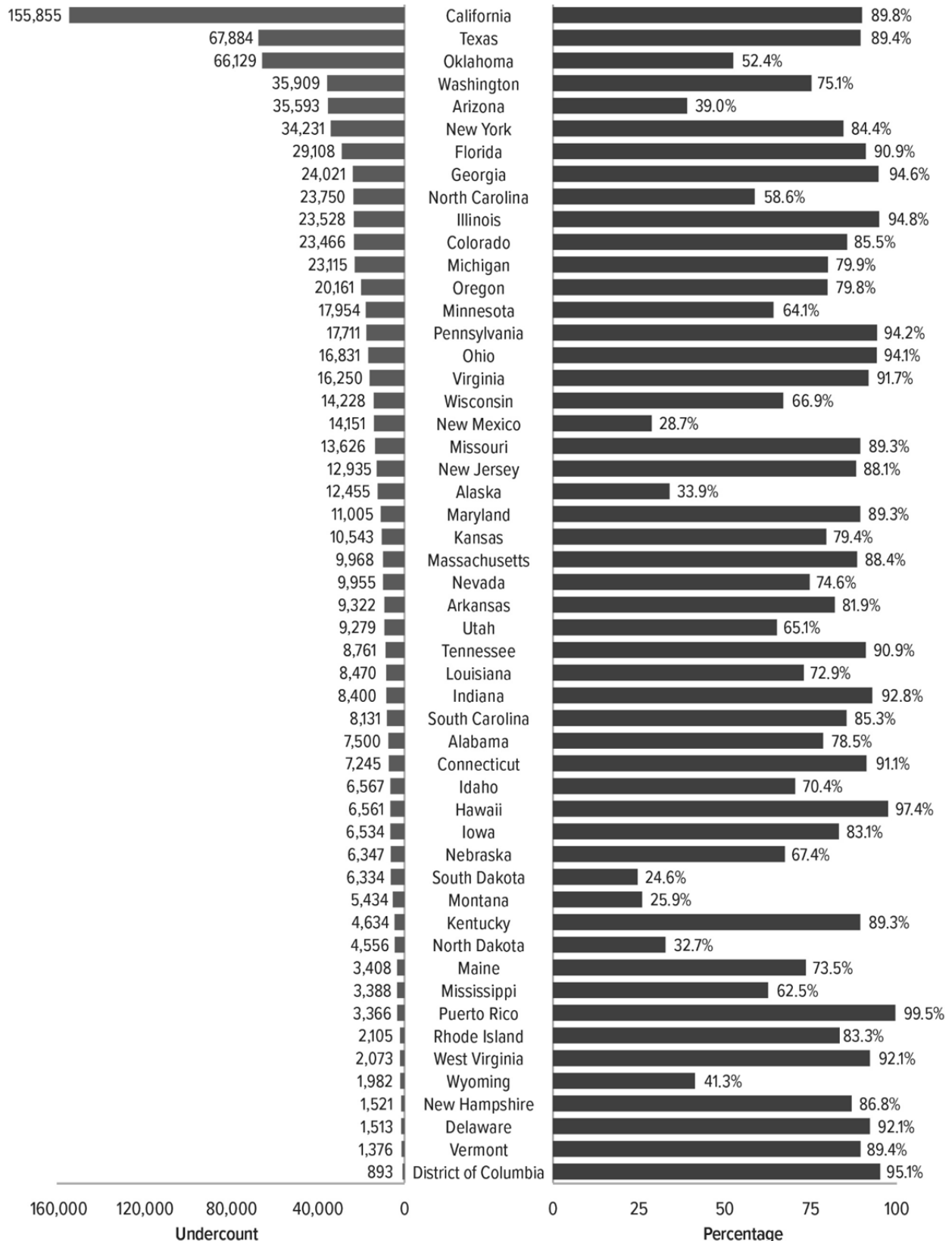
Need for the bill. The author states, “California is undercounting almost 90% of its Native American students. That is a grave and obscenely ridiculous undercount of a population that is severely underserved. The undercount results in inadequate allocation of resources to serve these students with the culturally responsive programs they need to succeed and thrive in school and broader community. Our state should not continue a centuries-old tradition of neglect or worse to its First People. An accurate demographic count is the first step toward adequately serving all Californians.”

Nine out of ten American Indian/Alaska Native students are not identified as such in California. This bill would require LEAs and charter schools to collect tribal affiliation data for AI/AN students, and would require that it be recorded in the state CALPADS system. This is proposed so that California can get an accurate count of AI/AN students.

A 2023 report by the American Institutes for Research (AIR) and the Indigenous Education State Leaders Network (IESLN), *Indigenous Students Count: A Landscape Analysis of American Indian and Alaska Native Student Data in U.S. K–12 Public Schools*, found that while Indigenous students in the United States are currently estimated to be about 1% of the total K–12 student population in public schools, the data used to arrive at these percentages are almost certainly inaccurate. The report notes that the undercounting of Indigenous students may be as high as 70% nationwide.

According to this report, nearly nine out of ten indigenous California students are not counted as such. California has the largest number of students undercounted, estimated to be nearly 156,000, as shown in the chart below:

Undercount Estimates by State, 2017-2021



Source: IESLN/AIR, 2023

Why does this undercount occur? According to the IESLN/AIR report, in the K–12 public education system, race/ethnicity data are collected and reported using guidelines adopted by the U.S. Department of Education in 2007 and aligned with the Office of Management and Budget’s (OMB’s) 1997 Standards for Maintaining, Collecting and Presenting Federal Data on Race and Ethnicity.

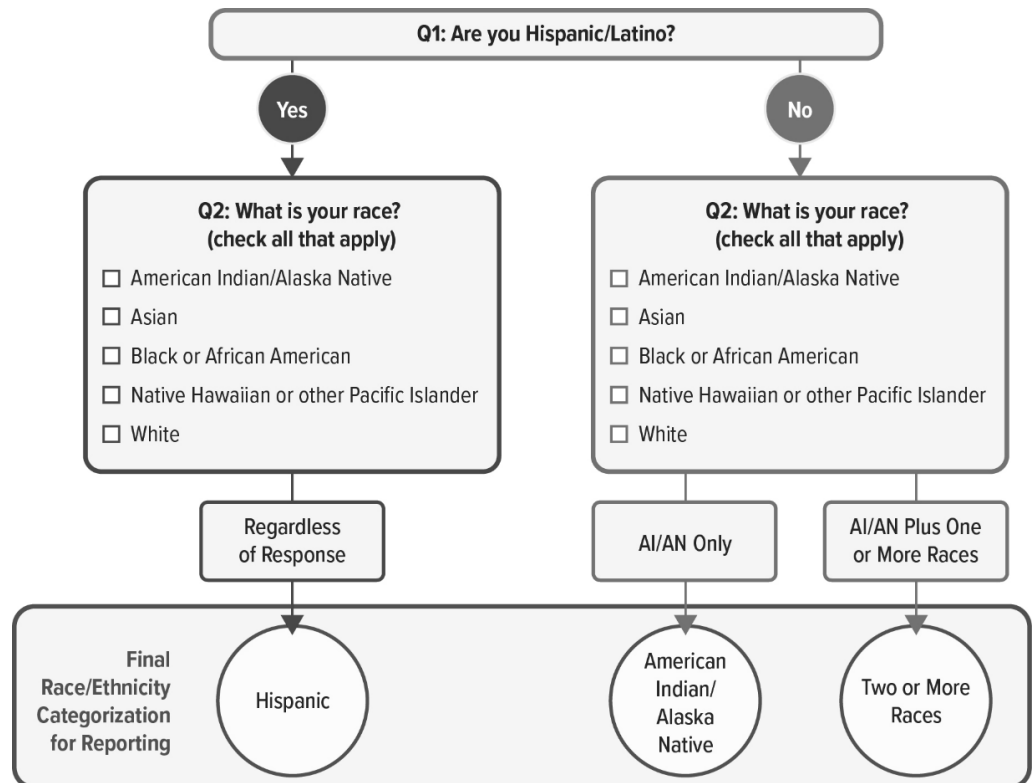
The question used in most forms to collect racial/ethnic data is known as the “two-part question” because it asks respondents to identify first their ethnicity (“Are you Hispanic or Latino?”) and then their race.

The IESLN/AIR report notes that race and ethnicity are cultural constructs, not biological realities, so race/ethnicity data are based on self-identification by students or families on school or district registration forms.

Data from the 2020 U.S. Census show that 61% of American Indians and Alaska Natives are multiracial. According to the Brookings Institution, this is a legacy of the complex effects that hundreds of years of colonization have had on the identities of Native Americans.

Student data are collected by districts and reported by states to the U.S. Department of Education in the aggregate, using the following method of tabulating students who identify as AI/AN and shown in the chart below:

- All students indicating that they are Hispanic or Latino, regardless of race, are counted and reported as Hispanic.
- Non-Hispanic students who select AI/AN as their only race are counted and reported as AI/AN.
- Non-Hispanic students who select AI/AN and another race are counted and reported as “two or more races.”



To illustrate this effect, the report shares some student examples, shown below:

- Juan: Juan’s mother is Guatemalan and his father is an enrolled member of the Tohono O’odham Nation. Juan’s family identifies his ethnicity as “Hispanic or Latino” and his

race as “American Indian or Alaska Native” on forms. When his school reports student outcome data, Juan is included with the Hispanic students.

- Kiva: Kiva and her mother are enrolled members of the Eastern Cherokee Tribe of Georgia, and her father was raised with a cultural and community affiliation with the Muscogee Nation, though he is not enrolled. Kiva identifies her ethnicity as “Not Hispanic or Latino” and her race as “American Indian or Alaska Native” and “White” on forms. When Kiva’s school reports student outcome data, Kiva is included with the “two or more races” students.

In California, the vast majority of AI/AN students are categorized as Hispanic. The following chart, published by the CDE, shows the effect of this categorization on the identification of AI/AN students in 2022-23:

Enrollment year	American Indian/Alaska Native - Only	American Indian/Alaska Native and Two or More Races	American Indian/Alaska Native and Hispanic or Hispanic and Two or More Races	Total
2022-23	26,106	35,187	327,400	388,693

Source: CDE

Why does an accurate count matter? The IESLN/AIR report notes that inaccurate student counts in the public K–12 school system are problematic because they:

- Limit the ability of state education agencies and districts to effectively use performance and accountability data to understand where systems might be failing to serve Indigenous students or locate new opportunities, innovative programming, and supports;
- Inaccurately represent the number of districts that may be required to engage in Consultation with Tribal governments and agencies as required under the ESSA;
- Obscure district and school eligibility for federal funds designated to serve Indigenous students and the need for American Indian Parent Advisory Committees to inform such federally funded programs;
- Reduce or minimize state and district political will to support Indigenous student needs; and
- Fail to provide teachers and Tribes with the information they need to appropriately support their students.

Additionally, the IESLN/AIR report notes that collecting tribal affiliation data makes it possible to distinguish between students affiliated with those Tribes to which the federal government recognizes its treaty responsibility and the wide range of other Indigenous peoples included in the federal AI/AN definition. It also enables Tribes to receive disaggregated data on their

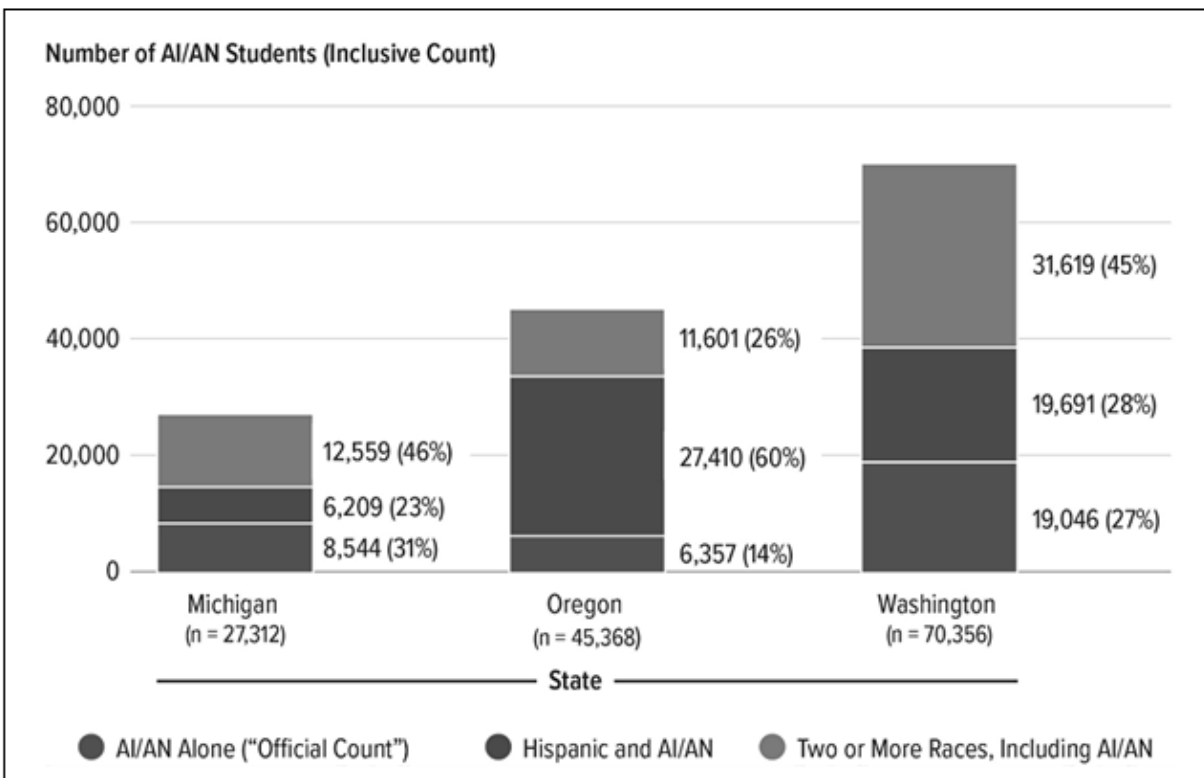
students; districts to know which Tribes should be engaged in Consultation and understand their students’ cultural backgrounds.

In California, failure to be counted has other consequences. According to the CDE, only students identified as AI/AN Non-Hispanic are included in the that student group on the California School Dashboard and DataQuest reports. AI/AN/Hispanic and Two or More Races/Hispanic students appear in the Hispanic category on these reports and AI/AN students who are of two or more races are reported as Two or More Races.

The California School Dashboard is used to monitor school and student subgroup progress, and this data is used for accountability purposes and for identification for support. *The Committee may wish to consider* that it is unlikely that LEAs will ever be identified for support on the basis of the performance of AI/AN students if they continue to be undercounted, especially because they are already a small subset of the overall enrollment of the state, and LEAs must enroll a minimum of 30 students to count as a subgroup for accountability purposes.

Other states use an “inclusive count” which more accurately records the number of AI/AN students, as proposed by this bill. This bill requires the collection and reporting of tribal affiliation data, reflecting the approach other states have taken to achieve a more accurate count of AI/AN students.

According to the AIR report, an “inclusive count” is the total number of all students identifying as AI/AN, including students who also identify as Hispanic or other races. At least six states are implementing inclusive count policies. The effect of these data collection practices on the count of AI/AN students in three such states is shown below:



Source: IESLN/AIR, 2023

Will recent changes to the federal race/ethnicity data collection go into effect? In 2024, the OMB issued the first major revisions to the collection of race/ethnicity since 1997. Among the changes was the removal of the two-part question format, and a combining of race and ethnicity into a single question, allowing respondents to select multiple categories with which they identify. Federal agencies were given until 2029 to adopt these changes.

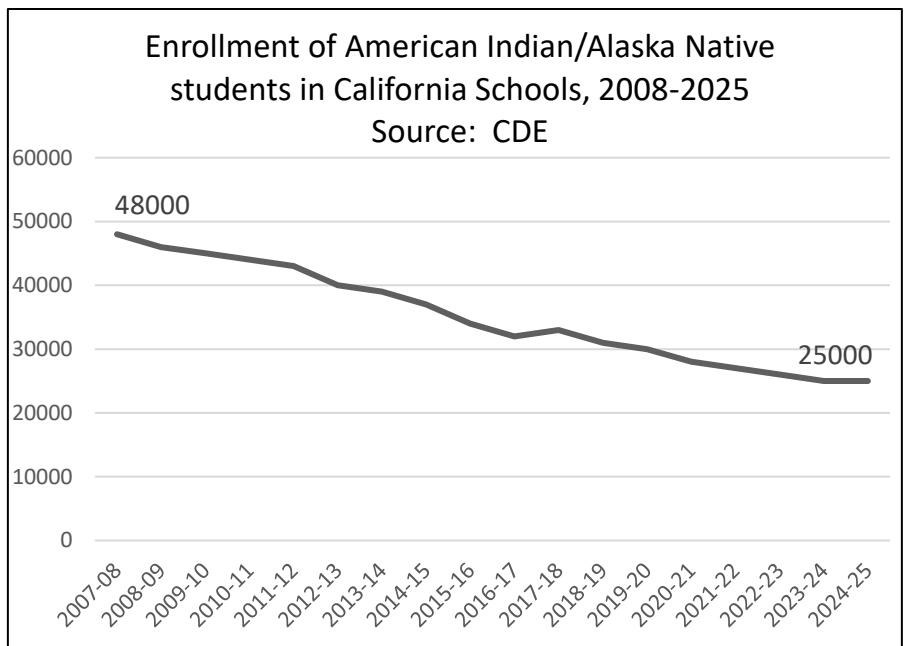
While this change would likely address the practice of recording all AI/ANs who report Hispanic ethnicity as Hispanic, the effect on the recording as two or more races is unclear.

It is also unclear when and if this policy will go into effect under the current federal administration. In December, 2025, the Trump administration announced a possible rollback of these changes, and initiated a review of the changes and how they were approved.

Additionally, the staff of the U.S. Department of Education, through various actions by the Trump administration, has been decimated and multiple functions have been transferred to other federal departments. As a result it is unclear whether capacity still exists to implement the changes to race/ethnicity data collection.

Demographics of American Indian students in California.

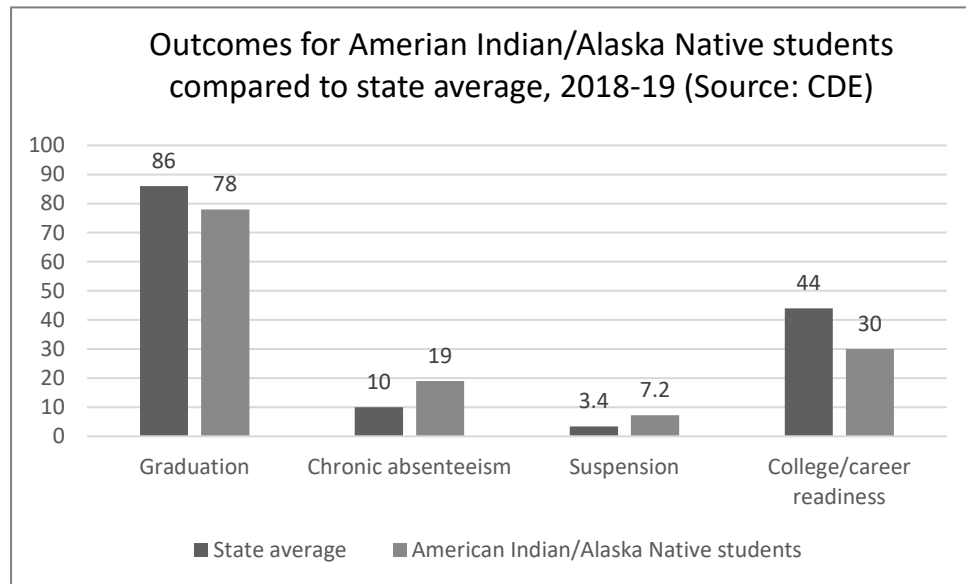
California schools enrolled 24,822 AI/AN students during the 2024-25 school year, representing 0.4% of total enrollment. This represents the number of students who reported American Indian as their sole race; those indicating more than one race were not included in this number. The enrollment of AI/AN students has declined significantly in recent years, as shown in the chart on this page.



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

According to the CDE, enrollment of American Indian students is more concentrated in rural areas. While the number of American Indian students is highest in large population centers such as Los Angeles and San Diego, some rural areas have higher numbers and percentages of students. For example, in 2022-23, rural and sparsely populated Humboldt County had American Indian enrollment (1,567) exceeding that of Los Angeles Unified School District (557), the second largest school district in the country. While statewide American Indian enrollment is just over one-half of one percent, in Humboldt County, American Indian students comprise nearly 10% of enrollment. According to the CDE, 32.1% of California AI/AN children living in regions of 10,000 or more are living in poverty.

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



in the chart below.

In addition, data from the 2019 state summative assessments show that on the California Assessment of Student Performance and Progress (CAASPP) test of English language arts, 38% of AI/AN students scored at “met standard” or above, compared to 51% of

all students. On the mathematics assessment, 26% of AI/AN students scored at the “met standard” or above level, compared to 40% of all students.

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

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

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

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

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

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

- 1) Require that local collection of tribal affiliation data commence in the 2027-28 school year, instead of the 2026-27 school year; and
- 2) Require local reporting of this data upon re-enrollment, if the LEA or charter school collects race/ethnicity data in their re-enrollment process.

Arguments in support. The Soboba Band of Luiseno Indians writes, “The accurate identification of Native American students in California is a critical issue that directly affects the allocation of educational resources and the development of culturally responsive programs. The current practice for collecting ethnicity and race data creates significant challenges in accurately identifying students’ tribal affiliation. As a result, Native students are frequently undercounted or misclassified, particularly when Hispanic or Latino is selected in the first reporting category and responses are not meaningfully disaggregated.

Additionally, the absence of standardized fields to capture tribal affiliation or enrollment results in incomplete and inconsistent data statewide. Without reliable data, it is difficult for state and local education leaders to understand the true scope of need or to design programs that reflect the cultural identities and academic realities of Native students. AB 1581 establishes a thoughtful framework to improve and standardize this data collection process. By strengthening CALPADS reporting requirements, the bill enables the California Department of Education to enhance the collection of tribal data and ensure that Native students are accurately represented within the system.

As a federally recognized tribal government, Soboba understands firsthand the importance of ensuring that our children are seen, counted, and supported within California’s education system. Accurate data is not merely technical; it is foundational to equity, accountability, and opportunity.”

Related legislation. AB 1369 (Ramos), Chapter 133, Statutes of 2025, clarifies the existing authorization for students to wear specified adornments at school graduation ceremonies by explicitly authorizing students and their families to determine what adornments are deemed to be traditional tribal regalia or recognized objects of religious or cultural significance. Prohibits LEAs from (1) requiring students to undergo a preapproval process in order to exercise the right described above and (2) requiring students to wear a graduation cap if it is incompatible with the specified adornment.

AB 1821 (Ramos), Chapter 65, Statutes of 2024, adds the treatment and perspectives of Native Americans during the Spanish colonization of California and the Gold Rush Era to the courses of study for grades 1 through 6 and 7 through 12.

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

AB 1554 (Ramos) of the 2021-22 Session would have stated the intent of the Legislature to enact future legislation that supports the academic growth and well-being of Native American students

in California by expanding the AIECs program, supporting and promoting meaningful and timely consultation between LEAs and tribal governments, and ensuring an adequate level of staffing at the CDE to support LEAs and tribes in supporting Native American students and meeting the requirements of state and federal law. This bill was held in the Assembly Education Committee.

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

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

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

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

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

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

REGISTERED SUPPORT / OPPOSITION:

Support

California Charter Schools Association
California Tribal Business Alliance
Soboba Band of Luiseno Indians

Opposition

None on file

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