

ASSEMBLY THIRD READING
AB 1581 (Ramos and Patel)
As Amended March 23, 2026
Majority vote

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 student new to a local educational agency (LEA) 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.

Major Provisions

- 1) Requires, beginning with the 2027–28 school year, the CDE to define and collect, as part of the CALPADS, a record of the tribal affiliation of each pupil who identifies as AI/AN, including a pupil who identifies as AI/AN in addition to another race or ethnicity.
- 2) Requires, beginning with the 2027–28 school year, that any time an LEA or charter school collects race or ethnicity information for the purposes of CALPADS reporting, it also collect and report the tribal affiliation of each student enrolled who identifies as AI/AN, including a student who identifies as AI/AN in addition to another race or ethnicity.
- 3) Requires the CDE to provide technical assistance to LEAs and charter schools in implementing this section.

COMMENTS

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.

A 2023 report by the American Institutes for Research and the Indigenous Education State Leaders Network (AIR/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.

Why does this undercount occur? According to the AIR/IESLN 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.

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:

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

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

- 1) 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;
- 2) Inaccurately represent the number of districts that may be required to engage in consultation with tribal governments and agencies as required under the Every Student Succeeds Act (ESSA);
- 3) 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;
- 4) Reduce or minimize state and district political will to support Indigenous student needs; and
- 5) Fail to provide teachers and Tribes with the information they need to appropriately support their students.

Additionally, the AIR/IESLN 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 Assembly 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, 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/IESLN 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.

According to the Author

"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."

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."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee, minor and absorbable costs to the CDE and LEAs.

VOTES

ASM EDUCATION: 8-0-0

YES: Patel, Hoover, Alvarez, Bonta, Castillo, Garcia, Lowenthal, Zbur

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Hoover, Aguiar-Curry, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

ABS, ABST OR NV: Arambula

UPDATED

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CONSULTANT: Tanya Lieberman / ED. / (916) 319-2087

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