

CONCURRENCE IN SENATE AMENDMENTS

AB 1581 (Ramos and Patel)

As Amended August 21, 2026

Majority vote

SUMMARY

Require the California Department of Education (CDE) starting on July 1, 2028, and annually thereafter, to post, on its website, specified statewide aggregate educational outcome data for the prior school year for pupils who identify as American Indian/Alaska Native only, and pupils who identify as American Indian/Alaska Native in addition to another race or ethnicity.

Senate Amendments

- 1) Strike the prior contents of the bill and instead require the CDE starting on July 1, 2028, and by July 1 annually thereafter, to post on its website statewide aggregate educational outcome data for the prior school year for pupils who identify as American Indian/Alaska Native only, and pupils who identify as American Indian/Alaska Native in addition to another race or ethnicity, including:
 - a) The number of pupils;
 - b) The academic achievement of pupils, as determined by quantitative data currently collected;
 - c) The rate of suspension and expulsion of pupils;
 - d) The rate of chronic absenteeism of pupils; and
 - e) The four- and five-year cohort graduation rates of pupils.
- 2) Requires the CDE, in meeting this requirement, to use data, where appropriate, reported pursuant to existing law.

COMMENTS

Nine out of ten American Indian/Alaska Native students are not identified as such in California. 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.

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 California Longitudinal Pupil Achievement Data System (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 Senate Appropriations Committee on the version of this bill amended on March 23, 2026, the CDE estimates General Fund costs of \$610,000 each year and 4.0 positions for data collection, the ongoing monitoring and management of tribal information within CALPADS, and providing ongoing technical assistance to 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

ASSEMBLY FLOOR: 77-0-3

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farias, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Arambula, Flora, Celeste Rodriguez

UPDATED

VERSION: August 21, 2026

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FN: 0004381