Challenges to American Indian/Alaska Native Student Identification

A Literature Brief of Current Practices and Policies

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> *The following brief summarizes current practices and policies that can lead to the inadequate identification of American Indian students and how this impacts access to academic support services and opportunities for Native youth to which these students are entitled under the Indian Education Act of 1972.*

Did you know? Current U.S. Department of Education guidelines for reporting of race and ethnicity can result in the underreporting of American Indian and Alaska Native (AI/AN)[1] students who are members or descendants of tribes who hold treaty agreements with the United States.

According to the most recent data from the National Center for Education Statistics (NCES), AI/AN enrollment in public elementary and secondary schools (K–12) decreased by 19 percent from 2005 to 2012 in the western regions.[2,3] This reported decline in K–12 enrollment is inconsistent with overall population data from NCES that show the AI/AN population is growing. As noted by the National Congress of American Indians (NCAI), using NCES data, the AI/AN population is rapidly growing. The NCAI highlights this growth, noting that "while the overall U.S. population grew about 9.7 percent between 2000 and 2010, the percent of U.S. population identifying as AI/AN alone, or in combination with other races, grew by 27 percent since the 2000 census."[4]

During 2014, the White House Initiative on American Indian and Alaska Native Education (WHIAIANE) held consultations and listening sessions with tribal leaders and tribal communities in collaboration with the Office of Civil Rights. The listening sessions heard directly from Native youth, parents, school officials, and tribal communities regarding school issues and concerns. In a summary report of the issues and concerns raised in the sessions, the WHIAIANE noted:

> *Nationally, approximately 31,000 fewer AI/AN students were reported in 2010–11 than 2009–10 after the U.S. Department of Education's new guidelines for reporting race and ethnicity data on students went into effect. In some states, this cut the number identified as AI/AN in their school systems by 30 percent. Due to the updated two-part question format in the reporting procedure, most of these students were identified as Hispanic despite their connections to tribal communities. In WHIAIANE's listening sessions, participants raised concerns that under-identification of AI/AN students has resulted in those students not receiving important school services available for Native students (p. 16-17).[5]*

Why is accurately identifying American Indian/Alaska Native students important?

Fulfilling treaty obligations
The United States has a unique relationship with tribal governments, established in the United States Constitution and through treaties and a history of legal decisions. A significant component of that "trust" relationship is federal dollars for the education of AI/AN students. However, funding levels for these programs are subject to counts of AI/AN students. At issue are the procedures under which students are identified and counted, which determine the amount of funding for services/programs and student eligibility for services—often on an annual basis.

The significance of accurate identification and counting of AI/AN students relates to upholding and fulfilling promises made through treaty agreements between tribes and the United States government. In other words, when students do not have access to Indian education programs and services, their treaty rights are violated.

Additionally, the Federal Register (Vol. 80, No. 9) provides a list of the Indian Tribal Entities that are eligible to receive services guaranteed through treaty agreements from the U.S. Bureau of Indian Affairs.[6] According to the Office of Indian Education, "the U.S. Department of Education (ED) does not maintain a master list for state-recognized tribes" and recommends that local education agencies (LEAs) use the state's official website to confirm which tribes fall under this category, as well as which are terminated tribes.[7] This is potentially problematic since the states' generated lists may not capture the variations of terms used to indicate one particular tribe, nor include tribes that are located outside state boundaries. Also, there is no guarantee that a list is even available.

Promoting civil rights
Inaccurate identification of AI/AN students can present serious noncompliance issues with the Civil Rights Act of 1964. Within ED, the Office for Civil Rights (OCR) enforces Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance. Under the Civil Rights Act, school districts receiving federal financial assistance may not, on the basis of race, color, or national origin:
- Provide services, financial aid, or other benefits that are different or provide them in a different manner
- Restrict an individual's enjoyment of an advantage or privilege enjoyed by others
- Deny an individual the right to participate in federally assisted programs
- Defeat or substantially impair the objectives of federally assisted programs[8]

Districts that do not identify, or inappropriately identify, students for services offered through federal programs risk being out of compliance with the Title VI Civil Rights Act. This could open districts to claims that AI/AN students were denied the right to participate in federally assisted programs or that a district was substantially impairing the objectives of a federally

assisted program by not accurately identifying all eligible students for services under a given program.

Ensuring accurate trend data

The current method of tracking race and ethnicity poses challenges ranging from identifying and connecting eligible students with Indian education programs and services, to decisions about how databases are designed to track demographics within LEAs and state education agencies (SEAs). The current system negatively impacts the ability of LEAs and SEAs to generate accurate academic and enrollment data about AI/AN students over time.

In addition, inaccurate data impact the statistics generated from ethnic and racial classifications, such as graduation/dropout rates, attendance, and percentages of students meeting academic standards. Without accurate data, it is impossible to track the improvements or declines in AI/AN student success. The Elementary and Secondary Education Act (ESEA) of 1965 was amended to pay particular attention to addressing the education needs of AI/AN students. Programs under ESEA must "rely on race data to evaluate federally assisted programs, explore effective approaches to meet educational needs in culturally and linguistically appropriate ways, and analyze data on the education status" of AI/AN students.[9]

Providing appropriate levels of funding to support AI/AN students

Accurate identification of students directly influences funding levels and ensures that Native students are identified and informed of services and programs for which they are eligible, to improve their academic success. In one form or another, programs designed to promote success for AI/AN students use a formula to calculate funding levels based on the number of identified students. Inaccurate identification, data, and reporting will result in inappropriate funding levels, shortchanging schools and students.[10]

How do definitions of American Indian/Alaska Native people vary?

American Indians are the only group in the country which must demonstrate membership or descendancy with a federal or state recognized tribal sovereign nation and/or blood quantum. The relevance of this distinction is important to consider. The purpose of this documented affiliation is to identify those individuals who are eligible for programs and services that are guaranteed to individuals who have a distinct political status through official treaties or by executive order.[11] This is a unique status, as it should be, when considering that no other racial or ethnic group in the country has affiliation with a sovereign government within the borders of the United States. This status provides rights based on being a member of a political entity, not based on a racial status.[12] According to Snipp (1986):

> *Unlike any other group in American society, American Indians occupy a unique niche in the political institutions of this nation. They are the only minority group specifically mentioned in the Constitution; an entire volume of the Code of Federal Regulations and a large body of case law handles their legal status; and a separate agency within the federal government oversees the administration of tribal affairs* (p. 248).[13]

Therefore, the definition of who qualifies as an AI/AN influences the funding, programs, and policies that are available to Indian Country. Specifically, this definition affects the ability to monitor whether or not the United States is upholding trust agreements to educate AI/AN children in exchange for land, through programs such as those offered under the Johnson O'Malley Act or Title VI part A, subpart 1 of the Every Student Succeeds Act under the Elementary and Secondary Education Act (Title VI).[14, 15]

Tribal definitions

Among tribal nations in the United States, many different enrollment criteria exist. Tribes have the inherent and sovereign right to determine their own membership using their own definition.[16] Criteria for membership vary from tribe to tribe, including—but not limited to—blood quantum, lineal descent, and/or residency. How a tribe defines the criteria for enrollment as a member may not align with definitions used by other governments and agencies. However, a student's identification as an AI/AN may not always be based on membership with a federally recognized tribe. Increasingly, AI/AN people are experiencing definitional nuances that inhibit their ability to meet their tribe's requirements for enrollment.

Federal definitions

Under numerous federal programs, levels of funding for programs and services in public systems—such as schools, hospitals, and workforce development programs—are contingent upon the definition and identification of American Indians and Alaska Natives. ED relies on the American Community Survey (ACS) data on school enrollment and educational attainment to calculate program funding and evaluate the need and effectiveness of current policies and programs. In particular, U.S. Census data are used to reform educational programs that serve AI/AN students. Analyses show that the U.S. Census and ACS data regularly undercount AI/AN people.[17, 18]

In 1980, the Office of Management and Budget established categories for identifying race and ethnicity. For the first time in U.S. history, these categories were based on explicit definitions in a policy document codified for use by all federal agencies. At the time, designation as AI/AN was defined as *"a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition."[19]* This definition was used by numerous federal agencies, including the Census Bureau and ED.

In October 2007 ED enacted new policies and systems for tracking race and ethnicity, thus creating unforeseen complications for the identification of AI/AN students.[20, 21] The new definition of American Indian is "*a person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment."[22]* The 2007 revised ED definition of AI/AN students has resulted in a number of challenges for K–12 districts as they collect data on AI/AN students. Differences in how AI/AN students are defined for services/funding under various federal agencies necessitates that district Student Information Systems (SIS)—databases that contain student information—include more detailed information than is required for ED federal reporting (e.g., multi-ethnic details, tribal affiliation, and tribal membership).

ED's guidance on documenting race and ethnicity indicates that federal reporting of aggregate data for elementary and secondary education institutions and agencies requires, at minimum, the use of the following categories:

- Hispanic/Latino of any race
- For individuals who are *Non-Hispanic/Latino* [emphasis added]
    - American Indian or Alaska Native
    - Asian
    - Black or African American
    - Native Hawaiian or Other Pacific Islander
    - White
    - Two or more races

The 2007 change includes an additional question that requires students to identify if they are Hispanic or Latino. If a student indicates that they are Hispanic/Latino and AI/AN, they are subsequently tracked as being only Hispanic/Latino. There is no federal reporting requirement or guidance for documenting Hispanic/Latino students who are also AI/AN. A similar challenge occurs if a student indicates they are two or more races.

Federal race and ethnicity reporting requirements influence state and local practice—an indication of the importance of effective policy to accurately identify AI/AN students. For example, all educational institution enrollment forms are required to ask two questions to determine a student's race and ethnicity: (1) a student's ethnicity is identified as either Hispanic/Latino or not Hispanic/Latino and (2) the student's race is determined as American Indian/Alaska Native, Asian, Black/African American, Native Hawaiian/Pacific Islander, or White. Therefore, if a school enrollment form indicates that a student is American Indian/Alaska Native *and* Hispanic, Hispanic becomes their default combined race and ethnicity even if they are also AI/AN.[23] That is, if a student marks Hispanic and AI/AN, their ethnicity would only be counted as Hispanic.[24] The updated ED categories "collapse multiple race responses into one, unspecific category of 'two or more races,' instead of assigning multiracial individuals to their respective race choices."[25] A simple SIS enables ED reporting of AI/AN students if they indicate they are AI/AN only (excluding those who also indicated a Hispanic ethnicity or mixed race). However, if districts include only this level of information in their SIS, administrators will not have sufficient data to determine if AI/AN students of mixed ancestry qualify for federal programs with more specific criteria.

Title VI (formerly Title VII) Indian Education Formula Grant definition
Although Title VI operates under ED, the program uses its own, more specific, definition of AI/AN students. Funding under Title VI is calculated using a formula based on the number of students who have submitted a qualified Office of Indian Education Title VI Student Eligibility Certification (also known as the ED 506 form).[26, 27] The ED 506 form defines American Indian students as:

> *Indian means any individual who is (1) a member (as defined by the Indian tribe or band) of an Indian tribe or band, including those Indian tribe or bands terminated since 1940, and those recognized by the State in which the tribe or band reside; or (2) a descendent in the first or second degree (parent or grandparent) as described in (1); or (3) considered by the Secretary of the Interior to be an Indian for any purpose; or (4) an Eskimo or Aleut or other Alaska Native; or (5) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect October 19, 1994.*[28]

This ED 506 form definition of an AI/AN student contradicts the 2007 ED guidance that defines an AI/AN student as a student who has "origins in any of the original peoples of North and South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition." The latter definition suggests that students who are of American Indian ancestry from Mexico or Canada are considered AI/AN students. However, these students would not be eligible for Title VI programs and services. This is muddled even further if a student identifies with more than one racial group, such as having a parent who is a member or descendent of a U.S. tribe and having another parent who is Hispanic/Latino. This points again to the importance of a district SIS that includes a race and ethnicity category and identifies students who are affiliated with a tribe that is, or was, formally a sovereign nation within the boundaries of the United States through treaty agreements, and also includes how the student is affiliated with the tribe.

Definitions by other federal funding
Many AI/AN students may also be eligible for other federally funded supplemental programs and services such as those offered under Impact Aid, the Migrant Education Program, special education, or assistance under Education for Homeless Children and Youth grants. However, eligibility for these programs is not

Johnson O'Malley (JOM) **Funding**
In addition to services under Title VI, Johnson O'Malley programs also offer support for AI/AN students, and JOM has its own criteria for eligible children. The JOM Act authorizes states, school districts, tribal organizations, or Indian corporations, in conjunction with Indian Education Committees, to offer programs for eligible "Indian students enrolled in public schools and previously private schools. Eligible students are Indian students, from age 3 years through grade(s) 12, except those who are enrolled in Bureau or sectarian-operated schools, if they are one-fourth (¼) or more degree Indian blood and recognized by the Secretary as being eligible for Bureau services." JOM eligibility is by degree of Indian blood. Consideration is also given to the location of the program. Priority is given to programs that (a) serve Indian students on or near reservations and (b) where a majority of Indian students are members of the tribe(s) of such reservations.

restricted to AI/AN students, nor is it based on any racial/ethnic criteria. Therefore, definitions of AI/AN people do not play the same role as they do in programs aimed at directly serving AI/AN youth. However, disaggregated data on students served under these programs will not be accurate if AI/AN students are not correctly identified as such.

Many Native students have complex ancestries
Below are some examples that describe various ways in which a student could be considered AI/AN using criteria under the Title VI ED 506 form and JOM Program[29] funding, which serves students who are one-quarter degree or more Indian blood, regardless of enrollment status of the student or their parents/grandparents. (See sidebar on previous page.) All these examples could lead to under-counting of students, regardless of the funding source.

1. A student may consider herself an AI or AN and has grown up learning cultural practices and even Native languages, but due to tribal membership requirements, the student is not eligible to enroll for membership with any single federally recognized tribe. For example, her father's tribe is matrilineal and assigns membership through women in the tribe; she does not meet the requirements for enrollment in her father's tribe because her mother is not from that tribe. Her mother has a quarter blood quantum in her tribe, which is the minimum requirement for membership. Therefore, the student does not meet the requirement for tribal enrollment in her mother's tribe because she has one-eighth blood quantum.
   - With the proper documentation, she could qualify for Title VI services, if a parent is an enrolled tribal member. She would not be eligible for JOM funding because she has less than one-fourth blood quantum.

2. A student is 100 percent AI/AN by blood quantum, but, by virtue of having ancestors from several different tribes, does not have tribal membership in any one tribe.
   - This student could be considered an AI/AN under Title VI, if a parent is an enrolled tribal member, but likely not under JOM.

3. A student is a member of a state-recognized tribe or formally terminated tribe, which means this tribe is not one of the 567 federally recognized tribes in the United States.
   - She/he could be considered an AI/AN under Title VI, since the student is an enrolled member of a state-recognized tribe. If she/he has one-fourth or more AI/AN blood quantum, she/he might also be eligible for JOM funding.

4. A student is an enrolled member of a tribe that straddles the U.S. and Canadian border, but is enrolled in the branch of the tribe that is headquartered in Canada. This would be considered a Jay Treaty tribe.[30]
   - This exception applies only to eligibility for federal financial aid to attend postsecondary institutions. The student would not qualify for Title VI or JOM funding.

What challenges arise in identification of Native students at institutions of higher education?

Identification of AI/AN students at institutions of higher education is also problematic. Currently, the federal government only mandates tribal colleges and universities to use a strict definition of AI/AN status, which is the same two-part definition used by ED.[31] Most colleges and universities do not have established guidelines for determining how AI/AN students are identified; therefore, they must rely on a self-identification method. The implications of this are an inaccurate count of the AI/AN student population that often results in inflated numbers. Higher education institutions are required to submit to ED annual data on the race and ethnicity of their students. Unfortunately, the AI/AN student data typically represent students who identify as only AI or AN on their registration or enrollment forms. If a student identifies as being any other race or ethnicity they are no longer counted as an AI/AN student, which results in lower numbers of students who are considered AI/AN. However, it is important to consider that some institutions may be using another definition when reporting data within the college/university. In such a case, they may be counting any student that has self-identified as AI/AN, potentially leading to inflated numbers.

Many higher education institutions do not understand the implication of inflated numbers and, in some cases, may not want to report accurate numbers since they are more likely lower than numbers of self-reported AI/AN students. Castagno and Lee (2007) describe this phenomenon as interest convergence, which occurs when an institution's policy does not control for American Indian "ethnic fraud," in that the institution is benefiting from claiming their student body includes a higher number of American Indians. This is beneficial in many ways, such as increases in grant funding or recognition of being culturally diverse.[32]

According to Pewewardy and Frey (2004), a state university reported having 40 self-identified AI students. However, upon a closer look, the school found that eight students were enrolled members of a tribe, 10 had some tie (descendancy) to a tribe, and 20 students (50 percent) could not name their tribe or their ancestor.[33] The authors go on to suggest that "some students who claim 'American Indian' in [their] college applications feel that they may have advantages in receiving college scholarships by identifying themselves as ethnic minorities" (p. 40). Pewewardy and Frey further report that "a significant number of students who identified as American Indian at the time of enrollment relinquished this identification by the time of graduation, suggesting that, economic incentives aside, White students chose to reclaim their whiteness" (p. 41). The literature frequently refers to this as ethnic fraud, defined as "… the deliberate falsification or changing of ethnic identities in an effort to secure personal advantage in the form of, for example, scholarship funds, admission to special programs, research considerations, or faculty positions at mainstream universities" (p. 7).[34]

Fraudulent self-identification as an AI/AN student, whether intentional or not, will result in inaccurate data on the enrollment, attrition, and matriculation data of any given institution.[35] This inaccuracy may also mislead funders (e.g., foundations or public funders) if these numbers

are included in grant applications for funding that is intended to support the academic success of AI/AN students.

What promising practices appear in the literature for accurately identifying Native students?

In the context of conflicting, or varying, definitions of AI/AN students depending on the educational service or program,[36] many educational organizations are developing strategies to work around current challenges and more accurately collect, retain, and report data on AI/AN students. This section provides some suggested promising practices found in the literature. Practices included are cited in the literature (e.g., in policy reviews or guidance documents) and are mentioned in case examples. Each practice was identified as a strategy to improve data collection, tracking systems, or reporting. Included are suggestions for developing and using these data practices in K–12 districts, SEAs, Title VI programs, and higher education institutions.

Promising practices for Title VI Indian Education Offices

Under-identifying AI/AN students results in missed opportunities that may have an impact on the student's achievement and on lower levels of formula funding. Title VI Indian Education Offices often rely on the schools in their districts to identify AI/AN students, which includes providing the ED 506 form with school enrollment paperwork. The amount of Title VI formula funding that an LEA receives is contingent on the ED 506 forms submitted by a district. The funding generated by the number of qualifying students will determine the programs and services that the Title VI staff can provide. When these offices are left with the sole responsibility for identifying AI/AN students, as is often the case, staff hours are squandered, resulting in fewer hours and capacity to deliver services to AI/AN students. When schools are not accounting for the proper identification of AI/AN students, the school data tracking software systems are flawed, leaving Title VI Indian Education Offices with the time-intensive task of individually reviewing enrollment forms and hand-counting students as the best means of accurately identifying students who should have an ED 506 form on file.[37] Below are some suggestions to help Title VI Indian Education Offices ensure their time is spent in a manner that best benefits AI/AN students.

- Insert a tab/section in the district's website that provides a link to the ED 506 form or provide an electronic form for completion and submission online.[38]
- Avoid annual hand-counting of Native students by Title VI directors and school/tribal officials by ensuring that ED 506 forms are a part of a student's permanent record.[39]
- Request that schools run a report with the specific query of students who indicated AI/AN as their secondary ethnicity on enrollment applications and provide their names to the Indian Education Office.[40]
- Offer an ED 506 form training to district enrollment secretaries.[41, 42]
- Video record trainings and make recordings available online for training new staff members or for review by existing staff members.[43]
- Develop a Title VI Indian Education fact sheet for distribution to schools and administrators.[44]

Promising practices for K–12 school districts

At the K–12 level, many schools use simple race categorizations in their data systems, which do not accommodate AI/AN students with more complex ancestries. However, many districts recognize the need to better identify and track AI/AN students. They are developing strategies that go beyond basic federal reporting requirements and improving their data systems.

Promising practices include:

- Training for LEA enrollment and administration staff members on the value of, and procedures to complete, the ED 506 form.[45, 46]
- Developing an internal policy regarding assigning responsibility to specific staff members to oversee the completion of ED 506 forms. Responsibilities include regular updates to school/district administrators and regular contact with the LEA's Title VI Indian Education Office. The Los Angeles Unified School District requires that all schools participate in identifying and completing eligibility certification of AI/AN students. Specifically, they state that "principals should delegate student certification responsibilities to an administrative staff member."[47]
- Including the ED 506 form in ALL enrollment packets.[48]
- Providing regular announcements of Title VI programs and services in school bulletins, newsletters, and postings as a means of contacting students that may not have previously been identified as AI/AN.[49]
- Developing online ED 506 forms with dropdown menus, to standardize the spelling of tribes or tribal confederacies.[50]

Promising practices for state education agencies

There are a number of reasons that SEAs should be concerned with the accurate identification of AI/AN students. In particular, the Every Student Succeeds Act contains a number of AI/AN-specific provisions that require state compliance. Examples include the requirement that states engage in meaningful tribal consultation;[51] establish a multiple-measure accountability system that monitors and tracks student subgroup performance; and annually identify schools that have consistently underperforming subgroups of students to target for intervention and support, all of which rely on accurate AI/AN data.[52] In addition, SEAs are required to report disaggregated performance and graduation data by subgroups.[53] SEAs are responsible for ensuring that schools and LEAs comply with federal regulations.[54] Ultimately, SEAs will not be able to fulfill these obligations if AI/AN students are not accurately identified and counted.

Promising practices include:

- SEA leaders can be proactive in sharing information with LEAs about federal funding programs available for AI/AN students. Examples include providing Title VI trainings and guidance on effective practices, sponsoring webinars, creating and sending fact sheets on how to apply for funding, and directly reaching out to eligible LEAs to provide support or technical assistance.[55]
- SEA data coordinators might consider cross-referencing the state-level AI/AN student count that is reported to the state Department of Education with the number of ED 506 forms submitted by the LEAs in their state, to assess if there are discrepancies. For

example, the Oregon AI/AN Education State Plan 2015 included establishing a task force to create accurate identification criteria for all Oregon educational agencies that will encompass the various definitions of AI/AN students (e.g., federal, Title VI, NCES, districts). This objective will also include a campaign to inform districts about the new data collection mandate.[56]

- States can issue policy guidelines that align the identification of AI/AN students with existing procedures to facilitate a comprehensive and coordinated approach at the school and district levels.[57]
- States can track AI/AN students who are also Hispanic/Latino in a subcategory. The 2007 ED guidance on racial and ethnic data allows states to create racial or ethnic subcategories if the state finds a distinction valuable.[58]

Promising practices for higher education

Self-identification of ethnicity results in numerous challenges at institutions of higher education. These include inflated numbers from students who report a vague affiliation with an AI/AN tribe or community to intentional ethnic fraud. Challenges also arise when institutions report "AI/AN only" numbers, rather than including those with more complex histories.

Promising practices include:

- Colleges/universities may develop processes with the registrar and Native American student center to verify AI/AN affiliation with students. This can be accomplished through an invitation letter/phone call from the Native American student center to participate in programs.
- If an institution does not have appropriate guidelines, then there should be a requirement that any data referring to AI student populations that are shared, reported, or presented specifically state that the information is "self-reported" according to the judgment of the applicant.[59] It may not reflect an affiliation with a state or federally recognized tribe; an AN person who is listed on the original Alaska Native Claims Settlement Act (ANCSA) roll; or someone who is a lineal descendent of a person listed on the original ANCSA roll.
- Institutions may consider the recommendations provided by the Association of American Indian and Alaska Native Professors' Statement on Ethnic Fraud, which suggests that colleges and universities require documentation of student enrollment in a state or federally recognized nation/tribe.[60]
- Accessing data from the financial aid office will identify those students who receive tribal or Indian education funding and scholarships.
- The American Bar Association (ABA) adopted a resolution that calls for tribal citizenship documentation from students who have applied for testing or admission to ABA-approved law schools. Specifically, the resolution states:

  Best practices in this area for a law school is to require an applicant to report whether he or she is an enrolled member of a federally recognized tribe and to provide any applicable tribal enrollment number. If an applicant does not so

report, the law school should not include the applicant as a member of the category 'American Indian/Alaska Native.' (p. 1)[61]

Summary

There are high stakes involved in accurately identifying AI/AN students. Accurate counts are necessary to ensure that programs designed to meet the needs of Native students are appropriately funded and that the performance of AI/AN students can be reliably tracked. Additionally, federal and state governments cannot meet their treaty and trust obligations to Native communities unless they understand who Native students are and where they are being educated. However, current differences in how Native students are defined and identified have created a variety of educational data reporting challenges. Federal reporting changes have led to dramatic fluctuations in AI/AN student counts, undermining confidence in data on Native students. Discrepancies in definitions of who can be counted as AI/AN, and issues related to how enrollment and census forms collect AI/AN data, have led to significant *under-identification* of K–12 Native students, particularly for students with complex ancestries.

Some SEAs, districts, Title VI programs, and institutions of higher education are beginning to examine, understand, and address the implications of inaccurate AI/AN student identification. Some of the promising practices discussed in this brief include:
- SEA data coordinators cross-referencing state-level AI/AN students counts with ED 506 forms (using a SIS that includes complete data on AI/AN students' race and ethnicities)
- LEAs providing training to registration and administration staff members on ED 506 procedures and best practices
- Title VI Indian Education coordinators accessing data on, and following up with, students who have indicated AI/AN as their ethnicity
- Higher education institutions requiring documentation of enrollment in state or federally recognized tribes/nations

Acknowledgments

[1] For the purposes of this brief, AI/AN will refer to those individuals who are affiliated with a tribal nation that has (or had) a relationship with the United States and are eligible for programs and services, such as those provided by the Bureau of Indian Affairs, Indian Health Service, and the Bureau of Indian Education.

[2] National Center for Education Statistics (2016). Enrollment and percentage of distribution in public and secondary schools, by race/ethnicity and region: Selected years, fall 1995 through fall 2025. Retrieved September 29, 2016, from https://nces.ed.gov/programs/digest/d15/tables/dt15_203.50.asp?current=yes

[3] The NCES western region includes Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

[4] National Congress of American Indians. (n.d.). Tribal nations and the United States: An introduction. Retrieved September 1, 2016, from http://www.ncai.org/about-tribes

[5] U.S. Department of Education, White House Initiative on American Indian and Alaska Native Education. (2015). *School environment listening sessions: Final report*. Retrieved August 31, 2016, from http://sites.ed.gov/whiaiane/files/2015/10/school-environment-listening-sessions-final-report.pdf

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[9] Lowenthal, T. A. (2014). Race and ethnicity in the 2020 Census: Improving data to capture a multiethnic America. Washington, DC: Leadership Conference Education Fund. Retrieved August 31, 2016, from http://civilrightsdocs.info/pdf/reports/Census-Report-2014-WEB.pdf

[10] National Indian Education Association Resolution E-01 (2016). Improving American Indian, Alaska Native, and Native Hawaiian student identification at public K–12 and higher education institutions. Retrieved October 19, 2016, from http://www.niea.org/wp-content/uploads/2016/02/2016-E-01.pdf

[11] Yanow, D. (2003). Constructing "race" and "ethnicity" in American: Category-making in public policy and administration. Armonk, NY: M.E. Sharpe.

[12] Edmo, S., Young, J., & Parker, A. (2016). American Indian identity: Citizenship, membership, and blood. Santa Barbara, CA: ABC-CLIO.

[13] Snipp, C. M. (1986). Who are American Indians? Some observations about the perils and pitfalls of data for race and ethnicity. *Population Research and Policy Review, 5*(3), 237–252.

[14] "Title VI" refers to Title VI, Part A, subpart 1 of the Elementary and Secondary Education Act, as amended. Under the Every Student Succeeds Act, it will become Title VI, Part A, subpart 1 of the ESEA.

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