

**EXAMINING**  
***Tribal Consultation***  
**IN CALIFORNIA**  
**SCHOOLS**



# ACKNOWLEDGEMENTS

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**SPECIAL THANKS** This report is the culmination of many years of research, advocacy, and commitment by multiple people at the ACLU of Southern California and Northern California: **Tedde Simon**, whose wisdom and vision inspired and shaped this project; **Linnea Nelson**, who diligently sought records from the U.S. Department of Education and co-authored this report as a consultant to the ACLU of Southern California; **Dakota Bodell**, who shared this work with education and Tribal leaders throughout California over multiple years; **Grayce Zelphin**, who contributed her wisdom in shaping our collective advocacy; **Victor Leung**, who oversaw the data analysis phase of this project; **Betty Fang**, who transformed the contents of over 350 Title VI grant applications into structured textual and quantitative data and generated analysis and findings for the report; **Amir Whitaker**, whose insights on the data analysis helped to strengthen our interpretation of the findings; **Marelyn García**, who diligently sought records from over 150 local educational agencies in California, and **Arrow Fitz**, who provided invaluable leadership in designing and publishing this report. Thank you for your contributions to this report and your commitment and dedication to building schools that are more inclusive, safe, and supportive of all students, including Indigenous students. We also thank Ella Henry and other law students who interned at the ACLU Foundation of Southern California or ACLU Foundation of Northern California and contributed to this report by conducting legal or policy research and supported with data coding. We also acknowledge the University of Chicago Harris School of Public Policy's contribution to internship funding, which enabled us to complete data work essential to this report.

**Published December 2025 by The ACLU Foundation of Southern California**

## EXECUTIVE SUMMARY

This statewide study examines how local educational agencies and consortium leaders (collectively, LEAs) engage in Tribal consultation, particularly when receiving federal Title VI Indian Education Formula Grants. Tribal consultation — rooted in Tribal sovereignty, treaty obligations, and international human rights law — is legally required to ensure that local educational agencies collaborate with Native American Tribes (Tribes) in “timely, active, and ongoing” ways when developing programs that meet the unique cultural, linguistic, and educational needs of Native American students. As California is home to the largest population of Native American people in the United States, and Native American students remain disproportionately affected by historical and ongoing exclusion and trauma, meaningful consultation plays a critical role in advancing educational equity.

### STUDY OVERVIEW & DATA SOURCES

This report analyzes over 350 Title VI grant applications submitted by California LEAs to the U.S. Department of Education from the 2016-17 through 2020-21 school years. The U.S. Department of Education produced these grant applications in response to a Freedom of Information Act (FOIA) request by the ACLU of Northern California. This report also analyzes written affirmations or other documentation in support of Tribal consultation produced by LEAs in response to California Public Record Act (CPRA) requests by the ACLU of Southern California. Using these documents, the ACLU of Northern California and ACLU of Southern California (collectively, ACLU) examined how LEAs described their consultation with Tribes and their planned use of Title VI Indian Education Grant funds.

### FINDINGS Key Patterns in District- Reported Practices

Our review of 353 Title VI Indian Education Program applications submitted by California LEAs from 2017-18 through 2020-21 revealed several consistent patterns in how LEAs described Tribal consultation.

- **Most LEAs reported low levels of consultation with Tribes.** Nearly two-thirds of LEAs fell into the “low” category, describing only limited outreach — such as sending a letter, email, or survey to Tribal leaders — rather than “timely, active, and ongoing” engagement outlined in Title VI. About 8% of LEAs had “medium” engagement, and only about 26% described the kind of ongoing dialogue and relationship-building contemplated by federal law.
- **Direct engagement with Tribal governments was rare.** Only 10% of applications (34 of 353) mentioned direct, formal interaction with a Tribally-elected official such as a chairperson or councilmember.
- **Parent committees seldom included Tribal representatives.** While Title VI requires meaningful participation by Native families and Tribal representatives, only 14% of applications (48 of 353) reported convening at least one parent committee meeting with Tribally-designated

representatives. Only 27% (95 of 353) reported at least one meeting with Tribal members or Tribal parents.

- **Collaboration with Tribal departments and Native-serving organizations was limited.** Only 30% of applications (107 of 353) described working with Tribal education or social services departments or other Tribal staff, and just 7% (24 of 353) mentioned collaborating with local Indian Education Centers.
- **Few LEAs described incorporating Tribal feedback into programs.** Only 13% of applications (47 of 353) reported changing curriculum, professional development, or student supports in response to Tribal input.
- **Many LEAs did not name the Tribes they sought to consult.** About half of the applications (52%, or 185 of 353) named at least one specific Tribe they consulted or attempted to consult, while 6% (20 of 353) explicitly claimed there were no Tribes in their region.

The data also highlighted a small but important group of 21 LEAs that described robust, ongoing consultation — such as regular meetings with Tribal councils and education staff, cycles of information-sharing about student outcomes, inclusion of Tribal representatives on parent committees, and concrete program changes based on Tribal feedback. These examples demonstrate that meaningful Tribal consultation is both possible and already underway in parts of California.

These patterns are drawn from what LEAs reported in their Title VI applications, and related records. They may not reflect consultation practices not documented in those materials.

## How Districts Reported Using Title VI Funds

The report also summarizes how local educational agencies (LEAs) reported planning to use Title VI funds during the study period. Across the 2016–17 through 2020–21 school years, between 86 and 90 California local educational agencies received Title VI Indian Education Program grants annually. During these school years, Title VI grants to LEAs ranged from \$4,000 to \$363,663.

In their applications, LEAs most often selected objectives related to improving academic achievement and strengthening cultural identity and awareness among Native American students. The majority of funds were allocated to personnel costs, including instructional aides, coordinators, and other staff positions supporting Native American students. Smaller portions of funding were directed toward activities such as cultural programming, tutoring, and college- and career-readiness supports, as described in district applications.

## INTRODUCTION

Native American Tribes have always possessed inherent human rights to sovereignty and self-determination, including the right “to establish and control their educational systems...in a manner appropriate to their cultural methods of teaching and learning.”<sup>1</sup> For millennia, Native Californians have sustained their distinct and varied cultures and traditions, including in how they educate their children, even in the face of genocidal and ethnocidal repression since first contact with Europeans.

In response to that violent repression, Tribes also engaged in armed resistance to European invaders for nearly two centuries beginning at first contact.<sup>2</sup> Ultimately, Tribal nations and the United States government negotiated treaties whereby California Tribes surrendered the vast majority of their ancestral land which now comprises the State of California. In exchange, the U.S. government acknowledged the Tribes’ intrinsic right to autonomy and self-determination, and guaranteed beneficial support including health and educational services, for the well-being of Tribal members.<sup>3</sup>

### WHAT IS TRIBAL CONSULTATION?

Meaningful Tribal consultation is an opportunity to repair and build positive, trustworthy relationships between Tribal governments, Tribal organizations and families, and local educational agencies,<sup>4</sup> grounded in the shared goal of supporting Native American students’ success.

In alignment with the federal Every Student Succeeds Act (“ESSA”), Tribal consultation requires genuine collaboration with Tribes located in the community; in a timely, active, and ongoing manner; to develop a comprehensive pathway to meet the unique cultural, language, and educational needs of Native American students.<sup>5</sup> Federal guidance emphasizes that consultation must occur early enough in the planning process to allow Tribal officials to “meaningfully and substantively contribute” to the LEA’s plans and funding decisions and encourages LEAs to respond in writing to Tribal input.<sup>6</sup>

### WHY IS TRIBAL CONSULTATION IMPORTANT?

Today, many Native American students are only two generations removed from the traumatic legacy of the federal boarding school initiatives, which stretched from 1801 to 1969.<sup>7</sup> During that time, Native Californian children were separated (often forcibly) from their families and ancestral homelands through the boarding school system maintained by the U.S. government.<sup>8</sup> Boarding schools sought to break Native American children’s connections to their community values, beliefs, language, and culture using “systematic militarized and identity-alteration methodologies” in attempted genocide.<sup>9</sup>

The impacts of that trauma are deeply felt and understood by Native American Tribes, communities, and families up to the present day. Their voices are essential to developing culturally competent educational institutions needed to mitigate the tragedies of the federal boarding school initiatives when Native American leaders and families were deliberately excluded from decisions about their children's education. Native American Tribes, communities, and families are the experts on what their youth need. Native American students are given an equal opportunity to succeed only when Native American people, values, language, ways of being and ways of teaching and learning are included in educational systems. Tribal consultation creates opportunities for schools and Tribes to collaboratively improve the education system for all students, and especially for Native American students. It also fosters mutual understanding and respect. This is crucial to the well-being of Native American students and their families, and it is critical to the healthy functioning of our democracy.

## PURPOSE OF THIS REPORT

This report examines how California local educational agencies and consortium leaders describe and document Tribal consultation when applying for federal Title VI Indian Education Formula Grants (Title VI), and how they report using those funds to support Native American students. Drawing on more than 350 Title VI applications and related public records responses from the 2016-17 through 2020-21 school years, the report provides a four-year snapshot (2017-18 to 2020-21) of LEA's self-reported consultation practices and a five-year overview (2016-17 to 2020-21) of how Title VI funds were allocated and budgeted.

In this report, the term **“local educational agency” (LEA)** includes school districts, county offices of education, charter schools, and consortium leaders that apply for Title VI funds on behalf of multiple LEAs. Unless otherwise specified, we use “LEAs” to refer collectively to these entities.

We hope that this report is a helpful tool for Tribes, Native-serving organizations, students and families, in particular Native American students and families, LEAs, and policymakers. By making LEAs' self-reported practices more transparent, the report aims to support efforts to monitor compliance with federal consultation requirements, strengthen relationships between schools, Tribes, and Native communities, and improve educational programs that meet the cultural, language, and educational needs of Native American students.

## HISTORICAL BACKGROUND

Historical trauma from genocidal and ethnocidal events continue to impact Native American communities in California. Educators must understand this history, especially in state-funded schools, to grasp the importance of Tribal consultation and support Native American students in reaching their full potential.

### INDIGENOUS EDUCATION

For thousands of years, Native American people have maintained their distinct and varied cultures and traditions. Despite horrific genocidal and ethnocidal repression arising from American settler-colonial institutions over centuries, many Native American communities have sustained their connection to language, culture, ceremonies, and land against all odds. As noted by scholars Dr. Cutcha Risling-Baldy (Hupa/Yurok/Karuk) and Dr. Kayla Begay (Hupa):

*“These acts of survivance<sup>10</sup> 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.”<sup>11</sup>*

Many Tribal nations continue to teach their children through both informal collective learning and formalized training in traditional knowledge that serves as a protective factor for Native American youth. These practices help young people develop a deep sense of identity, belonging, and connection to land, community, and ancestors — foundations that research links to stronger self-esteem, resilience, and healthier developmental outcomes for Indigenous youth.<sup>12</sup> Based on millennia of lived experience, this Native traditional knowledge also holds significant value for all American society, and is only now starting to receive the recognition it deserves from modern educational institutions.<sup>13</sup>

### FIRST CONTACT WITH EUROPEAN AND AMERICAN SETTLERS IN CALIFORNIA

The first European settlers in the region now known as California used religious indoctrination and state-funded education as tools to subjugate Native Californians. Beginning in the mid-1700s, the Spanish mission system enslaved Native people through what scholars have termed “a communal form of forced labor”<sup>14</sup> and “slavery without the actual sale of the individual.”<sup>15</sup> In the mid-1800s, California joined the United States and continued these genocidal practices.<sup>16</sup> 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.”<sup>17</sup> During that time, the State of California authorized \$1.29 million (equivalent to almost \$50 million today) to fund settler militias that systematically massacred local Tribal members.<sup>18</sup> The state also forced Native American people from their ancestral lands and passed laws that sought to erase them altogether.<sup>19</sup>



## FEDERAL BOARDING SCHOOL INITIATIVES

Between 1770 and 1900, scholars estimate that the statewide Native American population was reduced by 90%, 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.”<sup>20</sup>

Starting in the late 1800s, the federal government introduced the boarding school system, forcibly separating many Native Californian youth from their families and ancestral lands.<sup>21</sup> These schools aimed to sever children’s ties to their community values, beliefs, language, and culture through “systematic militarized and identity-alteration methodologies,” in attempted ethnocide.<sup>22</sup> Despite fierce resistance from Tribes and families, thousands of Native American children were taken from their communities.<sup>23</sup> One 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.”<sup>24</sup>

Many decades later, the U.S. government itself acknowledged:

*[O]ur 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.”<sup>25</sup>*

The legacies of these historically violent policies and practices continue to harm Native American students, who are disproportionately impacted by intergenerational transference of trauma.<sup>26</sup> This 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.”<sup>27</sup>



## PRESENT DAY CONDITIONS FOR CALIFORNIA'S NATIVE AMERICAN STUDENTS

Systemic educational barriers persist up to the present time, actively preventing California's Native American students from accessing their full educational potential. These obstacles include a lack of culturally responsive curriculum;<sup>28</sup> inaccurate depictions of California and U.S. history;<sup>29</sup> discriminatory suspensions, expulsions, and transfers to alternative schools;<sup>30</sup> invisibility of Native American contributions to society;<sup>31</sup> and cultural erasure.<sup>32</sup> In fact, bias against Native Californians has its roots in statewide curricular standards.<sup>33</sup> Curriculum that fails to include Native American perspectives silences Native American people, leading Native American students to internalize experiences of discrimination and bias.<sup>34</sup>

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. Roughly 3.6% of the total state population, or 1,409,609 of California's residents, identified themselves in the 2020 Census as American Indian/Alaskan Native alone or in combination with another race/ethnicity.<sup>35</sup> In 2022-23, there were 25,424 students enrolled in California public schools who identified as American Indian/Alaska Native.<sup>36</sup> The actual number of Native American students is much higher. According to a study by the American Institutes of Research, 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.<sup>37</sup> In California, as many as 89.8% of American Indian/Alaska Native students may not be included in the official count.<sup>38</sup>

To achieve equal educational opportunity and address the challenges vast numbers of Native American students face due to California's historical education system, LEAs must meaningfully collaborate with Tribes and Native American communities to develop programs and services aimed at promoting Native American student excellence. It is critical to include the voices of Tribal leaders and communities on challenges affecting their children's education.

## LEGAL REQUIREMENTS

In addition to historical reasons, meaningful consultation between Tribes, Native American communities, families, and educational agencies is required by federal law for grants to LEAs educating Native American students. This obligation stems from historical treaty rights where Tribes exchanged millions of acres of their ancestral land for legal protections of their autonomy, self-determination, and access to beneficial services for the well-being of Tribal members.<sup>39</sup> As sovereign nations, Tribes have the right to ensure the education of their Tribal youth.<sup>40</sup> These legal obligations are also supported by international human rights, including the U.N. Declaration of the Rights of Indigenous Peoples.<sup>41</sup>

Native American youth, their families, and networks are the best experts in what approaches, interventions, and supports they need. Regular, meaningful consultation improves trust and builds relationships between school and district administrators and Native American communities.

## TITLE VI INDIAN EDUCATION FORMULA GRANT PROGRAM

Through the Title VI Indian Education Formula Grant Program (“Title VI Indian Education Program”), the federal government gives financial assistance to local educational agencies (including school districts), Tribes and Tribal organizations, and other entities to develop school programs to support Native American students who are members of a Tribal nation that is federally recognized, state recognized, or terminated.<sup>42</sup> Title VI Indian Education Programs must address the unique cultural, language, and educational needs of Native American students.<sup>43</sup> Activities funded by the grant include Native American language classes, early childhood education, tutoring, strengthening academic skills, culturally responsive after-school programs, and pushout prevention initiatives.<sup>44</sup>

The Title VI Indian Education Program is the U.S. Department of Education’s primary mechanism to meet the particular needs of Native American children.<sup>45</sup> During the 2017-18 school year (a period covered by the data analysis in this report), school districts comprised 88% of Title VI Indian Education Program grantees.<sup>46</sup>

### TITLE VI INDIAN EDUCATION PROGRAM CONSULTATION REQUIREMENTS

To apply for a federal grant through the Title VI Indian Education Program, local educational agencies must engage in meaningful consultation with Native American Tribes “in a timely, active and ongoing manner in the development of the comprehensive program [for Native American students] and the actions taken as a result of such collaboration.”<sup>47</sup> LEAs must also consult with Native American families, students, teachers, and Native American organizations in the LEA, as described in more detail below.

In addition, a LEA is required to engage in Tribal consultation if more than 50% of the LEA’s population is American Indian or Alaska Native students or if the LEA received a Title VI Indian Education Program grant of at least \$40,000 in the previous school year.<sup>48</sup> In these circumstances, a LEA must conduct Tribal consultation regarding the development of its Title VI Indian Education Program(s) and multiple other major educational programs funded under ESSA, including Title I.<sup>49</sup>

Listed below are the general elements required for a meaningful consultation process.

### **1. Establish or Maintain a Title VI Committee**

LEAs must develop Title VI Indian Education Programs with the participation and written approval of a Title VI Committee, also known as an “Indian Parent Committee,” when applying for a Title VI Indian Education grant.<sup>50</sup> The committee must be comprised of:

1. parents and family members of Native American children enrolled in the LEA’s school(s);
2. representatives of Tribes located within 50 miles of any school in the LEA if such Tribes have any children in the school;
3. at least one teacher from the LEA; and
4. if appropriate, Native American students attending secondary school(s) in the LEA.<sup>51</sup>

A majority of Title VI Committee members must be parents and family members of Native American students enrolled in the local educational agency.<sup>52</sup> The Title VI Committee must approve any Title VI Indian Education Program application and approve the use of Title VI funds in schoolwide programs.<sup>53</sup>

If a local educational agency is not applying for a Title VI Indian Education Program grant, but received a grant in the previous year of at least \$40,000 or if more than 50% of the LEA’s student population is American Indian/Alaska Native, then the LEA must consult with “appropriate officials from Indian tribes or Tribal organizations approved by the tribes located in the area served by the local educational agency.”<sup>54</sup> The California Department of Education (CDE) advises that this may include “tribally-elected officials or tribal education directors, but it should be up to the tribes to choose who represents their voice in the process of consultation.”<sup>55</sup> CDE guidance also instructs that Native American parents and parent advisory committees should be consulted.<sup>56</sup>

### **2. Conduct a Comprehensive Local Needs Assessment**

LEAs applying for a Title VI Indian Education Program grant must conduct a “comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the Indian students for whom the local educational agency is providing an education.”<sup>57</sup> To be comprehensive, the needs assessment should be informed by Native American students and their families, Tribal representatives, and local Native American organizations. This component in the process should naturally be included, in all circumstances, to ensure a cognizant discussion between the LEA and Tribal leaders.

### **3. Hold Public Hearings**

LEAs applying for a Title VI Indian Education Program grant must develop the programs listed in their plan in public consultation with parents of Native American children and teachers, representatives of local Tribes, Native American organizations,<sup>58</sup> and, if appropriate, Native American students from



secondary schools in the district.<sup>59</sup> This consultation must occur through public hearings held by the local educational agency to provide the community a full opportunity to understand the program(s) and to offer recommendations.<sup>60</sup> The results of the needs assessment described above must be provided to the Title VI Committee, the community, and “the Indian tribes whose children are served by the local educational agency.”<sup>61</sup>

Open exchange of information is also a critical component of Tribal consultation, in all circumstances, to ensure “the meaningful exchange of ideas and information while building trusted relationships between the [school district] and tribal governments.”<sup>62</sup> As noted by the U.S. Department of Education, LEAs “should conduct their consultation in advance of making significant decisions regarding plans or applications for covered programs, to ensure an ‘opportunity for...appropriate officials from Indian tribes or Tribal organizations to meaningfully and substantively contribute’” to the local educational agency’s plan.<sup>63</sup>

#### 4. Keep a Written Record

A local educational agency applying for a Title VI Indian Education Program grant must describe, in the application, how it meaningfully collaborated with local Tribes “in a timely, active, and ongoing manner” and the actions taken as a result of such collaboration.<sup>64</sup> The Title VI Committee must approve the application in writing through the “Parent Committee Approval Form.”<sup>65</sup> The local educational agency must also submit an Annual Performance Report “that provides data on the status of the funded project that corresponds to the scope and objectives established in the approved application and any approved amendments.”<sup>66</sup>

Additionally, any local educational agency that received a grant in the previous year of at least \$40,000 or where more than 50% of the district’s student population is American Indian/Alaska Native must submit a written affirmation, signed by the appropriate Tribal officials or designees, that meaningful Tribal consultation occurred.<sup>67</sup> The CDE provides a fillable affirmation form that outlines the required consultation topics: (1) How students’ needs will be identified; (2) Proportion of funds allocated for services; (3) What services will be offered; (4) Title programs under ESSA, (5) Size and scope of equitable services; (6) How, where, when and by whom services will be provided; (7) Equitable services to teachers and parents; (8) How services will be assessed, and improved based on assessment rules; (9) How and when decisions about the delivery of services will be made; and (10) Parent and Tribal engagement.<sup>68</sup>

Federal guidance directs affected LEAs to maintain a written affirmation, signed by appropriate Tribal officials or Tribally approved organizations, that consultation occurred and to provide this affirmation to the state educational agency for covered programs. If Tribal officials do not sign an affirmation within a reasonable time, affected LEAs must instead maintain and submit other documentation showing that consultation took place.<sup>69</sup>

## METHODOLOGY

This report analyzes Title VI Indian Education Program grant applications submitted by California local educational agencies to the U.S. Department of Education through for all school years from 2016-17 through 2020-21. The applications were obtained by the ACLU Foundation of Northern California through a federal Freedom of Information Act (FOIA) request to the U.S. Department of Education. In response, ACLU of Northern California received 6,644 pages of documents comprising 445 plans submitted by California LEAs for Title VI Indian Education Formula Grants.

To better understand LEAs' compliance with Title VI's Tribal consultation requirements in particular with respect to affirmations confirming Tribal consultation — the ACLU of Southern California also submitted CPRA requests to 162 LEAs identified on the CDE list of “affected” LEAs that received a Title VI Indian Education Program grant of at least \$40,000 in the previous year or where more than 50% of those student population is American Indian/Alaska Native, as defined by federal statute.<sup>70</sup> Through these requests, the ACLU collected documentation of Tribal consultation, including written affirmations, and related records for the 2016-17 through 2020-21 school years, as well as affirmations from several LEAs for 2022-23.

Although this report examines Title VI applications from the 2016-17 through 2020-21 school years, the federal Tribal consultation requirement under federal law first applied to plans and applications for the 2017-18 school year.<sup>71</sup> Our analysis of compliance with consultation requirements therefore focuses on applications submitted for the 2017-18 through 2020-21 school years. Whereas, our analysis of the allocation amounts and expenditures described in the Title VI applications focuses on applications submitted from the 2016-17 through 2020-21 school years.

### **ADDRESSING DATA ERRORS AND IDENTIFYING “AFFECTED” LEAs**

Responses to the CPRA requests revealed possible data errors in CDE's list of “affected” LEAs that are significant. Some LEAs mistakenly entered their total student enrollment in the “Indian student count” field, which incorrectly placed them in the category of LEAs where more than 50% of students are American Indian/Alaska Native. Other LEAs provided evidence that they did not meet the statutory definition of an “affected” LEA and were unsure why they appeared on CDE's list. In addition, some LEAs' self-reported data to the U.S. Department of Education in their Title VI applications contained inaccuracies, further complicating efforts to finalize a precise list of affected LEAs.

## QUANTITATIVE ANALYSIS

Quantitative analysis focused on both the Title VI applications and the records produced in response to the CPRA requests. We used a combination of manual data entry and Python to scrape data from the documents obtained through FOIA and CPRA requests. The quantitative dataset included, among other variables:

- annual Title VI allocation amounts;
- how funds were budgeted across major expenditure categories (e.g., personnel, cultural programming, tutoring, college- and career-readiness supports);
- composition of Title VI/Indian Parent Committees; and,
- methods of disseminating information to Title VI committees and Native communities, as reported by LEAs.

This data was used to calculate statewide totals and to summarize patterns in how LEAs reported their plans to use Title VI funds during the study period.

## QUALITATIVE ANALYSIS OF CONSULTATION DESCRIPTIONS

The core of this study is a qualitative analysis of how LEAs described their consultation with Tribes and Native American communities. Federal law requires that affected LEAs maintain a written affirmation of meaningful Tribal consultation and that LEAs describe their collaboration with Tribes in their Title VI applications. We examined the “Description of Meaningful Collaboration” field and related narrative sections in the Title VI applications received through FOIA.

Using an inductive codebook, we identified 16 qualitative indicators related to Tribal consultation, including whether LEAs:

1. Engaged in ongoing dialogue and relationship-building with designated officials or representatives of Tribal governments or designated organizations (e.g. holding regular meetings and scheduling at times and locations appropriate and convenient for Tribal representatives);
2. Engaged in dialogue with officials or representatives of Tribal governments or designated organizations (e.g. had a single meeting specifically with Tribal Council or designee);
3. Made limited attempts to communicate with officials and representatives of Tribal governments or designated organizations or Conducted specific outreach to Tribal Council (e.g. invited Tribal representative to public hearing, sent emails or surveys);
4. Described direct, formal interaction with Tribally-elected official (chairperson, councilmember);
5. Collaborated with Tribal Education or Social Services departments, or other Tribal staff or staff of Tribally-affiliated organizations such as an education coordinator or director;



6. Collaborated with local Indian Education Centers;
7. Convened at least one parent committee meeting that included Tribally-designated representatives;
8. Convened at least one parent committee meeting that included Tribal members/Tribal parents;
9. Frequency of Parent Meeting, if specified;
10. Described incorporating feedback (e.g., incorporated curriculum requested by Tribes);
11. Engaged non-federally recognized Tribes / Indigenous communities (e.g. mentioned outreach or meetings with these groups);
12. Claimed there were no Tribes in the region;
13. Did not perform Tribal consultation or community engagement for another reason;
14. Named specific Tribe(s);
15. Mentioned holding or attending one or more meetings on reservation, rancheria, or Tribal headquarters; and,
16. Described Tribal member representation on school board, governing board, or board of trustees.

Two coders independently reviewed and coded each LEA's narrative description, using a mix of split coding and consensus coding. After initial coding, they met to discuss discrepancies and resolve them through consensus, which increased consistency and reliability in the qualitative assessments.

Drawing on these indicators, we then categorized LEAs' self-reported consultation practices into three broad levels of engagement:

- **High engagement:** descriptions of ongoing dialogue and relationship-building with designated officials or representatives of Tribal governments or designated organizations, including holding regular, well-located meetings at appropriate times and evidence that Tribal input shaped programs;
- **Medium engagement:** at least one documented dialogue with officials or representatives of Tribal governments or designated organizations, including hosting at least one meeting specifically with a Tribal official or designee, but limited evidence of ongoing collaboration; and,
- **Low engagement:** attempted limited outreach to Tribal representatives or designated organizations, with little or no evidence that consultation occurred in a "timely, active, and ongoing" manner (e.g., invited a Tribal Council member to a public hearing, or sent the Tribal Council member an email or survey).

Because our qualitative and quantitative analysis is based solely on the narratives provided in Title VI applications and related documentation, the resulting codes and percentages capture only those consultation practices that LEAs chose to describe in writing. Practices that may have occurred but were omitted from these documents are not reflected in our findings.

## FINDINGS

### LOCAL EDUCATIONAL AGENCIES' USE OF TITLE VI INDIAN EDUCATION PROGRAM GRANT FUNDS

#### Overview of Title VI Indian Education Program Allocations to California Local Educational Agencies, 2016-17 to 2020-21

Federal law requires that each application for a Title VI Indian Education Program grant “shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children.”<sup>72</sup> Thus, LEAs must spend Title VI funds to address the unique educational needs of Native American children. This section of the report summarizes the Title VI funds allocated to California LEAs and quantitatively analyzes how California LEAs planned to use their Title VI funds.

From 2016-17 to 2020-21, about 90 California LEAs applied annually for Title VI Indian Education Program grants. During this period, Title VI allocations to California LEAs, including consortium leaders, ranged from \$4,000 to \$363,633. In each year, the median award was between \$27,000 and \$33,000 (for example, \$32,918 in 2016-17 and about \$30,146 in 2020-21), so half of all applicants received grants at or below approximately \$30,000. Across all five years combined, about 69% of applicants received less than \$50,000, while roughly 13% received \$100,000 or more, typically larger consortia serving multiple LEAs. Also, during this period, the number of Native American students in these districts dropped from 21,918 in 2016-17 to 17,624 in 2020-21. Similarly, statewide enrollment of Native American students declined by 15%, from 33,369 in 2016-17 to 28,331 in 2020-21.<sup>73</sup>

The table below illustrates: the total number of California LEAs that applied for Title VI Education Program grants for each school year from 2016-17 through 2020-21, average amount of grants received, and average numbers of Native American students per district.

Year	2016-17	2017-18	2018-19	2019-20	2020-21
Number of California Title VI Indian Education Formula Grant Applicant Local Educational Agencies & or Consortium Leaders (“LEAs”)	87	91	90	89	88
Total Dollar Amount of Title VI Grants Allocated from the U.S. Department of Education to California LEAs	\$4,385,127	\$4,371,307	\$4,635,902	\$4,676,954	\$4,496,694
Total Native Student Population Across All California LEAs Allocated a Title VI Indian Education Formula Grant	21,918	20,892	19,389	18,817	17,624



The table below shows, for each school year, the total dollar amount allocated by the U.S. Department of Education to California LEAs who applied for Title VI Indian Education Program funds. California applicants received a combined \$22,565,984 in Title VI funding during the five-year study period.

<b>California Local Educational Agency &amp; Consortium Leads</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Grand Total</b>
Alameda County Office of Education	\$55,462	\$63,133				\$118,595
All Tribes American Indian Charter School	\$18,354	\$23,961	\$25,039	\$27,413	\$32,308	\$127,075
Alpine Union Elementary School District	\$20,748	\$19,586	\$15,977	\$23,425	\$21,369	\$101,105
Anderson Union High School District	\$23,741	\$25,837	\$16,931		\$12,465	\$78,974
Banning Unified School District	\$70,823	\$74,176	\$85,610	\$87,471	\$91,328	\$409,408
Bishop Unified School District	\$88,579	\$91,887	\$115,895	\$121,862	\$133,811	\$552,034
Bogus Elementary School District	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$20,000
Bonsall Unified School District	\$28,728	\$31,671	\$39,824	\$38,129	\$36,124	\$174,476
Burnt Ranch Elementary School District	\$5,786	\$7,084	\$7,631	\$8,224	\$5,597	\$34,322
Butte County Office of Education	\$7,980	\$6,459	\$6,677	\$4,000	\$4,000	\$29,116
Capistrano Unified School District	\$36,908	\$36,046	\$37,916	\$37,132	\$35,106	\$183,108
Ceres Unified School District	\$42,095	\$39,380	\$42,924			\$124,399
Chawanakee Unified School District	\$33,716	\$31,879	\$41,016	\$42,116	\$48,335	\$197,062
Clovis Unified School District	\$102,345	\$108,972	\$119,949	\$131,581	\$143,987	\$606,834
Coachella Valley Unified School District	\$14,564	\$16,877	\$17,170	\$16,946	\$18,316	\$83,873
Davis Joint Unified School District					\$8,141	\$8,141
Dehesa Elementary	\$6,185	\$5,001	\$5,723	\$5,981		\$22,890
Del Norte County Unified School District	\$127,682	\$133,975	\$157,627	\$164,227	\$171,970	\$755,481

<b>California Local Educational Agency &amp; Consortium Leads</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Grand Total</b>
Desert Sands Unified School District	\$20,549	\$21,669	\$23,131	\$26,167	\$22,387	\$113,903
Eel River Charter School			\$4,000	\$4,237	\$5,342	\$13,579
El Dorado County Office of Education	\$223,044	\$215,236	\$251,821	\$271,884	\$277,035	\$1,239,020
Elk Grove Unified School District	\$50,873	\$56,049	\$63,432	\$65,292	\$65,125	\$300,771
Eureka City Schools	\$80,599	\$85,011	\$91,333	\$97,689	\$100,486	\$455,118
Fall River Joint Unified School District	\$31,322	\$31,046	\$36,247	\$45,854	\$40,703	\$185,172
Feather Falls Union Elementary School District	\$4,000	\$4,000	\$4,000	\$5,732		\$17,732
Fortuna Union High School	\$23,741					\$23,741
Fremont Unified School District	\$38,105	\$34,588	\$31,716	\$27,164	\$23,913	\$155,486
Fresno Unified School District	\$48,280	\$54,590	\$60,332	\$57,816	\$63,344	\$284,362
Garden Grove Unified School District				\$4,486	\$4,000	\$8,486
Gateway Unified School District	\$39,701	\$44,589	\$49,363	\$45,356	\$44,773	\$223,782
Happy Camp Union Elementary School	\$14,165	\$13,960	\$14,308	\$14,703	\$17,808	\$74,944
Hemet Unified School District	\$13,965	\$15,627	\$19,316	\$20,684	\$23,150	\$92,742
Huntington Beach Union High	\$6,783	\$5,417	\$7,869			\$20,069
Ipakanni Early College Charter School	\$4,000	\$4,167	\$4,054		\$4,070	\$16,291
Janesville Union Elementary School District		\$4,000				\$4,000
Julian Union School District	\$6,384	\$7,918	\$8,346	\$5,483	\$5,088	\$33,219
Junction Elementary	\$4,000	\$4,167	\$4,769	\$6,479	\$4,070	\$23,485
Kashia School		\$4,000	\$4,000	\$4,000	\$4,000	\$16,000
Kings Canyon Unified School District		\$4,000	\$5,008	\$7,227		\$16,235

<b>California Local Educational Agency &amp; Consortium Leads</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Grand Total</b>
Klamath-Trinity Joint Unified	\$188,131	\$189,816	\$210,805	\$222,043	\$225,902	\$1,036,697
Lakeside Union Elementary		\$16,252	\$17,647	\$19,687	\$17,808	\$71,394
Lassen Union High School District	\$10,574	\$8,334	\$10,493	\$9,719	\$7,632	\$46,752
Laytonville Unified School District	\$11,970	\$14,377	\$17,170	\$18,940	\$17,553	\$80,010
Lemoore Union High School District	\$42,095	\$49,590	\$56,517	\$58,065	\$83,696	\$289,963
Livermore Valley Joint Unified School District - C	\$82,594	\$90,220	\$98,249	\$101,427	\$97,179	\$469,669
Loleta Elementary		\$9,168	\$8,585	\$9,470	\$9,158	\$36,381
Lone Pine Unified School District	\$13,367	\$13,335	\$15,500	\$16,198	\$16,027	\$74,427
Long Beach Unified School District	\$12,369	\$9,585	\$10,493	\$9,221	\$7,886	\$49,554
Los Angeles Unified School District	\$196,510	\$172,939	\$96,579	\$130,335	\$141,698	\$738,061
Manteca Unified School District	\$62,045	\$49,381	\$51,270	\$54,576	\$46,045	\$263,317
Mariposa County Unified School District	\$21,147	\$22,086	\$24,085	\$24,422	\$23,659	\$115,399
Martinez Unified School District	\$109,128	\$97,096	\$84,179	\$78,500	\$65,634	\$434,537
Marysville Joint Unified School District	\$297,857	\$277,535	\$310,246	\$300,284	\$285,685	\$1,471,607
Modoc Joint Unified School District	\$8,379	\$11,043	\$12,400	\$12,959	\$13,229	\$58,010
Mountain Empire Unified School District	\$21,546	\$23,753	\$30,524	\$31,649	\$45,357	\$152,829
Napa Valley Unified	\$17,357	\$16,252	\$17,647	\$17,943	\$15,264	\$84,463
Nevada County Office Of Education	\$59,651	\$62,716	\$65,579	\$64,794	\$62,327	\$315,067
Northern Humboldt Union High School District	\$80,399	\$77,510	\$86,087	\$88,468	\$87,512	\$419,976
Oakland Unified School District	\$35,711	\$40,422	\$43,401	\$43,860	\$34,852	\$198,246
Orange Unified School District	\$58,654	\$16,252	\$19,077	\$19,937	\$20,606	\$134,526



<b>California Local Educational Agency &amp; Consortium Leads</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Grand Total</b>
Oroville Union High School District	\$79,003	\$72,093	\$79,171	\$82,737	\$80,134	\$393,138
Palermo Union School District	\$47,482	\$46,881	\$48,647	\$43,611	\$40,703	\$227,324
Pioneer Union Elementary	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$20,000
Placer County Office of Education	\$33,516	\$36,463	\$44,593			\$114,572
Plumas Unified School District	\$20,549	\$19,794	\$21,701	\$21,183	\$21,115	\$104,342
Porterville Unified School District	\$75,212	\$93,762	\$87,041	\$92,954	\$93,871	\$442,840
Raymond-Knowles Elementary School				\$4,000		\$4,000
Roseland Elementary	\$19,751	\$18,961	\$22,654	\$22,927	\$22,132	\$106,425
Round Valley Unified School District	\$50,275	\$48,965	\$63,194	\$62,302	\$66,906	\$291,642
Sacramento City Unified School District	\$30,723	\$27,712	\$29,570	\$35,138	\$34,852	\$157,995
Sacramento County Office of Education	\$35,511					\$35,511
San Bernardino City Unified School District	\$47,282	\$49,173	\$57,471	\$65,791	\$73,520	\$293,237
San Diego Unified School District	\$48,679	\$57,091	\$60,332	\$68,532	\$65,634	\$300,268
San Francisco Unified School District	\$26,933	\$29,587	\$31,239	\$23,425	\$22,641	\$133,825
San Jacinto Unified School District				\$24,921	\$12,720	\$37,641
San Juan Unified School District	\$35,112	\$33,963	\$39,109	\$39,624	\$36,633	\$184,441
San Pasqual Valley Unified School District	\$70,823	\$69,175	\$86,802	\$98,437	\$92,599	\$417,836
Santa Rosa City School District			\$33,385	\$37,381	\$34,089	\$104,855
Santa Rosa High	\$32,918	\$29,379				\$62,297
Scott Valley Unified School District	\$24,339	\$23,545	\$26,470	\$24,921	\$25,694	\$124,969
Shasta Union High School District	\$101,547	\$103,346	\$116,610	\$124,852	\$130,250	\$576,605
Sierra Unified School District	\$36,110	\$39,380	\$38,632	\$44,608	\$53,677	\$212,407

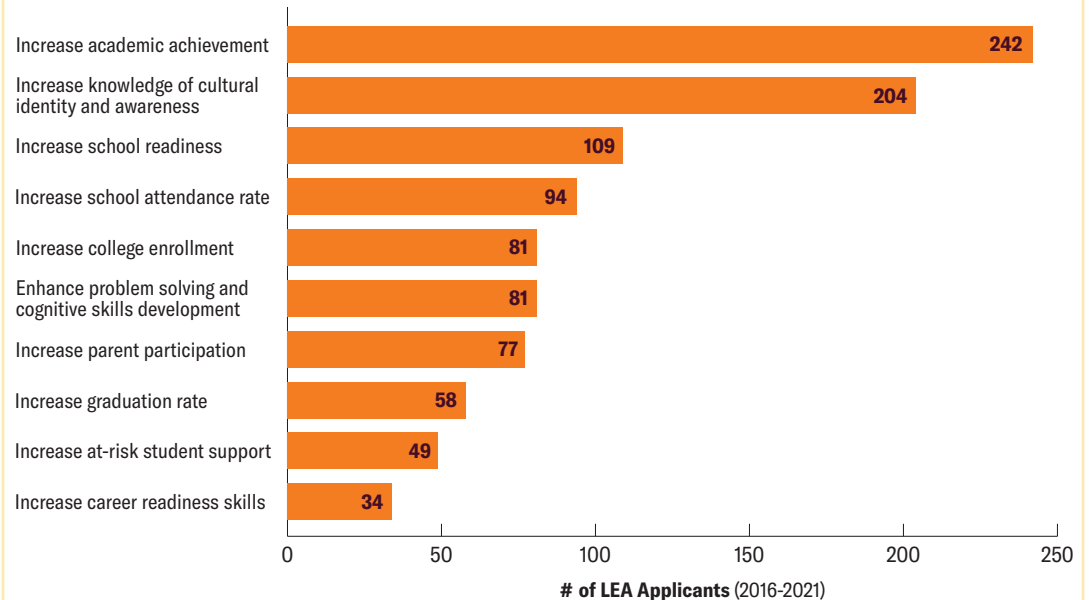
<b>California Local Educational Agency &amp; Consortium Leads</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Grand Total</b>
Siskiyou Union High School District	\$4,988	\$5,834	\$6,677	\$5,233	\$5,342	\$28,074
Stockton Unified School District	\$348,930	\$361,713	\$363,663	\$308,019	\$72,757	\$1,455,082
Stony Creek Joint Unified	\$9,776	\$10,210	\$10,493	\$9,968	\$11,193	\$51,640
Summerville Elementary School	\$11,372	\$12,085	\$11,923	\$12,460	\$12,974	\$60,814
Susanville School District	\$22,743	\$21,253	\$25,516	\$23,675	\$24,676	\$117,863
Tracy Unified School District	\$24,140	\$25,837	\$28,139	\$28,160	\$27,983	\$134,259
Trinity Alps Unified School District			\$4,000	\$4,000	\$4,000	\$12,000
Ukiah Unified School District	\$88,779	\$85,428	\$97,533	\$100,929	\$102,012	\$474,681
Uncharted Shores Academy				\$4,000	\$4,000	\$8,000
Vallejo City Unified	\$4,000	\$4,000				\$8,000
Valley Center-Pauma Unified	\$101,946	\$107,722	\$119,472	\$128,092	\$145,768	\$603,000
Ventura Unified School District	\$65,836	\$72,926	\$80,602	\$78,251	\$77,590	\$375,205
Visalia Unified School District	\$156,210	\$158,979	\$177,897	\$178,183	\$171,970	\$843,239
Warner Unified	\$14,564	\$10,418	\$11,446	\$16,946	\$18,571	\$71,945
Washington Unified School District	\$11,571	\$9,585	\$12,877	\$13,956	\$14,755	\$62,744
Willits Elementary Charter School		\$4,000	\$4,000	\$4,000	\$4,000	\$16,000
Yosemite Unified	\$22,544	\$27,504	\$21,939	\$27,911	\$35,615	\$135,513
Yreka Union Elementary	\$40,299	\$40,630	\$46,740	\$43,860	\$42,229	\$213,758
Yreka Union High School District	\$10,973	\$12,293	\$12,877	\$12,710	\$13,229	\$62,082
<b>GRAND TOTAL</b>	<b>\$4,385,127</b>	<b>\$4,371,307</b>	<b>\$4,635,902</b>	<b>\$4,676,954</b>	<b>\$4,496,694</b>	<b>\$22,565,984</b>

## Overview of Title VI Grant Objectives and Expenditures

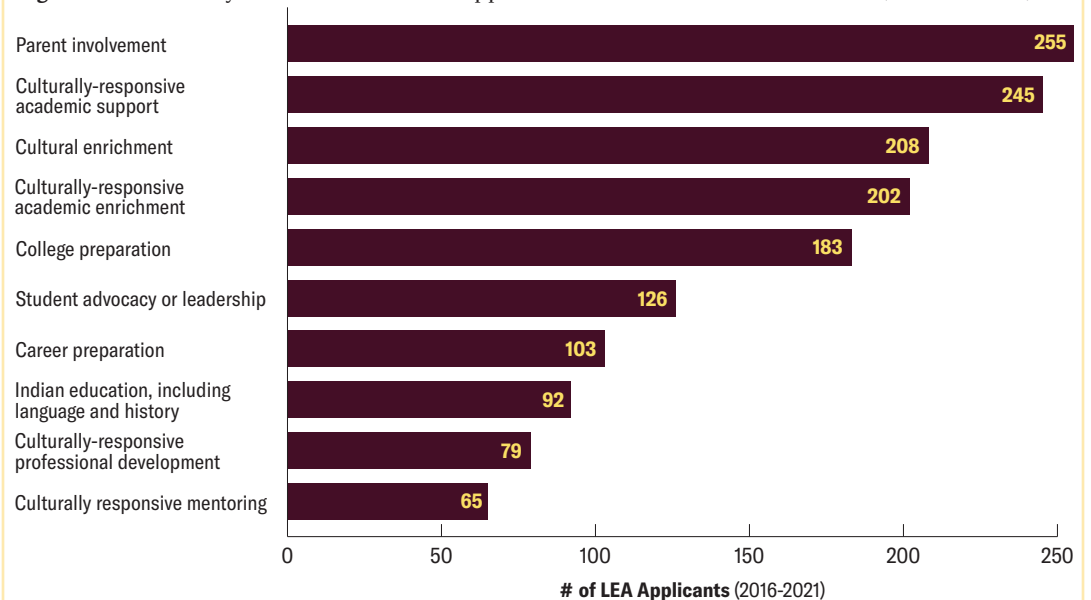
The Title VI Indian Education Program application form gives local educational agencies pre-filled options to identify grant objectives. Applicants are required to identify at least one objective for the grant, at least one service per objective they intend to provide, and at least one data source.

The most commonly selected grant objectives in the 444 Title VI applications submitted by California LEAs were: 1) Increase academic achievement and 2) Increase knowledge of cultural identity and awareness. The most commonly selected services provided were: 1) Parent Involvement and 2) Culturally responsive academic support. See Figures 1 and 2 below.

**Fig 1.** Most Commonly Selected Title VI Grant Application Objectives Provided in California (2016-17 to 2020-21)



**Fig 2.** Most Commonly Selected Title VI Grant Application Services Provided in California (2016-17 to 2020-21)

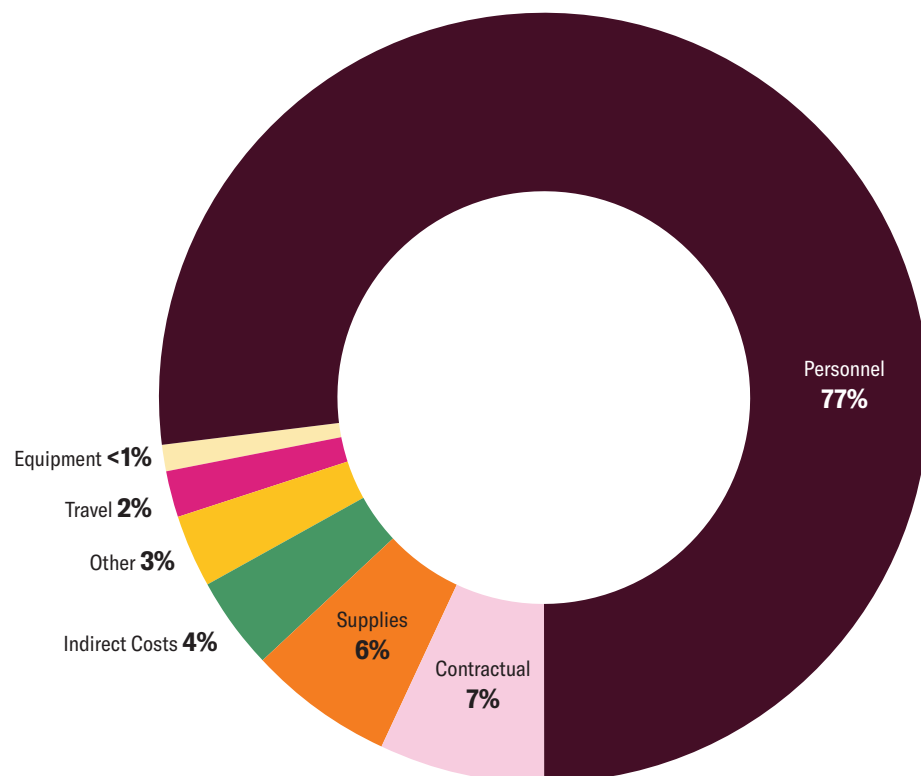


In 2019, the U.S. Department of Education commissioned a national study on how local educational agencies implement Title VI Indian Education Formula Grants.<sup>74</sup> The study found that local educational agencies typically offered around seven types of Title VI-funded services, with academic support being the most common.<sup>75</sup> This support included homework help, study skills, cultural enrichment (e.g., field trips, events), and parental involvement.<sup>76</sup> California LEAs' Title VI-funded services align with national trends prioritizing academic support and parental involvement.

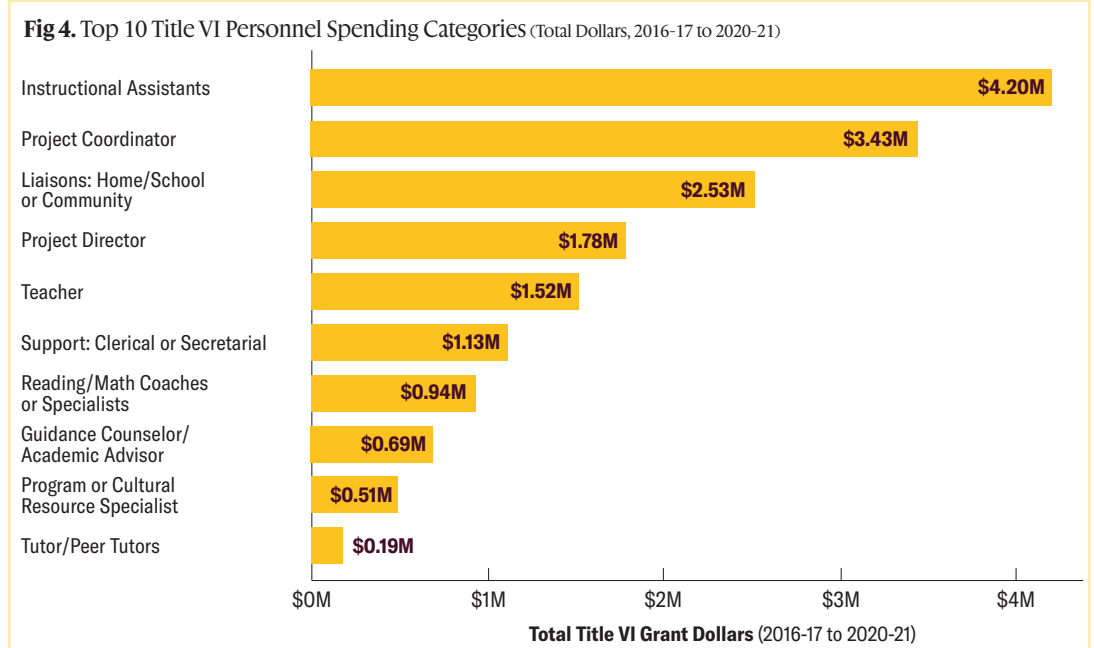
The national study also found that most LEAs receiving Title VI grants offered professional development to school staff to support student academic achievement and cultural enrichment.<sup>77</sup> However, our analysis shows that only a subset of California LEAs included Title VI-funded professional development services in their grant applications.

As with traditional school spending, most Title VI funds (77%) in California were allocated to personnel expenses, including wages, salaries, and benefits. Instructional Assistants and Project Coordinators were the most common Title VI-funded staff roles. The remaining 23% of funds were spent on other contractual obligations, supplies, indirect costs, travel, and other items. Figures 3 and 4 below show the percentage of funds allocated to each spending category and the top ten roles within the personnel category based on funding allocation.

**Fig 3.** Percent of Title VI Grant Allocation by Spending Category (2016-17 to 2020-21)

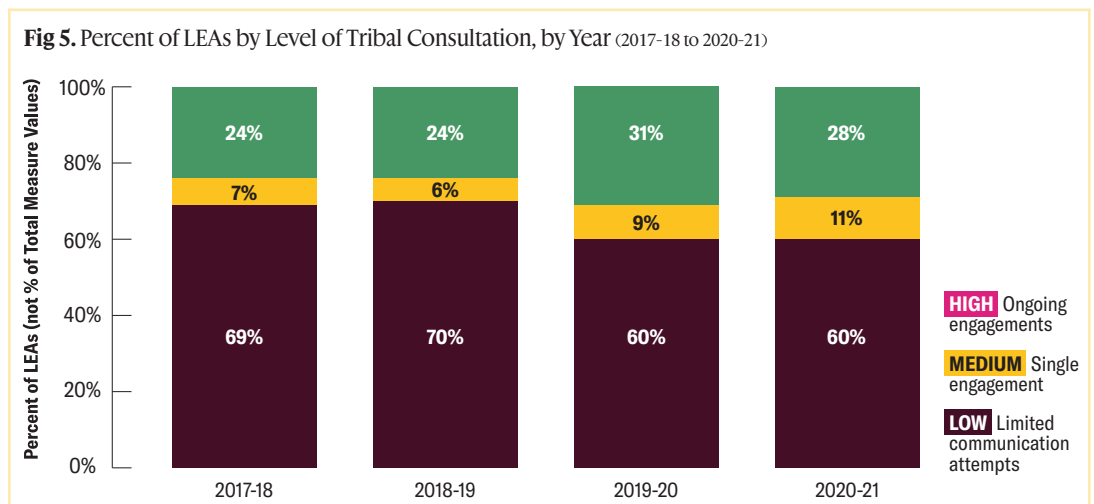






## MEANINGFUL TRIBAL CONSULTATION

Our qualitative assessment of LEAs’ self-reports of Tribal consultation from 2017-18 to 2020-21 found that nearly two-thirds of LEAs did not meaningfully consult Tribes in developing educational programs for Native American students. These LEAs made limited outreach to Tribal representatives or organizations and had low levels of engagement regarding the unique educational needs of Native American students. About 26% of LEAs demonstrated the “timely, active, and ongoing” engagement required by statute,<sup>78</sup> while 8% had medium engagement, defined as having at least one dialogue with a Tribal representative or designee (see Figure ##). In many cases, LEAs simply cut and pasted their descriptions of meaningful Tribal consultation as they submitted Title VI applications year after year, with little or no substantive change.



- Only 10% of Title VI Indian Education Program applications analyzed (34 out of 353 from 2017-2020) mentioned **direct, formal interaction** with a Tribally-elected official (chairperson, councilmember).
- Only 14% of applications (48 out of 353) mentioned **convening at least one parent committee** meeting that included **Tribally-designated representatives**.
- Only 27% of applications (95 out of 353) mentioned **convening at least one parent committee** meeting that included **Tribal members/Tribal parents**.
- Only 30% of applications (107 out of 353) described **collaborating with Tribal Education or Social Services departments**, or other Tribal staff or staff of Tribally-affiliated organizations such as an education coordinator/director.
- 52% of applications (185 out of 353) **named a specific Tribe** that the local educational agency consulted or attempted to consult.
- Only 2% of applications (8 out of 353) **named non-federally recognized Tribes / Indigenous communities** (e.g., mentioned outreach or meetings with these groups).

Importantly, these figures reflect what LEAs documented in their own application materials and affirmations; they do not capture consultation practices that may have occurred, but were not described in the documents analyzed.

*Livermore Valley Joint Unified School District's Description of Tribal Collaboration Naming a Non-Federally Recognized Tribe: "We are not within a 50-mile radius of a federally recognized tribe. Our American Indian/Alaskan Native students have relocated to this area from over a hundred different tribes from across the country. Here in the Livermore Valley, including Castro Valley, we are residing on traditional California Indian Ohlone land. We do collaborate extensively with the local Ohlone Native communities, but we understand that they are not federally recognized. The creation story of the local Ohlone tribe tells us that they came into being on earth at a local site, called Brushy Peak, southeast of Livermore. Additionally, we attend and participate in American Indian Pow Wows so that we can network with other State and Federally recognized tribal members."*

- Only 7% of applications (24 out of 353) described **collaborating with local Indian Education Centers**.
- Only 10% of applications (35 out of 353) mentioned holding or attending one or more **meetings on a reservation, rancheria, or Tribal headquarters**.
- Only 13% of applications (47 out of 353) described actually **incorporating feedback** (e.g., adopting curriculum requested by Tribes).
- Only 9% of applications (31 out of 353) mentioned **Tribal member representation** on a school district governing board.
- 6% of applications (20 out of 353) claimed **there are no Tribes in the region**.

#### Examples of Low/ Medium Level of Tribal Engagement

Some LEAs made minimal efforts to consult with Tribes or Native American families to develop programs and services for Native American students, even when located near Tribes. For example, Desert Sands Unified School District is near the Agua Caliente Band of Cahuilla Indians, the Torres Martinez Desert Cahuilla Indians, the Santa Rosa Band of Cahuilla Indians, and the Augustine Band of Cahuilla Indians. However, in its 2018-19 application, Desert Sands Unified's description of "meaningful Tribal collaboration" focused entirely on non-school-based health services and did not address educational programs for Native American students at all:

*Our Indian Education Program is in constant communication with Torres Martinez Tanf and the Indian Health Inc. in our area. We invite them to present information and material to our parents at our monthly meetings where the parents can ask questions and collaborate on how to attract more families. The sessions has allowed us to inform parents of the healthy classes as well as provide families with the support items needed for their children. These collaboration meetings also provide one-to-one educational support, employment preparation, assistance with application process for all agencies and support in life skills for family financial planning.*

Similarly, Anderson Union High School District, located near Redding Rancheria, did not describe any Tribal consultation in developing programs or services for Native American students in its 2018-19 application. Instead, the district provided only a brief summary of two annual school events and a mention of a Tribal member (who may or may not be a Tribal representative) on a parent committee:

*We sponsor a Native American cultural day which includes tribe members who perform outreach to the entire school community. A tribal member sits on the parent committee. We host an annual Elders Honoring dinner which connects students with local tribal members.*

Even more alarmingly, Orange Unified School District’s funding applications for the 2018-19, 2019-20 and 2020-21 school years described no consultation at all with Tribes, Native American organizations, or Native American parents to develop educational programs for Native American students. The little engagement to those groups was limited to disseminating information by email and robo-calls:

*Our District uses E-mails, our district website, and newsletters to disseminate information to other school districts, colleges, and local Tribal Organizations. We forward e mails from other tribal resources to inform our parents, students, and community of events such as wellness and mental health events. Within our district Title VI student/parent community, we use our district phone message system to remind everyone of district upcoming PAC meetings, cultural events, and public hearings.*

Similarly, Northern Humboldt Union High School District, located near the Blue Lake Rancheria, Hoopa Valley River Tribe, Wiyot Tribe, Bear River Band of the Rohnerville Rancheria, and Yurok Tribe, described no meaningful Tribal consultation even though the district received a \$88,468 Title VI grant the previous year. The “Description of Meaningful Collaboration” field in its 2020-21 application consisted of one sentence relating one instance of outreach:

*Letters were sent to the Chairmen of five tribes in our area who may have tribal member students enrolled in the Indian Education Program inviting their input and collaboration on the grant.*

## Examples of High Level of Tribal Engagement

21 LEAs detailed robust Tribal consultation regarding educational programming to meet the unique needs of Native American students. For example, Ventura Unified School District offered this comprehensive description from its Title VI Indian Education Program applications in 2018-19 and 2019-20:

*The parent committee includes Indian Community Advisors who have been involved with the parent committee for many years. These advisors represent various tribes, with one member who is specifically from tribes located in the community. The Indian Community Advisors attend regular meetings during which they are given an opportunity to review content and operations of the program to provide feedback and guidance. The parent committee revised their bylaws to include the office of tribal representative. In addition, a public hearing notice was posted in the county-wide newspaper to further inform local tribal members of the opportunity to exchange ideas and information regarding the implementation of Indian Education.*



*In an effort to increase tribal representation and secure involvement from each tribe in the community, an email invitation was sent to each tribal office and/or to individual tribal council members, inviting them to a collaboration meeting to assist in the development and approval of our comprehensive grant application and become engaged as a member of the parent committee to provide ongoing guidance and meaningful collaboration. Indian tribes located in the community are provided a schedule of the standing meetings date and time. As a result of collaboration, the following actions were taken to implement suggestions and requested changes provided by tribal representatives: 1. contemporary themes were integrated into the Indian Education curriculum to support students' understandings of current Indian Country affairs, 2. Culturally responsive professional development for LEA staff incorporated work towards eliminating false narratives from persisting in current teaching, 3. College preparation added a College & Career Night which connected students with local Native American resources and included counseling to assist students in seeking ways to be involved in the Native American community.*

Similarly, Round Valley Unified School District provided a detailed depiction of its consultation with the Round Valley Indian Tribes Tribal Council in its 2020-21 application, demonstrating how the district has worked with the Tribal Council in an ongoing cycle of inquiry, discussion, information-sharing, and implementation:

*The Round Valley Unified School District works with the Round Valley Indian Tribes (RVIT) Tribal Council for the educational benefit of our students. The school district board and the tribal council meet in an open forum to discuss issues that are pertinent to the valley and the families that live here. Updates on projects that are occurring on tribal land or in the school district are shared. RVUSD personnel share information regarding student performance and the programs that are being implemented in the district, and solicit ideas and feedback that are used when developing action plans for district programs. The RVUSD Superintendent participates in bi-monthly Tribal Council meetings that focus on our youth. The district continues to encourage Tribal parents to participate in the district's Impact Aid committee. Information about the role of committee members is distributed to American Indian parents districtwide, and a selection process is in place. The school sites also encourage American Indian parents to participate in School Site Council (SSC), a parent and school organization that reviews programs in place at the schools, plans programs to meet student academic and social-emotional needs, and oversees the school Title I budget.*

## BETTER PRACTICES

### WHAT MAKES TRIBAL CONSULTATION “MEANINGFUL”?

Meaningful Tribal consultation requires ongoing, government-to-government processes that centers Tribal sovereignty and the well-being of Native American students. Based on themes that appear across federal and state guidance, Tribal and Native-serving organizations, and other practice-based resources, we highlight below a set of better practices that can support LEAs design consultation processes and practices that are timely, substantive, and grounded in mutual respect.

These suggestions are not a rigid checklist or an exhaustive list of requirements. Rather, they offer starting points for LEAs that want to move beyond minimal compliance and build stronger, more collaborative relationships.

Some common suggestions in these resources are:

- Learn about the history and culture of local Tribes, including the history of Tribal relations within the state and community.<sup>79</sup>
- LEAs must initiate the conversation with appropriate officials from the Tribal nation(s) in the same geographic area. The invitation should incorporate reciprocal leadership, from the Superintendent to Tribal leaders.<sup>80</sup> The Tribal government decides who is designated to speak on the Tribe’s behalf.<sup>81</sup> Strengthen government-to-government relationships through this consultation process.<sup>82</sup> If there are multiple Tribes in the community, efforts should be made to have meetings with all Tribes represented.
- The consultation must be adapted to the needs of each Tribe, considerate of the Tribe’s capacity and center the need for ongoing Tribal perspectives in the discussions.<sup>83</sup>
- Take time to build relationships of mutual learning, trust, and respect through continuous open communication, transparent exchange of information, and culturally appropriate perspectives.<sup>84</sup> Begin the consultation as early as possible.<sup>85</sup> School districts should provide comprehensive presentations of current district programs as well as relevant data and research on Native American student achievement and needs.<sup>86</sup> Sustain the engagement over a period of time, in an ongoing conversation toward long-term goals.<sup>87</sup>
- Engage in consensus-based decision-making.<sup>88</sup> All sides should honor each other’s perspectives and concerns based on each other’s sovereignty.<sup>89</sup> Tribes should be an active partner, providing feedback that the local educational agency actually implements.

## CONCLUSION

Consulting with Tribes and Native students, families, and communities is crucial for ensuring equal educational opportunities for Native American students in California's public schools. This report demonstrates most California local educational agencies receiving Title VI funds do not engage in authentic Tribal consultation, and highlights the urgent need for meaningful dialogue between schools, Tribes, students, and families.

Although we are grateful to have contributed essential research on the quality of Tribal consultation, further studies are urgently needed. This includes: investigating whether Tribes and Native American communities have a meaningful influence on decision-making when consultation is properly conducted; how California local educational agencies implement culturally responsive education, particularly in collaboration with local Tribes and the challenges they face in delivering these practices; and additional state-level studies to better understand Tribal consultation within the California context.

The good news is that there are many accessible guides offering concrete recommendations for local educational agencies to improve relationships with Tribes through mutual learning, trust, respect, open communication, and culturally appropriate perspectives. These resources, listed in the Resources section, include easy-to-follow instructions and tools like checklists for meaningful Tribal consultation. We strongly encourage all readers to review this valuable guidance.

## RESOURCES

Cal. Dept. of Educ., *Tribal Consultation Toolkit* (2021), <https://www.cde.ca.gov/sp/ai/tc/documents/tribalconsultationtoolkit.pdf>.

Nat'l Indian Educ. Ass'n, *NIEA Consultation Guides*, <https://www.niea.org/niea-consultation-guides>.

Nat'l Indian Justice Center, *Best Practices for Consultation with California Indian Tribes*, <https://nijc.org/pdfs/TCT-CALEPA/Best%20Practices%20for%20Consultation.pdf>

Nat'l Indian Justice Center, *Tribal Consultation Toolkit*, <https://nijc.org/tct-toolkit.html>

New Mexico Public Educ. Dep't Indian Educ. Division, *Tribal Consultation Guide 2022*, [https://web.ped.nm.gov/wp-content/uploads/2025/01/Tribal-Consultation-Guide\\_2022.pdf](https://web.ped.nm.gov/wp-content/uploads/2025/01/Tribal-Consultation-Guide_2022.pdf).

Office of Elementary and Secondary Educ., Indian Education, *Indian Parent Committee Information for Title VI Indian Education Grant Formula Program* (2023), <https://easie.communities.ed.gov/#communities/pdc/documents/9671>

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Office of Elementary and Secondary Educ., Indian Education, *Indian Education Formula Grants (Formula)* (2023), <https://oese.ed.gov/offices/office-of-indian-education/indian-education-formula-grants/>

AEM Corporation, *EASIE Title VI Meaningful Collaboration Chart* (2018), <https://easie.communities.ed.gov/services/PDCService.svc/GetPDCDocumentFile?fileId=42574>



## ENDNOTES

- 1 G.A. Res. 61/295 art. 3, 4, 14, 31, U.N. Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).
- 2 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) (describing guerilla warfare, assassinations and armed revolts throughout California from the late 17th century through the late 19th century).
- 3 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 14 (Joely Proudfit & Nicole Quinderro Myers-Lim eds., Information Age Publishing 2017).
- 4 Local educational agencies in California typically include elementary school districts, high school districts, unified school districts, county offices of education, and, sometimes, charter schools. For purposes of this report, local educational agencies, or LEAs, also includes consortia of two or more LEAs who submit a Title VI Indian Education Formula Grant application together.
- 5 Throughout this report, “Native American” is the primary term used to refer to people belonging to Tribal communities of the continental U.S. and Alaska who may be referred to in other contexts as Indigenous, American Indian, and/or Alaska Native.
- 6 U.S. Dep’t of Educ, *Frequently Asked Questions: ESEA, Section 8538, Consultation with Indian Tribes and Tribal Organizations* (Sept. 26, 2016), <https://www.ed.gov/sites/ed/files/policy/elsec/leg/essa/faq/essafaqtribalconsultation.pdf>.
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- 8 Newland, *supra* note 7 at 35.
- 9 Newland, *supra* note 7 at 51.
- 10 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.”).
- 11 Cutcha Risling Baldy & Kayla Begay, *Xo’ch Na:nahsde’il-te Survivance, Resilience and Unbroken Traditions in Northwest California*, in KA’M-T’EM: A JOURNEY TOWARD HEALING 39, 50-51,56 (Kishan Lara-Cooper & Walter J. Lara Sr., eds., 2019).
- 12 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.”); Kishan Lara-Cooper, *More than a Boat: Bias, Institutional Frameworks, and Testimonial Injustice*, in KA’M-T’EM: A JOURNEY TOWARD HEALING 15, 9 (Kishan Lara-Cooper & Walter J. Lara Sr. eds., 2019) (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.”).
- 13 See, e.g., Carmen Vázquez-Varela et al., *Traditional Fire Knowledge: A Thematic Synthesis Approach*, 5 Fire 47 (2022) <https://doi.org/10.3390/fire5020047>.
- 14 Rosaura Sánchez, *Telling Identities: The Californio Testimonios* 55 (1995).

- 15 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); *see also* 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>.
- 16 Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe, 1846-1873* 145-172 (2016).
- 17 *Id.* at 231-288.
- 18 *See* Brendan C. Lindsay, *Murder State: California's Native American Genocide, 1846-1873* 346 (2015); Madley, *An American Genocide*, *supra* note 16, at 186-194.
- 19 Madley, *An American Genocide*, *supra* note 16, at 186-194; Baldy & Begay, *Xo'ch*, *supra* note 11, at 47-49; 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> (describing the 1850 "Act for the Governance and Protection of Indians," which made legal the enslavement of Native Californians and trafficking of Native American children into indentured servitude).
- 20 Baldy & Begay, *Xo'ch*, *supra* note 9, 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).
- 21 Newland, *supra* note 7, at 35.
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- 23 *See* Lara-Cooper, *More than a Boat*, *supra* note 12, at 18-19; *See* Dana Hedgpeth, et al., *More than 3,100 students died at schools built to crush Native American cultures*, *The Washington Post* (Dec. 22, 2024), <https://www.washingtonpost.com/investigations/interactive/2024/native-american-deaths-burial-sites-boarding-schools/> (finding in an investigation that three times as many Native American students died in Indian boarding schools than what has been documented by the U.S. government).
- 24 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](https://www.bia.gov/sites/default/files/media_document/doi_federal_indian_boarding_school_initiative_investigative_report_vii_final_508_compliant.pdf).
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- 26 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).
- 27 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>.
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Publishing 2017); 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).

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- 31 Reclaiming Native Truth, *supra* note 28.
- 32 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.myschoolmyrights.com/tribal-regalia-report-californias-graduation-dress-codes-violations-of-indigenous-students-rights-to-self-determination-and-cultural-preservation/>.
- 33 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”).
- 34 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).
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- 37 Indigenous Education State Leaders Network & American Institutes of Research, *Indigenous Students Count: A Landscape Analysis of American Indian and Alaska Native Student Data in U.S. K-12 Public Schools* (2023) 7-8, <https://www.air.org/sites/default/files/2023-10/Indigenous-Students-Count-report-2023.pdf>.
- 38 Indigenous Education State Leaders Network & American Institutes of Research, *supra* note 37, at 21.
- 39 See *Worcester v. Georgia* (1832) (tribes do not lose their sovereign powers by becoming subject to the power of the U.S.); see also, e.g., U.S. Environmental Protection Agency, *EPA Policy on Consultation with Indian Tribes* (Dec. 7, 2023), <https://www.epa.gov/sites/default/files/2013-08/documents/cons-and-coord-with-indian-tribes-policy.pdf> (declaring that “EPA recognizes the federal govern-

ment’s trust responsibility, which derives from the historical relationship between the federal government and Indian Tribes as expressed in certain treaties, statutes, executive orders, and other sources of federal Indian law. Consistent with the federal trust responsibility, EPA consults with and considers the interests of Tribes when taking actions that may affect them.”).

- 40 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]...”).
- 41 G.A. Res. 61/295 art. 3 (right to self-determination), 4 (right to autonomy or self-government), 14 (right to establish and control their educational systems and institutions, right to nondiscrimination in education, right to access cultural education), 31 (right to “maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures”), U.N. Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).
- 42 U.S. Dep’t of Educ., *Indian Education Formula Grants (Formula) Eligibility*, [Indian Education Formula Grants \(Formula\) | U.S. Department of Education](#) (last visited Mar. 19, 2025).
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- 45 Office of Indian Educ., U.S. Dep’t of Educ., *Indian Education Formula Grants*, <https://oese.ed.gov/offices/office-of-indian-education/indian-education-formula-grants/>
- 46 U.S. Dep’t of Educ., *Implementation of the Title VI Indian Education Formula Grants Program 2* (2019), [Implementation of the Title VI Indian Education Formula Grants Program. Volume I: Final Report \(PDF\)](#).
- 47 20 U.S.C. § 7424 (b)(7).
- 48 20 U.S.C. § 7918(a)-(c).
- 49 20 U.S.C. § 7918(a) (stating the tribal consultation “shall be done in a manner and in such time that provides the opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to such plan.”); U.S. Dep’t of Educ., [ESSA FAQ Tribal Consultation Guidance September 26, 2016 \(PDF\)](#) at 2; Cal. Dep’t of Educ., *Tribal Consultation Toolkit 3* (July 2021) (noting that beginning in 2017, affected local educational agencies must consult with Tribes or Tribal organizations before submitting plans or applications for programs under all Title programs under the Every Student Succeeds Act).
- 50 20 U.S.C. § 7424(c)(4); U.S. Dep’t of Educ., *New Applicant Information for the Indian Education Formula Grant* (2021), <https://easie.communities.ed.gov/#communities/pdc/documents/17552>.
- 51 20 U.S.C. § 7424(c)(4).
- 52 20 U.S.C. § 7424(c)(4).
- 53 U.S. Dep’t of Educ., *New Applicant Information for the Indian Education Formula Grant 5* (2021), <https://easie.communities.ed.gov/#communities/pdc/documents/17552>.
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- 55 Cal. Dep’t of Educ., *supra* note 46; 20 U.S.C. § 7918(c)(2).
- 56 Cal. Dep’t of Educ., *supra* note 46.
- 57 20 U.S.C. § 7424(c)(3)(A).
- 58 20 U.S.C. § 7422(c)(1) (2015) (stating that a Native American organization must “represent[O] more than one-half of the eligible Native American children who are served by” the local educational agency).



- 59 20 U.S.C. § 7424(c)(3)(C).
- 60 20 U.S.C. § 7424(c)(3)(C).
- 61 20 U.S.C. § 7424(b)(6)(B).
- 62 Cal. Dep't of Educ., *supra* note 46 at 4.
- 63 U.S. Dep't of Educ., Frequently Asked Questions: ESEA § 8538, Consultation with Indian Tribes and Tribal Organizations 2 (Sept. 26, 2016), <https://www.ed.gov/sites/ed/files/policy/elsec/leg/essa/faq/essafaqtribalconsultation.pdf> (citing to 20 U.S.C. § 7918(a)).
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- 69 U.S. Dep't of Educ., [ESSA FAQ Tribal Consultation Guidance September 26, 2016 \(PDF\)](#) at 2.
- 70 20 U.S.C. § 7918.
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- 74 SRI International et al., *Implementation of the Title VI Indian Education Formula Grants Program, Volume I: Final Report* (2019), <https://www.ed.gov/sites/ed/files/rschstat/eval/title-vi/title-vi-report.pdf>.
- 75 SRI International, *supra* note 74, at 7, 9.
- 76 SRI International, *supra* note 74, at 7.
- 77 SRI International, *supra* note 74, at 10.
- 78 20 U.S.C. § 7424 (b)(7) (“Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that...describes the process the local educational agency used to meaningfully collaborate with Indian tribes located in the community in a timely, active, and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration.”).
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