

OBSCURED IDENTITIES

Improving the Accuracy of Identification of American Indian and Alaska Native Students

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Phyllis Ault and Laura John
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American Indians are the only group in the country that must prove their race or ethnicity through membership or descendance to receive designated federal services and funding. American Indian/Alaska Native (AI/AN) students do this by documenting their membership with a federally or state-recognized tribal sovereign nation and/or blood quantum.

This is critical for several reasons. One is that the definition of who qualifies as AI/AN influences the funding, programs, and policies available to Indian Country. For AI/AN students in U.S. schools and universities, this involves upholding treaty agreements to educate Native 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 (ESSA) under the Elementary and Secondary Education Act (Title VI).^{1,2}

The United States has a unique relationship with tribal governments, as established in the U.S. 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. When students do not have access to Indian Education programs and services, their treaty rights are violated.

Inaccurate identification of AI/AN students can also present serious noncompliance issues with the Civil Rights Act of 1964. Districts that do not identify or inappropriately identify students for services offered through federal programs risk being out of compliance with Title VI of the Civil Rights Act. This can open a district to claims that AI/AN students were denied the right to participate in federally assisted programs or that the district was substantially impairing the objectives of a federally assisted program by not accurately identifying all eligible students for services under a given program.

The ways AI/AN students are defined and identified vary—which has created many challenges, including dramatic fluctuations in AI/AN student counts. Differences between federal definitions of who qualifies as AI/AN, as well as revised data collection processes that do not allow multiple races and ethnicities to be recorded, have led to significant under-identification of K–12 Native students. This is particularly true for students with complex ancestries.

Inaccurate data impact the statistics generated from ethnic and racial classifications, such as graduation and dropout rates, attendance rates, and percentages of students meeting academic standards. Without accurate data, it is impossible to track the improvements or declines in AI/AN student success—which undermines confidence in data on Native students. It also suggests students who are eligible for educational services and opportunities may not be receiving them.

Accurate student counts are necessary to ensure treaty obligations are fulfilled, programs designed to meet the needs of Native students are appropriately funded, and the performance of AI/AN students can be reliably tracked. This document addresses the data challenges identified by the Northwest Regional Educational Laboratory's Northwest Tribal Educators Alliance (NW TEA), a working group made up of members of the Education Committee of the Affiliated Tribes of Northwest Indians. This document also offers promising practices for various stakeholders.

Multiple definitions of who qualifies as AI/AN, changes to federal reporting, students' complex ancestries, and a lack of guidelines at colleges and universities lead to challenges regarding accurate student identification.

Schools, universities, and state agencies are navigating several challenges in regard to accurately identifying AI/AN students. For instance, a 2007 revision to the U.S. Department of Education's policies and systems for tracking race and ethnicity created unforeseen complications for K–12 districts. That revision added a question that requires students to identify whether they are Hispanic or Latino. If students indicate they are both Hispanic/Latino and AI/AN, they are recorded as being only Hispanic/Latino.

A similar challenge arises when students indicate they are two or more races. Instead of multiracial individ-

Federal definitions of American Indian and Alaska Native people

Office of Management and Budget (1980)

*"A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition."*⁶

Department of Education (2007)

*"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."*⁷

Title VI Indian Education formula grant ED 506 form

*"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[s] 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."*⁸

Johnson-O'Malley Act

"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 (1/4) or more degree Indian blood and recognized by the Secretary as being eligible for Bureau services."

uals being assigned to their respective racial categories, their response is collapsed into a single, unspecific category: “Two or more races.” If districts include only this level of information in their student information system, administrators will not have sufficient data to determine whether AI/AN students who identify as Hispanic/Latino or multiracial qualify for federal programs with more specific criteria.

Additional definitions of AI/AN students are found in the Johnson-O’Malley Act and the Title VI Indian Education formula grant. These definitions sometimes conflict, which underscores the importance of K–12 student information systems that allow students to select multiple races and ethnicities. It also emphasizes how crucial it is to identify students who are affiliated with a tribe that is or was formally a sovereign nation within U.S. boundaries through treaty agreements, as well as how the students are affiliated with that tribe.

Most colleges and universities do not have established guidelines for determining how AI/AN students are identified and instead rely on self-identification and/or the two-part definition the U.S. Department of Education uses.³ This can result in AI/AN students being under or over counted, which could lead to inaccurate data regarding the enrollment, attrition, and matriculation data of any given institution.⁴ The federal government mandates that only tribal colleges and universities use a strict definition of AI/AN status based on affiliation with a federally recognized tribe, which is the same definition used by Title VI Indian Education formula grants. Other higher education institutions rely on self-identification, which can result in inaccurate data related to student enrollment, retention and completion.⁵

For example, at higher education institutions, AI/AN student data typically represent students who identify as only AI/AN on their college/university registration or enrollment forms; if students identify as both AI/AN and any other race or ethnicity, they are no longer counted as AI/AN. This leads to under-identification. Some institutions of higher education may use another definition when reporting data within the college/university, but their data may include any student who has self-identified as AI/AN. This could lead to inflated numbers.

Promising practices for improving American Indian/Alaska Native student identification

Many education 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 available literature (e.g., policy reviews and guidance documents).

District Title VI Indian Education Offices

Title VI Indian Education Offices often rely on the schools in their districts to identify AI/AN students, which entails providing the ED 506 form with school-enrollment paperwork. However, when schools are not accounting for the proper identification of AI/AN students, the school data-tracking software systems are flawed. This leaves Title VI Indian Education Offices with the time-intensive task of individually reviewing enrollment forms and hand-counting students to identify who should have an ED 506 form on file.⁹ Below are some suggestions to help ensure Title VI Indian Education Offices spend their time in a manner that best benefits AI/AN students:

- Add a tab/section to every district’s website that provides a link to the ED 506 form or provide an electronic version of the form that can be completed and submitted online.¹⁰

- Make sure ED 506 forms are part of a student’s permanent record (this will prevent Title VI directors and school/tribal officials from having to hand-count Native students every year).¹¹
- Request that schools run a report for students who indicated AI/AN as their secondary ethnicity on enrollment applications and provide the names of those students to the Indian Education Office.¹²
- Offer a training on the ED 506 form to district enrollment secretaries.^{13,14}
- Record trainings and make the recordings available online for both new and existing staff members.¹⁵
- Develop a Title VI Indian Education fact sheet for schools and administrators.¹⁶

K–12 districts

The data systems at many K–12 districts use simple race categorizations that do not accommodate AI/AN students with more complex ancestries. However, some districts are developing strategies that go beyond basic federal reporting requirements and improve the accuracy of identifying AI/AN students. Promising practices include:

- Have registration forms and district student information systems that include detailed AI/AN student information (e.g., the information requested on ED 506 forms).
- Train enrollment and administration staff members at the local education agency (LEA) on the value of the ED 506 form and how to complete it.^{17,18}
- Develop an internal policy that designates specific staff members to oversee the completion of ED 506 forms. Their responsibilities would include providing regular updates to school/district administrators and having regular contact with the LEA’s Title VI Indian Education Office. For example, the Los Angeles Unified School District requires all schools to participate in identifying and completing eligibility certification of AI/AN students. Specifically, the district states that “principals should delegate student certification responsibilities to an administrative staff member.”¹⁹
- Include the ED 506 form in all student enrollment packets.²⁰
- Provide regular announcements of Title VI programs and services in school bulletins, newsletters, and postings as a means of contacting students who may not have been identified as AI/AN.²¹
- Develop online ED 506 forms with drop-down menus to standardize the spelling of tribes or tribal confederacies.²²

State education agencies

State education agencies (SEAs) are responsible for ensuring schools and LEAs comply with federal regulations.²³ Ultimately, SEAs will not be able to fulfill this obligation if AI/AN students are not accurately identified and counted. Promising practices include the following:

- SEA leaders can be proactive in sharing information with LEAs about federal funding programs available for AI/AN students. For example, they can provide Title VI trainings and guidance on effective practices, sponsor webinars, create and send fact sheets on how to apply for funding, and reach out to eligible LEAs to provide support or technical assistance.²⁴
- SEA data coordinators can cross-reference the state-level AI/AN student count reported to the state department of education with the number of ED 506 forms LEAs submit to determine whether there are discrepancies. For example, one objective of the 2015 Oregon AI/AN education state plan was to establish a task force to

create accurate identification criteria that encompass the various definitions of AI/AN students (federal, Title VI, the National Center for Education Statistics, districts, etc.) for all Oregon education agencies. One strategy for this objective was to develop a campaign to inform districts about the new data collection mandate.²⁵

- 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.²⁶
- States can track AI/AN students who are also Hispanic or Latino in a subcategory. The 2007 U.S. Department of Education guidance on racial and ethnic data allows states to create racial or ethnic subcategories if the state finds a distinction valuable.²⁷

Higher education

As mentioned previously, self-identification of ethnicity results in numerous challenges at institutions of higher education. They range from inflated numbers resulting from students who report a vague affiliation with an AI/AN tribe or community to intentional ethnic misrepresentation. Challenges also arise when institutions report the number of “AI/AN only” students rather than including those with more complex histories. Promising practices include the following:

- Colleges/universities may develop processes with the registrar and Native American student center to verify AI/AN affiliation among students. One way to do so is to have the Native American student center reach out to students and invite them to participate in programs.
- If an institution does not have appropriate guidelines, it should require that AI/AN student population data that are shared, reported, or presented specifically state that the information is “self-reported” according to the judgment of the applicant.²⁸
- Institutions may consider the recommendations listed in the Association of American Indian and Alaska Native Professors’ statement on ethnic fraud, which suggests colleges and universities require documentation of student enrollment in a federally or state-recognized nation/tribe.²⁹
- Colleges and universities may access data from the financial aid office to identify 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.

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For more information, contact:



Phyllis Ault
Phyllis.Ault@EducationNorthwest.org
503.275.9638



Laura John
Laura.John@EducationNorthwest.org
503.275.9625

¹ "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 Elementary and Secondary Education Act.

² Edmo, S., Young, J., & Parker, A. (2016). *American Indian identity: Citizenship, membership, and blood*. Santa Barbara, CA: ABC-CLIO.

³ Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education, 72 Fed. Reg. 59266 (October 19, 2007). Retrieved October 24, 2016 from <https://www.gpo.gov/fdsys/pkg/FR-2007-10-19/pdf/E7-20613.pdf>

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⁶ Federal Interagency Committee on Education. (1975). *Report of the Ad Hoc Committee on Racial and Ethnic Definitions of the Federal Interagency Committee on Education*. Washington, DC: Author. <http://eric.ed.gov/?id=ED121636>

⁷ National Forum on Education Statistics, Race/Ethnicity Data Implementation Task Force. (2008). *Managing an identity crisis: Forum guide to implementing new federal race and ethnicity categories* (NFES 2008-802). Washington, DC: U.S. Department of Education, National Center for Education Statistics. <http://eric.ed.gov/?id=ED504223>

⁸ U.S. Department of Education, Office of Indian Education. (2016). *Title VI student eligibility certification* (OMB No. 1810-0021). Retrieved August 31, 2016, from <http://www2.ed.gov/programs/indianformula/506form.pdf>

⁹ *Cross-REL Research Forum on Culture-Based Education: Native student identification* [Draft summary]. (2015, October). Forum at the annual conference of the National Indian Education Association, Portland, OR.

¹⁰ Education Northwest, Regional Educational Laboratory Northwest, Northwest Tribal Educators Alliance. (2016, May). [Meeting minutes]. Portland, OR: Author.

¹¹ *Cross-REL Research Forum on Culture-Based Education: Native student identification* [Draft summary]. (2015, October). Forum at the annual conference of the National Indian Education Association, Portland, OR.

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¹⁴ U.S. Department of Education, Office of Indian Education. (2013). *Indian Education ED 506 form*. Retrieved August 31, 2016, <http://www.edtribalconsultations.org/documents/ED%20506%20Form%20Presentation.pdf>

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- ²¹ Anchorage School District, Title VII Indian Education. Retrieved October 17, 2016 from <http://www.asdk12.org/titlevii/>
- ²² Some administrators are inflexible about the use of tribal names. For example, Seattle Public Schools recently disallowed and refused to accept students whose parents indicated “Tlingit” and/or “Haida” on their child’s ED 506 form for eligibility for Title VI Indian Education services. Even forms that included tribal enrollment numbers were disallowed. The school district rejected the terms “Tlingit” and “Haida” because the parents did not expressly write in the official tribal name of “Central Council of the Tlingit and Haida Indian Tribes (the official name the federal government uses).
- ²³ Council of Chief State School Officers & Federal Education Group. (2013). *Maximizing federal education funds for student achievement: A toolkit for states seeking to enhance flexibility and reduce burden*. Retrieved August 31, 2016, from <http://www.ccsso.org/Documents/2013/CCSSO%20Toolkit%20on%20Maximizing%20Funds.pdf>
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