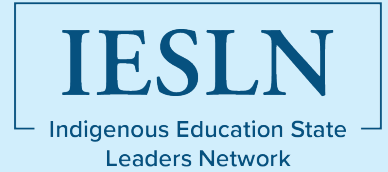


Tribal Affiliation Data Collection in Public Education: A Primer



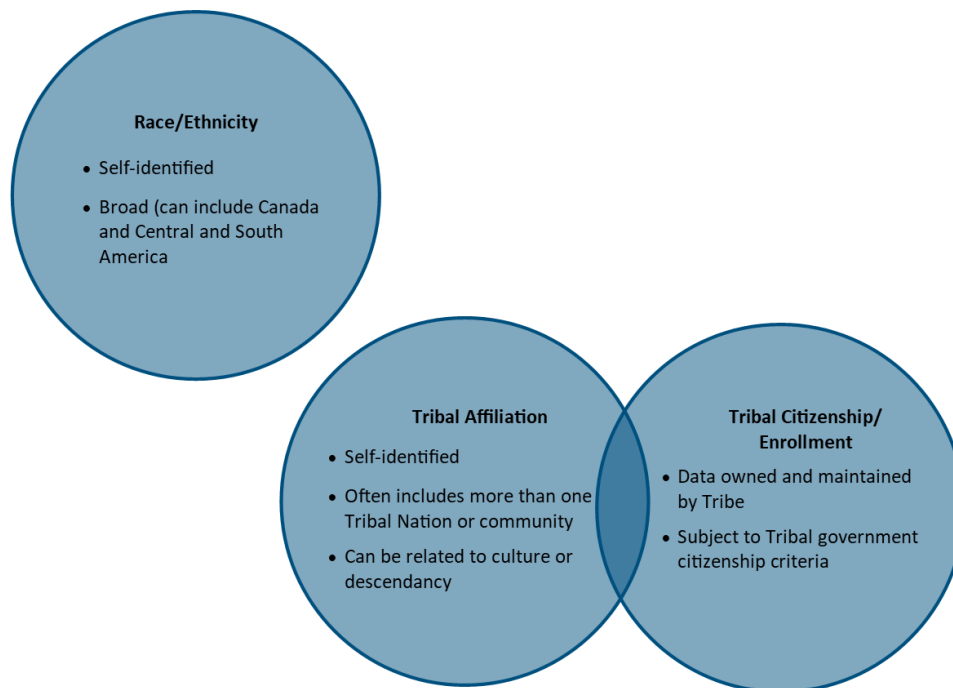
October 2024 | Traci Maday-Karageorge and Nara Nayar

What Is Tribal Affiliation?

Tribal affiliation is an individual's self-reported connection with a specific Tribe or Tribes. Individuals are often affiliated with more than one Tribe and self-identify as affiliated for a number of reasons (e.g., political, cultural, social, descendency).

Tribal affiliation is *not* the same as race/ethnicity or Tribal enrollment/citizenship; they are separate data elements (Figure 1).

Figure 1. Race/Ethnicity, Tribal Affiliation, and Tribal Citizenship/Enrollment



Collection of Tribal affiliation data is growing in both the education and health and human services fields. The passage of the Every Student Succeeds Act in 2015, with its district- and state-level Tribal Consultation requirements, has done much to drive K–12 public education institutions to engage with Tribes and promote a greater understanding of Tribal sovereignty. Identification of Indigenous students enables better data reporting, culturally appropriate instruction, and student access to services. Collection of Tribal affiliation data, specifically, can improve data sharing between public school systems and Tribes by allowing Tribes to access data on only students affiliated with their Tribe, as opposed to all Indigenous students.

The Indigenous Student Identification project identified three key indicators of high-quality Indigenous student counts: accuracy, appropriateness, and accountability (Table 1).

Table 1. “Triple A” Standard for Approaching Tribal Affiliation Data Collection

A count that is . . .	Is . . .	Is not . . .
Accurate	correct based on the definition applied	significantly greater or lesser than the number of students meeting the definition applied
Appropriate	based on a suitable definition of identity for the policy use to which it is put	incongruous for the purpose to which it is put (e.g., conflating legal/political affiliation with ethnic/ racial identity for programs intended to fulfil the federal trust responsibility)
Accountable	collected and reported transparently and respectful of data sovereignty and student privacy	collected in absence of Tribal consultation or certification or indifferent to Indigenous students’ unique linguistic and cultural educational rights and needs

Accountability, in particular, is key when collecting Tribal affiliation data. In 2020, the Urban Indian Health Institute (UIHI)’s released a report¹ identifying best practices for collecting, analyzing, and presenting data on American Indian/Alaska Native (AI/AN) populations to address “incomplete, inaccurate, and unreliable standard data collection and analysis practices” (p. 1). Among its recommendations, the UIHI noted that before collecting or reporting Tribal affiliation data, “meaningful Tribal consultation must be conducted” to allow Tribes to “determine if Tribal affiliation should be collected and how that data should be reported back to them.” Furthermore, “resulting Memoranda of Understanding and/or Data Use Agreements should specify data collection practices, analysis and dissemination policies and procedures” (p. 2).

¹ Access the report, *Best Practices for American Indian and Alaska Native Data Collection*, at <https://www.uihi.org/download/best-practices-for-american-indian-and-alaska-native-data-collection/>.

Why Does Tribal Affiliation Data Matter?

Tribal Data Sovereignty

Tribal data sovereignty can be defined as the right of Tribes to control how and when data about their members are collected, stored, and used. Tribes also maintain sovereignty over their enrollment or membership. While some federal, state, and district data collections do allow respondents to enter their Tribal affiliation, these responses are different from formal enrollment or descendency records maintained by the Tribal government.

Collecting Tribal affiliation data enables

- Tribes to receive information about students specifically affiliated with their Tribe, which helps to inform their decisions about programs and services;
- districts to know which Tribes should be engaged in Consultation and helps districts understand their students' cultural backgrounds; and
- program administrators to streamline paperwork and planning.

Invisibility of Indigenous Students

Data about AI/AN students is often absent from public reports. The AI/AN student group has been referred to as the Asterisk Nation² because populations sizes are often deemed too small for reporting and appear as an asterisk in performance, outcome, and progress reports. This presents particular challenges when districts, schools, and states are required to report on trends, allocate resources to support student growth, and report on accountability measures.

In order to effectively meet the needs of AI/AN students, we must be able to “see” them in our classrooms, schools, and communities. Fortunately, many states have been making improvements toward maximum identification³ of their K–12 AI/AN students. Collecting Tribal affiliation data is one such improvement.

Legal Status

A person's legal status refers to their citizenship or membership in a governing political body. Indigenous people often have several layers of legal or political identity as citizens of the United States, a state, and one or more Tribes. The Tribe an individual affiliates with may be a state-recognized, federally recognized, historic, or terminated tribe. Tribes have the sovereign right to determine the criteria for membership or citizenship within their Tribe.

² Learn more about this term, coined by the National Congress of American Indians (NCAI) Policy Research Center, at <https://archive.ncai.org/policy-research-center/research-data/data>.

³ For a more complete discussion of maximum identification, see <https://www.air.org/sites/default/files/2023-10/Indigenous-Students-Count-report-2023.pdf>.

Funding

Students who have a Tribal affiliation may be eligible for funding and services under programs tied to the federal trust responsibility to support Indian education. Funding for services and programs to support Indigenous students is available to K–12 districts and schools through state and federal agencies. Many of these programs use specific definitions for eligibility that include Tribal affiliation; some Tribal or state education agencies provide funding for state citizens affiliated with or enrolled in specific Tribes, and both the federal Indian Education Formula Grants and Johnson O’Malley Act funds serve students who have one or more Tribal affiliations by enrollment or descent from an enrolled member.

Data Sharing

Collecting data about Tribal affiliation facilitates accurate and appropriate data sharing and consultation practices between districts/states and Tribes. Tribal education programs and agencies may use counts of Tribally affiliated students to identify service areas and to determine which types of services are needed. Accurate identification of Tribally affiliated students can assist with evaluation of Tribally operated programs and services.

Policy Requirements

Elementary and Secondary Education Act (ESEA) of 1965, as amended through P.L. 114–95, enacted December 10, 2015, requires affected local agencies to consult with Tribes—or Tribal organizations approved by the Tribes—located in the area served by the local education agency, prior to submitting a plan or application for covered programs. Under Section 8538, an “affected local education agency” has either (a) 50% or more of its student enrollment made up of AI/AN students or (b) received an Indian education formula grant under Title VI in the previous fiscal year that exceeds \$40,000.⁴ Data about the Tribal affiliation of students is needed to support timely, meaningful two-way consultation with Tribes whose students attend schools.

Access to Student Services and Supports

Tribes, districts, and schools are eligible for funding that provides services and learning opportunities to Tribally affiliated students. Students with Tribal affiliations are eligible to participate in programs intended to support their academic, cultural, and social development. However, unless these students are accurately and appropriately identified, districts may not know they are eligible for funding and students will not be afforded the opportunity to participate, even where programs are available.

⁴ More information can be found at <https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.htm>.

Self-Identification and Trust

Some families or individuals are reluctant to identify as AI/AN or to publicly assert a Tribal affiliation. During a 2023 meeting, IESLN Working Group members discussed the following as reasons an individual or family may opt-out of identifying as AI/AN:

- negative or traumatic experiences with federal and state education systems
- not wanting to be “labeled” and thus treated differently (intentionally or unintentionally) by school staff due to preconceived notions and biases that manifest in lower standards or expectations for student performance and outcomes
- families’ strong feelings about supporting their child’s unique cultural development within their home/community rather than entrusting the district or school with providing such experiences
- hesitation to identify as AI/AN or identify a Tribal affiliation due to feelings about looking or being “Native enough”
- past educational experiences and injustices that have built mistrust and frustration over many decades of failed educational policies and practices

The following practices may make people more comfortable with sharing their Tribal affiliation:

- dedicate advisors in schools to build relationships with AI/AN communities, families, and students
- take time to explain why information about Tribal affiliation is requested
- describe the programs and services available to students with Tribal affiliations
- explain the purpose and benefits of providing this information

Conclusion

Individuals and families do not have to provide Tribal affiliation information; it is a voluntary data point. An increasing number of Tribes, states, and districts are finding it to be a helpful one for engaging in meaningful, reciprocal collaboration and consultation between districts/schools and Tribes. Tribal affiliation data can facilitate data sharing to better understand the unique composition of AI/AN student populations, improve AI/AN student access to resources, use available funding streams, and ultimately yield greater student outcomes for an underserved population.



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