

Failing Grade:

The Status of Native American
Education in Humboldt County

ACLU

AMERICAN CIVIL LIBERTIES UNION

Northern
California

TABLE OF CONTENTS

I. Executive Summary	1
II. Native American Student Populations in Humboldt County Schools	5
III. Humboldt County Schools Fail to Ensure Educational Equity for Indigenous Students	7
A. Indigenous Students Experience Vast Disparities in Academic Outcomes	8
B. Schools Do Not Foster School Climates Where Indigenous Students Can Thrive.....	13
C. Students Do Not Have Adequate Access — if Any — to Mental Health Professionals	18
IV. Conclusion and Recommendations	23
V. Resources: Approaches for Improving Education for Indigenous Students	26
VI. Appendix	29
Methodology.....	29
Tables	30

ACKNOWLEDGEMENTS

Authors

Theodora Simon (Navajo), Indigenous Justice Program Manager, ACLU Foundation of Northern California

Linnea Nelson, Education Equity Staff Attorney, ACLU Foundation of Northern California

Taylor Chambers, J.D. Candidate, Stanford Law School

Research assistance was provided by Jennifer Fine, Eitan Berkowitz, and Angela Castellanos. Editorial assistance was provided by Tara Coughlin.

Special thanks to Jennifer Fine for providing the foundation for this report during her clerkship at the ACLU Foundation of Northern California.

The report was designed by Ison Design.

We thank our colleagues Brandon Greene, Gigi Harney, Harold Jordan, Sharen Kickingwoman (Blackfeet and Gros Ventre), Carmen King, Crystal Pardue (Chumash), Preston Sanchez (Jemez and Laguna Pueblos/Diné), and Amir Whitaker for their thoughtful and important feedback.

We also thank Madison Flynn, Michael Harris, Dr. Mneesha Gellman, Rain Marshall, and Dr. Virgil Moorehead for providing invaluable comments that improved this report in essential ways.

I. Executive Summary

Since time immemorial, tribes have passed down their cultures, languages and traditions through Indigenous ways of learning and knowing; holistic learning through direct engagement with rivers, forests, and the natural world, through oral histories, with the participation of entire tribal communities. Education has always been key to Indigenous ways of life.

But with the first contact between Indigenous and non-Indigenous peoples, public education became a tool of oppression. Today, Native American students across the country and throughout California continue to face disproportionately higher rates of exclusionary discipline, chronic absenteeism, and lower academic outcomes than their non-Indigenous peers. In Humboldt County, home to nearly twenty times more Indigenous students than the statewide average, these disparities are egregious.

Throughout this report, the term **Indigenous** is used to refer to American Indian, Alaska Native and Native American populations. The terms Native American or American Indian are used in reference to data to specify that these persons belong to the Indigenous tribes and villages of the continental United States and Alaska. Other students, such as Latinx, Native Hawaiian, and First Nations students, among others, may also identify as Indigenous but are not reflected in the data.

Humboldt County Schools Fail to Ensure Educational Equity for Indigenous Students

This report highlights existing data on Indigenous student academic achievement, school-based mental health supports, and school push-out from school districts across Humboldt County.

Indigenous Students Experience Vast Disparities in Academic Outcomes

Educational outcomes for Native American students in Humboldt County are far worse than educational outcomes for other students. In shockingly high numbers, Native American students graduate from Humboldt County high schools unprepared to enter the workforce or higher education. According to data from the California Department of Education, among students in Humboldt County schools:

- In the 2018–19 school year, **only about 20% of Native American students who were tested in English Language Arts standards met or exceeded those standards.**
- From 2016–19, Native American students met or exceeded grade-level math standards at less than half the rate of all California students.
- In the 2017–18 school year, **only 1% of Native American high school graduates met eligibility requirements to attend University of California and California State University schools.** This is a consistent trend: in 2016–17 and 2018–19, 87–90% of Native American high school graduates did not meet these requirements.

These data reflect a system that poorly equips Native American students with the skills and tools they need to succeed in primary or secondary education as well as in college and the workforce. This has lasting ripple effects, including overrepresentation in the criminal justice system, disparities in life-long health outcomes, and limited access to economic opportunities. Appallingly high numbers of Indigenous students are leaving the public school system unprepared for professional careers or to serve in formal leadership and decision-making roles within their communities.

Schools Do Not Foster School Climates Where Indigenous Students Can Thrive

- Native American students are pushed out of Humboldt County schools at higher rates than their peers, depriving them of critical instruction time. This includes push-out through exclusionary discipline and chronic absenteeism, which can be traced to root discriminatory causes. **Indigenous students in Humboldt County experience suspension rates nearly five times the state average for white students.**¹ Three years of data from ten districts with relatively large total student enrollment and/or large percentages of Native American students show that, year after year, nearly every district suspended Native American students at disproportionately higher rates.
- While rates of “defiance” suspensions in California (where students are alleged to have “disrupted school activities or otherwise willfully defied” the authority of school staff) have significantly decreased due to changes in state law in recent years, **the “defiance” suspension rate for Indigenous students in Humboldt County schools has increased.** Indigenous students continue to be disproportionately excluded from school for “defiance” even while districts are eliminating these suspensions and suspension can no longer be used to discipline millions of California students for “defiance” (an extremely subjective term that invites implicit bias against Native American and Black students).
- Indigenous students in Humboldt County experience chronic absenteeism at **more than double the rate of all students** throughout the state.

Students Do Not Have Adequate Access – if Any – to Mental Health Professionals

All students in Humboldt County, including Indigenous students, are deprived of the care and attention of critical school-based health professionals. The need for these supports is especially acute in Humboldt County, where higher than average numbers of people report significant life trauma. While there are community-based organizations and grassroots movements working, against the current, to transform systems of care and provide culturally based, locally driven services, the vast majority of students in Humboldt County attend schools where health professional staff are sorely lacking.

- **Nearly 90% of districts in Humboldt County — 28 districts in total — did not employ a single school nurse.** In fact, across Humboldt County, the number of school nurses has fallen precipitously in recent years.
- In 2018–19, there were **no full-time social workers on staff** at school districts in Humboldt County.
- **There were no psychologists in 22 Humboldt County districts.**

This data is especially alarming given the current COVID-19 health crisis when students need consistent physical and mental health care more than ever.

Public Education of Indigenous Youth Has Been A Tool of Colonization

The public education system was never intended to benefit Native American students or tribal communities. Beginning in the 19th century and lasting for generations, hundreds of thousands of Native American children were forcibly abducted from their families, communities and tribes by government agents and sent to boarding schools, often hundreds of miles away from home. Education was used as a weapon of cultural genocide and forced assimilation. Children faced severe physical and emotional abuse if they were caught speaking their native tongue in the classroom.² They were forced to abandon their tribal customs, traditions, and languages; in short, to give up everything that made them Indigenous. As a result of the Boarding School Era and countless other oppressive governmental policies and practices intended to erase Indigenous peoples, history, identity, and culture, Indigenous children and communities share a legacy of historical and intergenerational trauma.³ Today, some students are only two generations removed from the traumatic boarding school experience, with grandparents and other extended family who were abused and degraded in these schools.

In accessing an equitable education, one that prepares students for college and career, Indigenous students have unique educational needs and continue to face a number of overwhelming systemic barriers that can lead to student alienation and disengagement from school, including:

- Lack of culturally relevant and responsive curriculum that includes Indigenous history, language, governance, culture and worldviews;
- Invisibility of Native American contributions to society and inaccurate depictions of California and U.S. history;
- Overuse of disciplinary practices such as suspension, expulsion, referrals to law enforcement, and involuntary transfers to alternative schools that provide an inferior education;⁴
- Failure to provide school-based student supports, including culturally relevant school-based mental health professionals and programs designed to promote student well-being that keep students in school, such as culturally relevant trauma-informed practices.⁵
- Bullying and racially hostile school environments; and
- Poor transportation and lack of access to health care.

Call to Action

Native American students in Humboldt County are thus more likely to experience worse life outcomes because they are not receiving the support and resources they need to thrive in school. These data are a **call to action** for parents, educators and leaders across Humboldt County **to find solutions and resources to address the crisis of under-education, de facto exclusion, and failure to provide a meaningful foundation for Indigenous students to achieve their true potential.**

II. Native American Student Populations in Humboldt County Schools

Humboldt County alone is home to seven federally recognized Tribes and Rancherias: Bear River Band of the Rohnerville Rancheria, Big Lagoon Rancheria, Blue Lake Rancheria, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Hoopa Valley Tribe, Wiyot Tribe, and Yurok Tribe. While California is home to the largest Native American population in the country (as of the 2010 census),⁶ Humboldt County has one of the largest proportions of Indigenous residents in the state.⁷

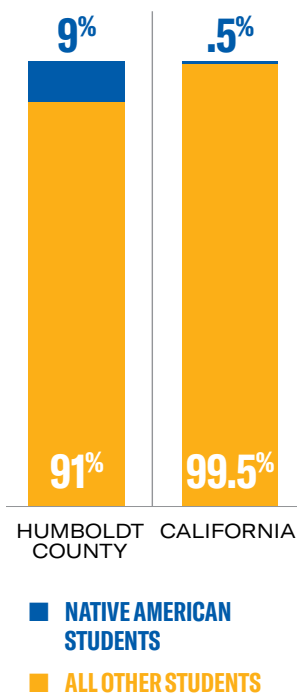
Accordingly, Humboldt County also has among the largest percentages of Native American students in the state: 9% of students identify as American Indian or Alaska Native *only*, compared to 0.5% of students who identify as American Indian or Alaska Native across California.⁸ Between 2014 to 2019, American Indian student enrollment in Humboldt County schools held steady at 9% relative to enrollment of students of other racial or ethnic groups.

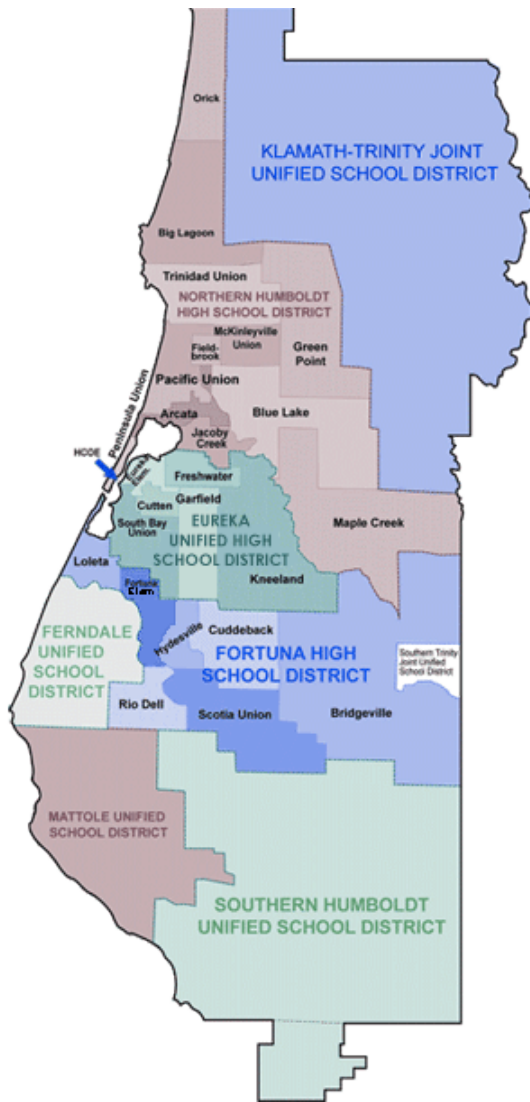
In 25 of Humboldt County’s 32 school districts, Native American students are enrolled in numbers well above the state average.⁹ These numbers almost certainly undercount Native American students because students self-identify their race or ethnicity. Those who report more than one race or ethnicity are not reported by the California Department of Education (“CDE”) as “American Indian,” but instead are considered as “two or more races.” In 2010, the Census Bureau found that those self-identifying as American Indian/Alaska Native on the census were the most likely of any respondent to report more than one race. This suggests that at least a significant portion of the Native American student population in CDE’s data is obscured and hidden in the “two or more races” category.¹⁰ (*For student race/ethnicity data on all racial groups and all Humboldt County School Districts, as well as a brief discussion on data limitations, see Appendix*).

Humboldt County school districts vary in size and student demographics:

- There are 24 school districts serving kindergarten through 6th or 8th grade, 2 secondary school districts, 5 K–12 school districts, and one county district of five “court and community schools.”¹¹
 - Total enrollment in the 2018–19 school year in Humboldt County was 18,170.¹²
 - The largest school district is Eureka City Schools, which had 3,836 students enrolled in the 2018–19 school year. Twenty-six school districts served fewer than 1,000 students and nine had fewer than 75 students.¹³

Figure 1. 2018–19 Student Enrollment





- The majority of students in Humboldt County attend schools in rural settings.
- In 22 districts, over half of students were low income.¹⁴
- Across the county, 2.1% of students are foster youth and 7.7% are English Learner students.¹⁵

This report highlights existing data on Indigenous student academic achievement, school push-out, and school-based mental health supports for Humboldt County. In addition to analyzing data at the county level, we reviewed data from ten school districts:

- Arcata School District
- Cutten Elementary School District
- Eureka City Schools
- Ferndale Unified School District
- Fortuna Elementary School District
- Fortuna Union High School District
- Klamath-Trinity Joint Unified School District
- Loleta Union School District
- McKinleyville Union School District and
- Northern Humboldt Union High School District

These districts were selected because of their relatively large total student enrollment and/or large percentage of Native American students. *(Please see Appendix for more information.)*

III. Humboldt County Schools Fail to Ensure Educational Equity for Indigenous Students

For millennia, education has been a fundamental value in the culture and identity of California’s Indigenous peoples in the geographic area around Humboldt County.

“Prior to colonization, education occurred as an informal community effort where each community member played a role in teaching information discipline, morals, manners and generosity. Among California tribes ... knowledge is considered a virtue and ignorance a vice because respect requires wisdom ... California Indian youth traditionally learned their tribal history, physical science, athletic abilities, etiquette, their roles in taking care of their families, religion, and healthcare by imitating and doing... This way of learning contrasts dramatically with Western modalities.”

—*Sabine Nicole Talaugon in On Indian Ground: California.*¹⁶

During the 19th and 20th centuries in California, tribal communities faced genocidal policies and practices, including state-sanctioned and state-funded massacres, displacement and dispossession of ancestral lands, broken treaties, relocation, and laws that sought to erase Indigenous peoples altogether. Such laws included the 1850 “Act for the Governance and Protection of Indians,” which legalized slavery of Indigenous people in California.¹⁷ Indigenous Californian youth were separated from their families, including at a boarding school site in Hoopa. Their community beliefs, values, language and education system were subjugated to colonial settler culture.

“We have concluded that our 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.”

—*U.S. Senate Special Subcommittee on Indian Education 1969 report, Indian Education: A National Tragedy.*¹⁸

This history of forcing Indigenous students into a hostile education system continues to have damaging impacts on Indigenous students in Humboldt County up to the present day. This is demonstrated in the enduring academic achievement gap between Native American students and other students and in the disproportionate school exclusion (including push-out through a variety of means) of Native American students relative to other students. After summarizing alarming educational outcomes and societal indicators for Indigenous youth across the country, Dr. Lara-Cooper writes:

“From an educational perspective, these statistics are due to the lack of culturally specific academic and student support services, the fact that education doesn’t reflect the philosophies and worldviews of indigenous communities, and the fact that the historical foundation of education is not acknowledged.”

—*Kishan Lara-Cooper in On Indian Ground: California.*¹⁹

A. Indigenous Students Experience Vast Disparities in Academic Outcomes

Indigenous students are leaving Humboldt County public schools without the academic preparation, character development, and education to which they have a fundamental, human right.²⁰ Across the 10 districts we examined and throughout the County, Native American students score far lower on standardized tests than their peers and are far less likely to meet state standards for college or career readiness. In shockingly high numbers, Native American students graduate from high schools in Humboldt County unprepared to either join the workforce or go on to higher education. While roughly 85% of Native American students in Humboldt County graduated high school in the 2018–2019 school year,²¹ 90% of those graduates did not meet entrance requirements for California universities.²²

To be sure, standardized tests are inherently biased and present an incomplete picture of student learning. Education should include a focus on wellness, values, and the development of social-emotional skills. However, academic preparation is one important aspect of classroom-based learning and standardized tests offer one recognized measure of the proficiencies needed to succeed in higher education and professional careers.

The findings in this section are presented in two parts: state standardized test scores (CAASPP) which assess whether students meet grade-level requirements in English and math in elementary through high school; and metrics that indicate graduating seniors’ level of preparation for success after high school (UC/CSU College Entrance Requirements and the California College and Career Readiness Indicator). **Taken as a whole, these data suggest that Humboldt County schools are simply passing Indigenous students from one grade to the next with little concern for whether those students have received a grade-appropriate education.**

In Eureka City Schools, Native American students met or exceeded English standards **at only half the rate** of all students in the District over the 2016–2017 and 2017–2018 school years.

Students are Not Learning What They Need for K–12 Success

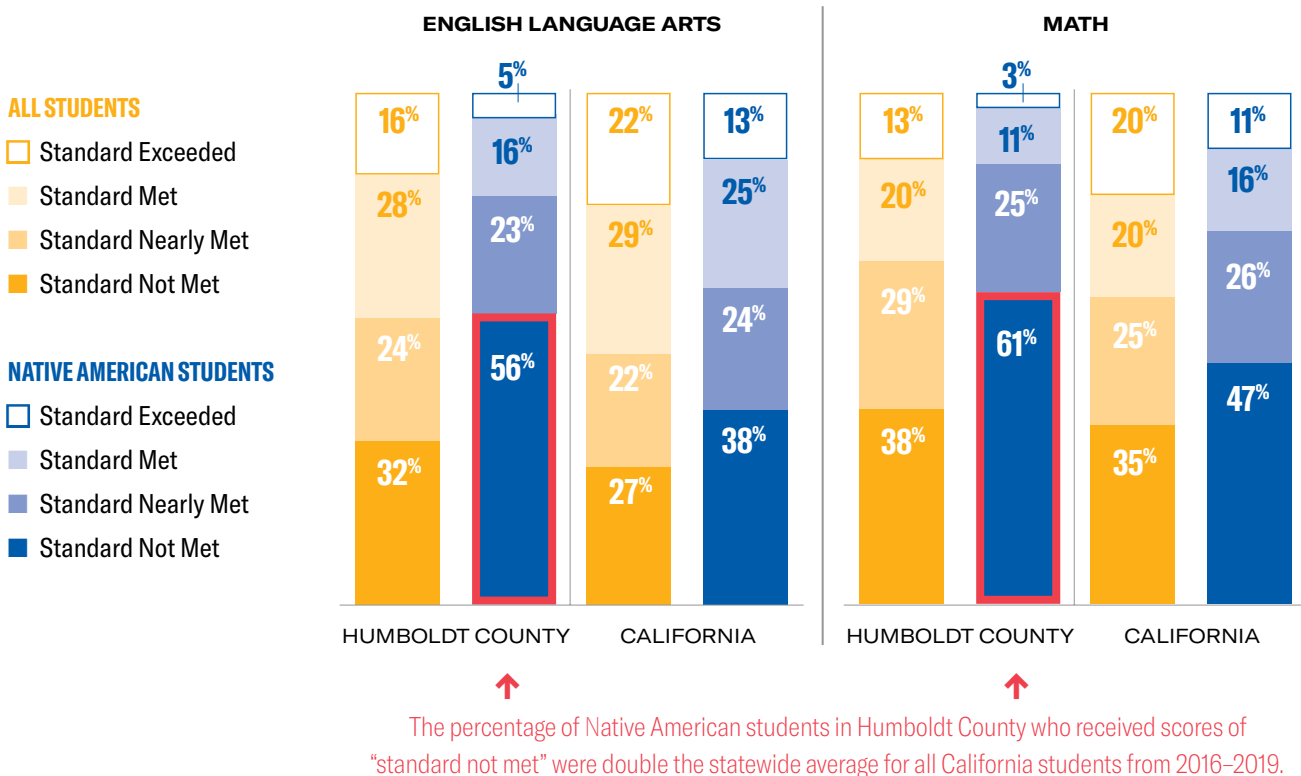
In grades 3–8 and 11, California students take standardized tests to evaluate whether they have learned basic and grade-appropriate skills in English Language Arts and math.²³

In Humboldt County, only about 20% of Indigenous students met or exceeded English Language Arts (ELA) standards in 2018–2019.²⁴ More alarming still, at nearly twice the rate of all students in California, Indigenous students performed so far below grade level expectations that they would need “substantial improvements” to meet state standards. This disparity has persisted for the last three years: the percentage of Native American students in Humboldt County who received scores of “standard not met” were **double the statewide average for all California students from 2016–2019.**²⁵

In 2018–2019, **only 14% of Native American students met or exceeded math grade-level standards** in Humboldt County, as compared to nearly 40% of all students statewide. This has been a consistent trend over the last three years: from 2016–2019, Native American students in Humboldt County met or exceeded grade-level math standards at less than half the rate of all California students.²⁶

Only **14%** of Humboldt County’s Native American students met math grade-level expectations in the 2018–19 school year.

Figure 2. 2018–2019 CAASP Data



In Loleta Union School District, during the 2018–19 school year, only 8% of all students met or exceeded ELA grade-level expectations; but an even *smaller* number of Native American students — a mere 5% — met or exceeded the state standards.²⁷ In Northern Humboldt Union High School District, Native American students met or exceeded ELA standards at a rate four times lower than all students in the District and the math standards at a rate five times lower than all students in the District in 2016–17. While these rates improved in 2017–18, they fell again the following year.²⁸

Other districts show similar disturbing patterns. For example, in Arcata School District, while about 41% of all students met or exceeded math standards over the last three years, the rate for Native American students dropped from 30% to 14.3% in the same period of time.²⁹ In Cutten Elementary School District, Native American students were nearly twice as likely than all students to *not* meet ELA standards over the last three years.³⁰ In Eureka City Schools, Native American students met or exceeded ELA standards at only half the rate of all students over the 2016–17 and 2017–18 school years.³¹ (*Please see Appendix, Tables 1 and 2 in for data on County-level CAASP ELA and Math scores*)

Students are Not Learning What They Need for Post-Secondary Success

Students in Humboldt County school districts, including Indigenous students, graduate at higher rates than their peers throughout the state.³² Importantly, however, the data strongly suggest that Indigenous students who attend school in Humboldt County are not graduating on equal footing with their non-Native peers. Disturbingly high numbers of Native American students are “completing” the K–12 system in Humboldt County unprepared for the workforce or higher education, hindering their ability to reach their full potential or thrive in their communities.

This disparity is demonstrated in the College and Career Readiness Indicator and whether a student has completed the A–G requirements to enter a California university. **In some Humboldt County districts, schools failed to equip more than 90% of Indigenous high school graduates with the skills they need for college and career readiness over the last three years.** The gap between Native American students and all students in Humboldt County on meeting A–G requirements is also glaring. Native American high school graduates in Humboldt County are meeting the requirements needed to enroll in a UC or CSU at ***less than half the rate of all high school graduates in the County.***³³

School districts throughout Humboldt County are not only failing to prepare Indigenous students for success after graduation, but there is a striking disparity in the college and career readiness indicator between Indigenous students and their peers. For example, in the 2018–19 school

A–G Requirements

California universities use their own set of entrance requirements to determine whether a student is ready for college. In California, students must pass a series of core courses (including math, english, social sciences and laboratory sciences) with a C- or better to be eligible to enter any school in the University of California (“UC”) or California State University (“CSU”) systems.³⁴

“In my experience working in the school system, I think we need more Native staff and faculty representation. I would like to see more local history included in the curriculum and it being taught by a Native person.”

—Paraprofessional working with Indigenous students in Humboldt County

College & Career Readiness Indicator

A metric to assess high school graduates on their preparation for success after graduation based on completion of “rigorous coursework,” “passing challenging exams” (e.g., Advance Placement or International Baccalaureate exams), or “receiving a state seal” (e.g., State Seal of Biliteracy and Military Science/Leadership).³⁵

year, Native American students in **Klamath-Trinity Joint Unified School District** were **eight times less likely than Native American students across the state — and thirteen times less likely than all students in California** — to meet this metric. In Eureka City Schools that same year, only 21.4% of Native American students demonstrated college and career readiness, compared to 31.3% of all students in the district. And in Northern Humboldt Union High School District, Native American students were nearly three times less likely to graduate prepared for future success than all students in that District.³⁶

In the 2017–2018 school year, only 1% of Native American students in Humboldt County schools met the A–G requirements. While this rate rose to 10.3% in 2018–19, Indigenous students were still three times less likely than all students in the County to meet entrance requirements for four-year public universities in California.³⁷

Figure 3. Percent of Students Demonstrating College/Career Readiness, 2018–19

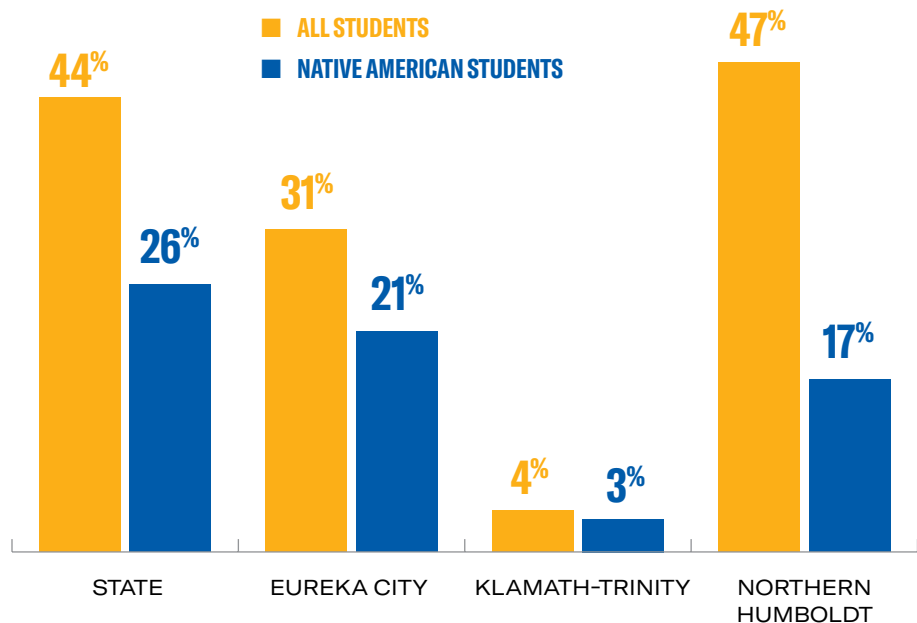
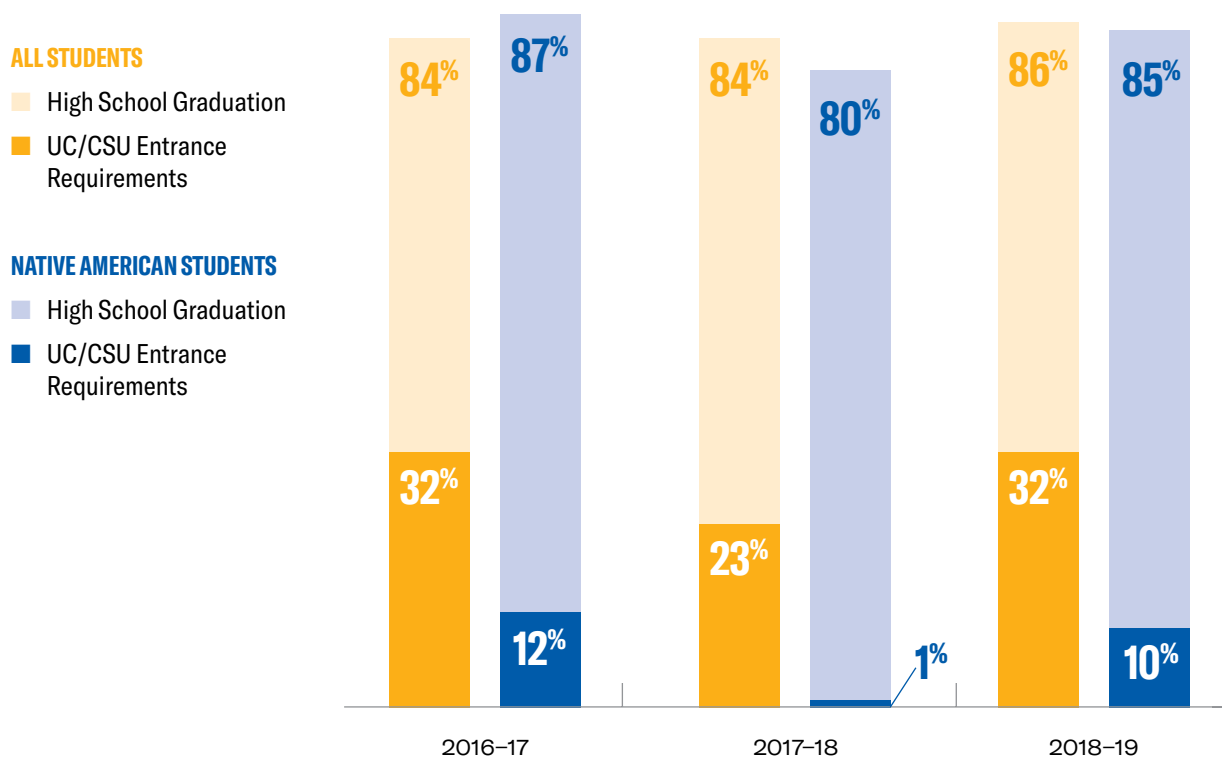


Figure 4. Humboldt County Graduation Rates Compared to Rates of Graduates Meeting UC/CSU Entrance Requirements



In the 2017-2018 school year, 99% of Native American students in Humboldt County schools did not meet A-G requirements.

These figures are even more bleak in some districts. In Eureka City Schools, Northern Humboldt Union High School District, and Klamath-Trinity Joint Unified School District, **no Native American students met the UC/CSU Course requirements in the 2017–2018 school year.**³⁸ In the 2018–19 school year, only 3.4% of Native American graduates in Klamath-Trinity Joint Unified School District met these requirements — a fraction of the roughly 50% of all graduates who met these standards statewide. That same year in Northern Humboldt Union High School District, Native American students met these requirements at almost half the rate of all high school graduates in the district.³⁹ In Eureka City Schools, Native American high school graduates met these requirements at approximately one-third the rate of all high school graduates in the district in both the 2016–17 and 2018–19 school years.⁴⁰ (Please see Appendix, Table 3 for data on College/Career Readiness at the state and district level and Table 4 for County-level data comparing graduation rates to UC/CSU entrance requirement rates.)

The data show that educational outcomes — which indicate how prepared students are to lead successful lives post-graduation — are far worse for Native American high school graduates than educational outcomes for students generally in Humboldt County.

Inadequate education often leads to lifelong negative impacts on an individual’s employment and health outcomes later in life.⁴¹ Thus, Native American students with lower educational outcomes are more likely to have lower income,⁴² fewer employment prospects,⁴³ increased interaction with the criminal legal system,⁴⁴ and poorer physical health.⁴⁵

B. Schools Do Not Foster School Climates Where Indigenous Students Can Thrive

Schools where students feel welcome, supported, and valued are critical to student learning and belonging. Unwelcoming school environments, where practices that contribute to students feeling excluded or unwanted are embedded into the school culture, commonly lead to student disengagement, absenteeism, and drop-out (collectively, school “push-out”). Unfortunately, in Humboldt County, Indigenous students are often not met with the school climate, curricula, and supports needed to thrive — or even stay in the classroom.⁴⁶ In this section, we examine two ways in which Indigenous students are pushed out of school: through exclusionary discipline and chronic absenteeism.

“I’ve gone to a school where most of the people thought Native Americans were a myth, made racial slurs, made [a] mockery of my culture, and had plenty of different stereotypes of what they thought were accurate representations of Native people.”

—*Humboldt County Indigenous Student*

Exclusionary discipline — which includes suspensions and expulsions that remove students from the classroom — results in lost learning time, drives students out of school, and leads to life-long harms. **Humboldt ranks among the top five counties in suspension rates for Indigenous students in the state.**⁴⁷ Over the last three school years, Humboldt County has consistently exceeded California’s statewide rates of suspension for all students and **Indigenous students are consistently suspended and expelled at higher rates** than students from other racial or ethnic groups at the county and state levels. Further, Indigenous students are suspended for “defiance” at higher rates,⁴⁸ and those rates have increased over the last three recorded school years despite falling rates in “defiance” suspensions statewide during that same period.

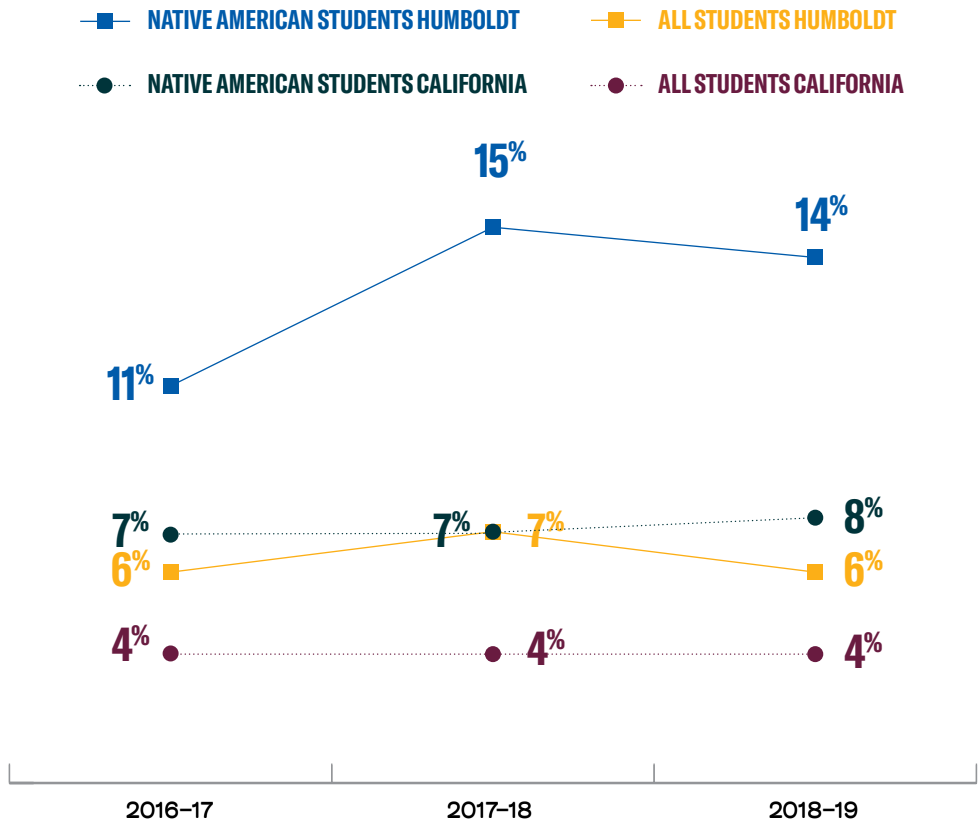
Both exclusionary discipline and pervasive systemic problems make Indigenous students feel unwelcome in the public school setting and contribute to chronic absenteeism.⁴⁹ In the 2018–19 school year, **Native American students in Humboldt County were chronically absent from school at more than double the statewide average** for all students.⁵⁰ Students who are chronically absent are less likely to be able to read at grade-level by the third grade, and are less likely to graduate high school or succeed in higher education.⁵¹

Indigenous Students Face Disproportionate Rates of Exclusionary Discipline

Suspension is a form of school discipline which temporarily removes a student from a class or from school, usually for one to five days. Humboldt County students are much more likely to be suspended than students in California overall. **Indigenous students in Humboldt County face suspension rates more than four times the state average for all students, nearly five times the state average for white students, and double the state average for other Indigenous students.** In 2018–19, while 7.5% of Native American students were suspended statewide, 14.6% of Native American students were suspended across Humboldt County.⁵² *(Please see Appendix, Table 5 for data on suspension rates.)*

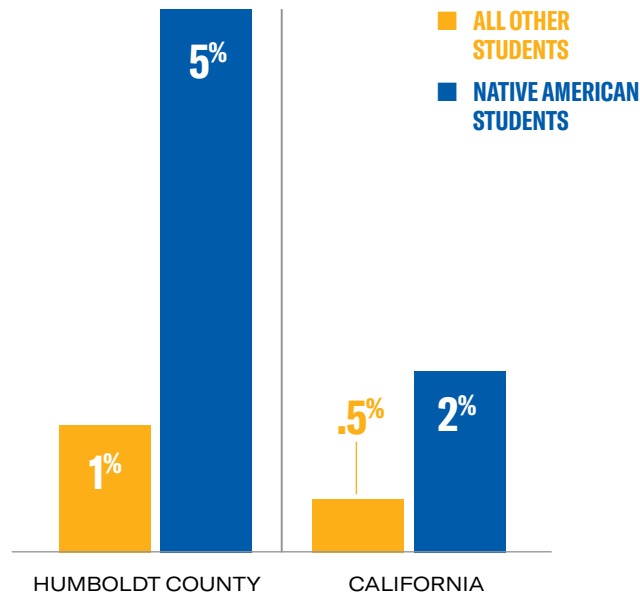
Examining three years of data spanning 10 school districts, we found that nearly every school district suspended Indigenous students at a disproportionately higher rate for each of those three years⁵³ and some districts suspended Indigenous students at significantly higher rates than county or state averages. In 2018–19, Klamath-Trinity Joint Unified School District suspended 17.8% of its Native American students, while Fortuna Union High School District suspended 28.2% and Loleta Union School District suspended 30.8% of their Native American students — **all well over five times the statewide suspension rate for all students.** These data depict a grave pattern in which Native American students are suspended at a significantly higher rate than students overall.⁵⁴

Figure 5. Humboldt County Overall Suspension Rates Compared to Overall Suspension Rates in California



The overall rates of defiance suspensions have decreased over the last three years in California, no doubt in large part because of a new state law, enacted in 2015, which prohibits defiance suspensions for K–3 students.⁵⁵ In Humboldt County, however, the defiance suspension rate for Native American students has paradoxically increased over the last three years, from 3.3% in 2016–2017 to 5.1% in 2018–2019. Not only has this rate increased for Native American students in Humboldt County, but the disparities between Native American students and other students is arresting: in the 2018–19 school year, 5.1% of Native American students in Humboldt County were suspended for defiance; **three times the rate of all students in Humboldt County, and ten times the rate of all students in California.**⁵⁶ (Please see Appendix, Table 6 for data on defiance suspension rates.)

Figure 6. 2018–19 Humboldt County Compared to California Defiance Suspension Rate



Fortuna Union High School District’s rate is consistently among the highest in Humboldt County, particularly for Native American students. **In 2018–19, Native American students at Fortuna Union High School District were suspended for “defiance” at more than four times the overall rate in the district**, and in the two years preceding that, at over twice the overall rate in the district.⁵⁷

Expulsion is a longer-term exclusion of a student (usually for at least one school term) from school due to a narrow category of behavior that is deemed more “serious” under the California Education Code. The school is still responsible for ensuring the student receives an education but can require the student to attend an “alternative school” for a period of time. Statewide, the disproportionate expulsion of Native American students is a serious problem, as detailed extensively in the *From Boarding Schools to Suspension Boards* report.⁵⁸ In Humboldt County during the 2018–19 school year, **Native American students were expelled at more than two times the rate of California students overall.**⁵⁹ That same year, **the expulsion rate for Native American boys was nearly six times the expulsion rate for boys of all racial groups** in Humboldt County and almost three times the statewide expulsion rate for boys across all racial groups.⁶⁰ In Fortuna Union High School District, Native American students were expelled at more than three times the rate of all students in the District in the 2016–17 and 2017–18 school years.⁶¹

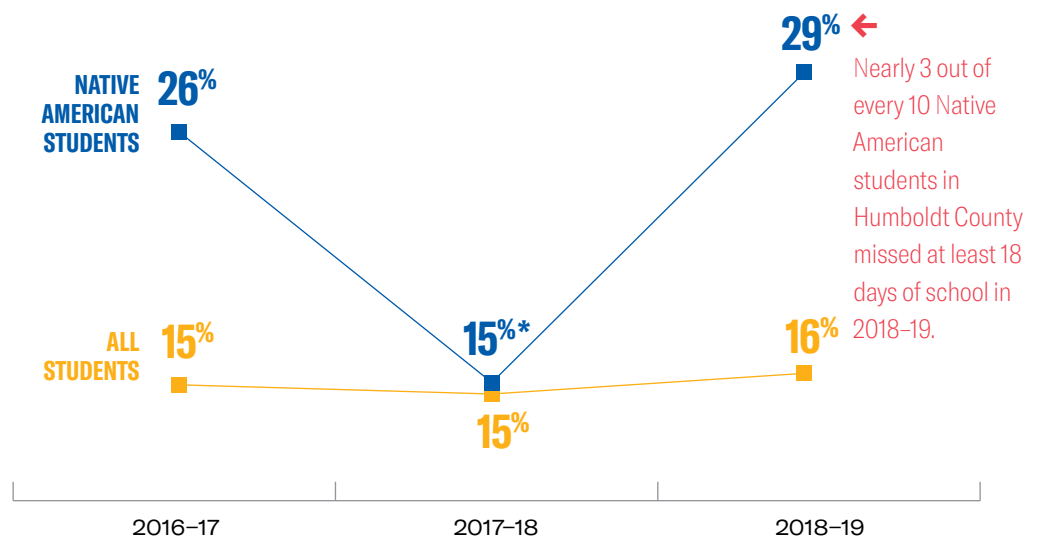
Recent advocacy and litigation suggest that referrals of Native American students to juvenile justice and involuntary transfers to alternative schools continue to be a pressing problem in Humboldt.⁶² While this report does not present data on those concerns, we suggest further research into these concerning causes of school push-out.

Indigenous Students Experience Chronic Absenteeism at Disparate Rates

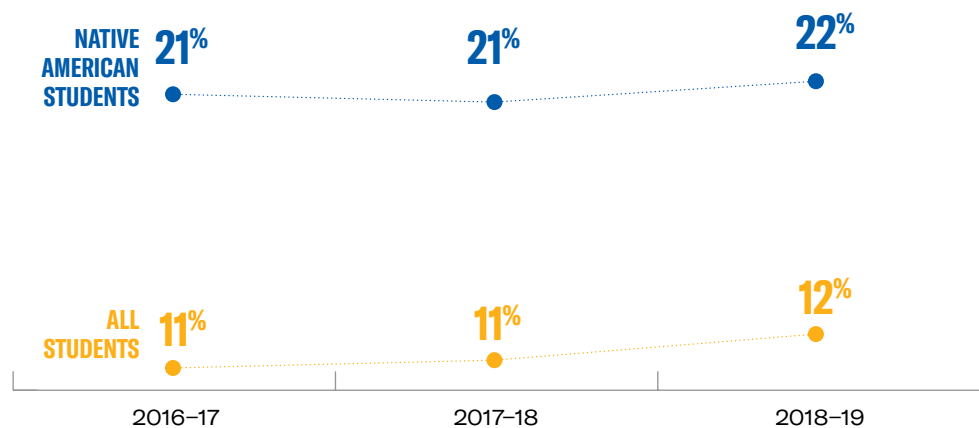
A student is considered chronically absent if they miss 10% of the school year for any reason, including excused or unexcused absences and suspension.⁶³ Across the state, Indigenous students face among the highest rates of chronic absenteeism of any ethnic/racial subgroup.⁶⁴ But in Humboldt County, the situation is even more dire: the rate of chronic absenteeism among Native American students in Humboldt County is 28.8% — more than double the statewide average among all students.⁶⁵ This means that **nearly 3 out of every 10 Native American students in Humboldt County miss at least 18 days in a school year.** (Please see Appendix, Table 7 for County-level data on chronic absenteeism.)

Figure 7. Chronic Absenteeism Rate

HUMBOLDT COUNTY



CALIFORNIA



*We believe the apparent reduction in chronic absenteeism in 2017-18 is due to an error in reporting, rather than an actual decrease in chronic absenteeism. Please refer to endnote 82 for more information.

Chronic absenteeism is tied to systemic and structural issues often outside of a student or family’s control, including negative school climate, bullying, barriers in transportation, lack of access to health care and illness, and involvement in the justice or foster care systems.⁶⁶ In Indigenous communities, students may also be absent from school to attend cultural ceremonies and traditional activities, including dances and fishing. Participation in these cultural events is a fundamental aspect of Indigenous students’ learning and identity. However, school districts often fail to recognize the essential nature of these activities or acknowledge that these absences are educational in nature; further, school districts do not necessarily have structures in place to accommodate for these important absences. Showing up for school is essential to ensure students receive the academic and social/emotional tools they need to thrive. Chronic absenteeism is often linked to students not meeting grade-level expectations, not graduating high school, and facing higher odds of future unemployment.

California considers chronic absenteeism to be “high” when the rate is above 10.1% and “very high” above 20.1%.⁶⁷ The rates of chronic absenteeism facing Native American students throughout Humboldt County are staggering: in **Fortuna Union High School District, 57.9% of Indigenous students were chronically absent in 2018–19**; the rate in Klamath-Trinity Joint Unified School District was 35.3%, 28.8% in Loleta Union School District, and 22.5% in Eureka City Schools.⁶⁸

In conclusion, Native American students in Humboldt County are being suspended and expelled at higher rates than all students in the county and experiencing chronic absenteeism at astonishing rates, depriving them of critical learning and development. Students who are suspended or expelled are significantly more likely to repeat a grade, not graduate, and/or become involved in the juvenile justice system.⁶⁹ Data show that Native American students in Humboldt County are more likely than their peers to be pushed out of school, and thereby suffer worse life outcomes, as a result of the public school system’s failure to provide them with the supports and resources they need to thrive.

C. Students Do Not Have Adequate Access —if Any —to Mental Health Professionals

Indigenous students in Humboldt County are deprived of the support of essential health professionals to care for their mental, emotional, social and physical wellbeing. Often, school-based health professionals, such as counselors, nurses, social workers, and psychologists, are the first to see children who are sick, stressed, or experiencing trauma. This is especially true in rural and remote areas with little access to mental health resources outside of the school context. Although the need for these school-based professionals is especially acute in Humboldt County, schools in the county fall far behind recommended ratios of students to school-based health professionals as reported to the California Department of Education.

Adverse Childhood Experiences in Humboldt County

One important measure of mental and emotional health are Adverse Childhood Experiences (ACEs), “potentially traumatic events that occur in childhood,” including “aspects of the child’s environment that can undermine their sense of safety, stability, and bonding,” which can cause “toxic stress,” leading to a severe detrimental impact on brain development, well-being, and life opportunities. Children growing up in communities that have experienced historical and ongoing traumas from colonization and systemic racism, like Indigenous communities in Humboldt County, face even higher levels of toxic stress. The population of Humboldt County has the highest rates of ACEs in the state.

Higher levels of ACEs are linked to higher rates of chronic health problems, mental illness, and substance abuse and more limited education and job opportunities. But these negative outcomes from ACEs are preventable with appropriate interventions. Providing stable, nurturing relationships, teaching social-emotional learning, and connecting youth to mentors in school are essential to counteracting the long-lasting damaging effects of ACEs on youth — all key responsibilities of school-based mental health professionals.⁷⁰

In this section, we compare the ratio of students to school-based health professional staff employed by school districts in Humboldt County schools with the recommendations made by professional associations. Given the high incidence of Adverse Childhood Experiences (ACEs) in Humboldt County, coupled with the rural and remote nature of many communities in the County, and high rates of poverty limiting access to private care, we would expect students to receive additional supports in Humboldt County schools. Tragically, the opposite is true: **the vast majority of students in Humboldt County attend schools that far exceed the recommended ratios** of students to mental health professionals or **have no mental health staff at all**.

Lack of School-Based Mental Health Professionals in Humboldt County

The ratio of students to school-based health professionals in Humboldt County as reported to the California Department of Education is well in excess of that recommended by professional associations. The student to nurse ratio of **4,707 students for each school nurse** in Humboldt County is 6.3 times higher than the recommended 750 to 1. There are **three times as many students per**

Indigenous children across Humboldt County have little to no access to culturally sensitive, school-based nurses or social workers. Into this void, community-based organizations have stepped up — like Two Feathers Native American Family Services, who are reimagining how mental health services can be provided for Indigenous students. Two Feathers is emphasizing long-term investment in local Indigenous leaders and knowledge, providing culturally appropriate and culturally based care, and thinking “seven generations” ahead to transform how systems and structures operate to generate long-term impact among Indigenous communities.⁷¹

Figure 8. Student to School-Based Mental Health Professional Ratios

	RATIO OF STUDENTS TO			
	Counselors	Nurses	Psychologists	Social Workers
RECOMMENDED RATIO	250	750	600	250
California	626	2,410	1,041	7,308
Humboldt County	763	4,707	1,228	
Humboldt County : California	1.2x higher	2.1x higher	1.2x higher	No social workers
Humboldt County : Recommended	3.1x higher	6.3x higher	2x higher	

Figure 9. School-Based Mental Health Professionals on Staff at the District Level

School District	RATIO OF STUDENTS TO			
	Counselors	Nurses	Psychologists	Social Workers
RECOMMENDED RATIO	250	750	600	250
Eureka City	959	3,836	959	No social workers
Ferndale Unified	396	No nurses	No psychologists	No social workers
Fortuna Elementary	1,356		678	No social workers
Fortuna Union High	554	No nurses	1,107	No social workers
McKinleyville Union	1,123	No nurses	1,123	No social workers
Northern Humboldt Union High	337	1,787	894	No social workers

“Native staff and more educational supports specifically for Indigenous students are desperately needed. As a former student from the Fortuna School District, I had access to Indian Education programming, and that made a significant difference to my education because I had a safe space to go. Having a place to go, and be around other native students, definitely helped my morale. As a former Guidance Technician for the Yurok Tribe, I have first-hand experience in the importance of having Native representation within the schools. For example, I had a student who was chronically absent, facing disciplinary issues, and failing classes. After I met with him a few times, the Guidance Counselor told me that student came to school on the days that my co-worker and I were scheduled to be on-site. It was clear to me that this student needed support, and that having Indigenous mentors and role models mattered to him.”

—Madison Flynn, Assistant Director of the Northern California Indian Development Council

counselor as recommended and double the recommended number of students per psychologist. The recommended ratio of students to social workers is 250:1; in California, the average ratio is 7,308 students per social worker. It is impossible to calculate this ratio in Humboldt County, as **there were no full-time social workers employed by Humboldt County schools** in 2018–19. (Please see Appendix, Table 8 for data on student to staff ratios for school-based mental health professionals, and the recommended ratios.)

In the 2018–19 school year, **31 districts in Humboldt County did not employ a social worker** and only one district — Cutten Elementary School District — had a part-time social worker on staff. Similarly, **nearly 90% of districts in Humboldt County — 28 districts in total — did not employ a single school nurse**. The data were not much better for other mental health professionals: 17 school districts in Humboldt County did not employ a counselor and 22 did not have a psychologist on staff.⁷²

Alarming, district-level data for districts with the largest enrollment of Native American students show even worse ratios. In many of these schools, students are not receiving any opportunity to access school-based health supports. Among the most egregious examples include Eureka City Schools, where there was only **one school nurse** to serve 3,836 students across the district — more than five times the recommended ratio. The 1,787 students in Northern Humboldt Union High School District likewise are served by only one school nurse. At Fortuna Elementary School District, the **student to counselor ratio was well over five times the recommended ratio**, at 1,356 students for the district’s *single* counselor. Similarly, in McKinleyville Union School District, there is only one school/staff psychologist to serve 1,123 students — nearly double the recommended ratio. (Please see Appendix, Table 9 for data on school-based mental health professionals at the district level)

There is an absence of any semblance of adequate care for the physical and mental health of Indigenous students in Humboldt County. Data at the district level regarding the ratios for students to nurse, counselor, psychologist, and social work care, which lies anywhere between double to five times the recommended levels, is disturbing. There is a well-embraced body of research that indicates correlation between school-based care to overall well-being of children and youth. School-based health and mental health services are often the lifeline to those who do not have access to any other forms of community-based support, particularly in counties that are not densely populated. Our Indigenous communities at a baseline experience oppression and devastating intergenerational impacts of institutional discrimination and oppression, further compounded by these ongoing barriers for care access. Now with distance learning it is imperative that we are proactive in engaging students in support which requires resources and adequate provider staffing.

—*Deborah Son, MSW (she/her), Executive Director National Association of Social Workers-CA Chapter*

The unfair and disproportionate educational outcomes for Indigenous students highlights the lack of adequate oversight and vested interest in these students by the state and the County. We know well that communities that are neglected — through both educational opportunities and the lack of access to high quality health services, including mental health services — are more likely to have students who are unprepared to function in the larger society. This neglect is reflected in the low numbers of high school graduates, high teen birth rates, the high rates of disrupted learning, high dropout rates, expulsion and the students' inability to progress beyond high school because of the trauma they suffer in and out of school. It is our fervent hope that this report will spur action within the communities to address the gross inequities for Indigenous children and all who suffer as a result of societal neglect.

—*Lydia Bourne, BSN, RN, MA, PHN, California School Nurses Organization Legislative Advocate*

Adverse childhood experiences among our Native American students in California have worked to inspire academic disengagement and higher dropout rates. Alarming, districts that educate the largest number of Native American students carry student to school-based mental health service professional ratios that far exceed the recommended averages to adequately provide effective student mental health services. Research shows that appropriate access to school-based mental health professionals help to increase academic achievement and reduce disciplinary issues, while improving services that address student trauma and mental wellness. The California Association of School Counselors recommends that financial resources be allocated for hiring more school-based mental health professionals by districts that are inadequately serving the needs of their most underprivileged student populations. Equity and access to school-based mental health professionals is not just a good idea, it is a fundamental right of all California students.

—*Josh Godinez, California Association of School Counselors President*

IV. Conclusion and Recommendations

The findings of this report demonstrate that the historical inequalities perpetuated against Indigenous communities in Humboldt County continue to impact children today. Far too many Indigenous youth across Humboldt County are being set up for failure by public schools. Indigenous students in Humboldt County are more likely than their non-Native peers to be pushed out of school and less likely to receive the academic preparation and school supports they need to thrive after graduation.

The public school system in Humboldt County does not appear to expect Indigenous students to be able to go on to higher education and get the advanced education required for professional careers, or to play critical roles in formal leadership and decision-making in their communities. While the importance of elders, culture bearers, artists and activists — who do not require formal education — cannot be overstated, the failure of formal education for Native American students in Humboldt County robs entire generations of the ability to access institutions that make decisions that fundamentally impact their lives and communities. This harms future generations, as hundreds of Native American youth do not see themselves as valued or valuable, nor do they have many role models to follow and be inspired by.

“One day it dawned on me: A culture was residing within me ... my own indigenous Karuk culture. I had come to see that Karuk people possess ... a distinct language, a long-shared history, art and music, a spiritual belief system, laws and a political structure to govern ourselves and our lands. I realized that the knowledge in my Karuk grandmother’s head was as important, if not more important (to me at least), than the knowledge I was learning at school. “

— *Julian Lange in Ka'm-t'em.*⁷³

The data presented in this report serve as a call to action for parents, educators and leaders across Humboldt County to find solutions and resources to address the crisis of under-education, de facto exclusion, and failure to provide meaningful supports for Indigenous students.

Recommendations for Districts and Schools in Humboldt County

- Actively consult Indigenous youth, families, tribes, and other Native-led bodies (such as Indian Policies and Procedures committees) about policies and practices impacting Native American students. Indigenous youth and their support networks are the best experts in what approaches, interventions and supports they need and will respond to. This can also help improve trust and build relationships between school and district administrators and Indigenous communities.
- Develop culturally and linguistically relevant and responsive curriculum; and instructional materials that align with the curriculum. Ensure the curriculum and materials are developed in collaboration with local tribal leaders.
- Deepen professional development opportunities for teachers, educators, and administrators on cultural competency, teaching local native history and cultures, and working with Indigenous students. These trainings should be developed and offered in partnerships with local tribes and should include access to culturally- and linguistically appropriate, historically accurate and locally relevant curricula and programming for teachers and staff to incorporate in the classroom.
- Implement best practices to improve school climate and promote wellness and belonging, including multi-tiered systems of support (MTSS) and trauma-informed approaches, which have been shown to improve mental health and functioning, deepen interpersonal relationships and networks of support, and enhance self-esteem and identity. These approaches **must be culturally relevant, tailored specifically to Indigenous students and the local context**, and developed in consultation with Indigenous leaders, educators, and professionals. The “trauma-informed movement,” which is gaining traction in Klamath-Trinity Joint Unified School District, thanks in significant part to the activism of leaders in the Hoopa Valley Tribe, offers a promising start to create a more inclusive educational environment to foster success for Native American students, and much work remains.
- Use local resources to prioritize school-based mental health providers, such as counselors, school psychologists, social workers, and nurses. Provide better campus mental healthcare services and meet the recommended ratio for school-based support staff. Ensure that school-based mental health providers are able to focus on mental health duties, i.e., that counselors are in fact counseling, rather than primarily spending their time with tasks that have nothing to do with their training (e.g. achievement test proctoring, clerical tasks, etc.).
- Provide space, support and resources for “Indian Education” programming, staff and support in schools. Indigenous students

benefit from having consistent mentors who reflect their culture and tradition, understand their community and lived experiences, and can support them through the unique and specific challenges and barriers that Native American students face. Indigenous role models can also inspire Indigenous youth to stay in school and on track to succeed.

- Engage members of the school community, including students, parents, teachers, school staff, administrators, tribal authorities and other relevant bodies (such as Indian Policies and Procedures committees), in the creation of school discipline policy with the goal of limiting exclusionary discipline. Research demonstrates that the practice of exclusionary discipline in schools, without sufficient consideration of alternatives, is ineffective in creating safe and healthy learning environments for students, teachers and staff.⁷⁴ Given these harmful impacts, school districts should elect to ban exclusionary discipline, particularly for the youngest students in grades K–6. Convene a team representative of the school community to assess and monitor the discipline policy and report findings to the larger school community.
- Improve accountability and transparency that holds district and school leaders responsible for meeting the unique needs of American Indian children.
- Seek creative ways to bring the school and broader communities together during the COVID-19 pandemic, such as identifying speakers and developing content of interest and relevant to local families; ensuring that events are planned at a time when families are most likely to attend; providing food and childcare if in-person events are possible; hosting activities akin to drive-in movies, where families can be appropriately socially-distanced but still gather; and hosting livestreaming events on social media platforms with giveaways for attendees.
- Develop Memoranda of Understanding (MOUs) with local tribal governments, service providers, and Native-led community-based organizations to establish and formalize data-sharing and consultation practices in order to align services, improve communication and understanding, and develop ways to most effectively and appropriately serve students, families, and communities.
- Ensure accurate data is collected and submitted to the federal Department of Education for the 2019–20 school year and beyond.

V. Resources: Approaches for Improving Education for Indigenous Students

There is a large and growing body of research demonstrating that Native American students fare better when their schools include comprehensive culturally based education programs, Native languages, and trauma-informed approaches. These approaches support Indigenous children's sense of belonging, well-being and success in the classroom, focusing on strengths, resiliency, and cultural identity. We offer a few examples and resources here:

- The National Indian Education Association highlights “culture-based education,” which is “intended to create a school climate where cultural diversity is valued, and the various dimension of cultures are embedded within the school staff and building.” NIEA outlines suggestions for creation and implementation of appropriate local curriculum and evidence-based teaching strategies. <https://www.niea.org/native-education-101-1>
- The Menominee Tribe represents one successful model of culturally relevant trauma-informed approaches. This includes efforts to preserve the Menominee language, to integrate traditional tribal practices such as harvesting wild rice and maple syrup into the curriculum, and fostering resiliency. <https://www.menominee-nsn.gov/CommunityPages/FosteringFutures/FosteringFuturesMain.aspx>
- The Kamehameha Early Education Program (KEEP) is a touted example of the success and impact of “culturally responsive schooling;” KEEP provides language arts and mathematics instruction to Native Hawaiian students using a curriculum and pedagogy developed with Native Hawaiians. Students in the program saw higher reading and mathematics achievement as compared with students not in the program.⁷⁵ This, and other models of culturally responsive schooling, emphasize the critical role that educators and administrators play in creating welcoming learning environments and positive school climates. https://www.researchgate.net/publication/249004938_Self-determination_through_self-education_Culturally_responsive_schooling_for_Indigenous_students_in_the_USA
- The Russian Mission School in Alaska is one illustration of culturally responsive educational practices for Indigenous students:⁷⁶ www.nwrel.org/request/2005june/textonly.htm
 - “Traditional knowledge is carefully integrated with academic standards. A unit on berry picking, for example, asks students to study and identify five types of berries, learn where those berries are traditionally harvested, and then use the berries to create traditional Yup'ik foods. The berry picking activity incorporates

benchmarks from science, health, and personal/social skills standards. Students then demonstrate what they have learned through writing assignments and using technology to create a PowerPoint presentation about making traditional foods. ‘We’re very aggressive about using the standards,’ notes [Principal] Hull. ‘But we see Native culture as the pathway to that.’”

- Organizations including Te Rau Ora are advocating for and creating approaches that center Māori culture, worldview, and values in Indigenous trauma informed care in New Zealand, recognizing that trauma informed approaches for Indigenous people can only be successful if those peoples’ specific lived experiences and cultural values are woven into practices, systems and services from the beginning. Culturally safe Trauma Informed Care approaches incorporate Māori healing processes and concepts (such as, wairua, tikanga, whakapapa, whakataukī, te reo Māori, whenua, whānau, tapu, mana, and mauri) alongside western values and approaches.⁷⁷ <https://terauora.com/wp-content/uploads/2019/05/Kia-hora-te-marino-Trauma-Informed-Care-for-Ma%CC%84ori.pdf>
- According to the Association of American Indian Physicians, “Strategies that bolster ... protective factors can promote strength and resilience, both in individuals and communities, and have a high likelihood of preventing and reducing the impact of ACEs.” <https://www.aaip.org/programs/aces-toolkit/>
- The National Museum of the American Indian’s Native Knowledge 360° initiative, aimed at “transforming teaching and learning about Native Americans” offers educational resources, teacher training, and virtual student programs to offer Native narratives and accurate teachings on history and Native Americans today. <https://americanindian.si.edu/nk360/>
- Instruction in Indigenous languages is shown to benefit not only Indigenous students, but enrich the education of and improve outcomes for all students.⁷⁸ There are many models for instruction in Indigenous languages, including local Yurok language instruction at some Humboldt County schools and language immersion camps.

Additional research, resources, and models:

- Janine Pease-Pretty On Top, *Native American Language Immersion: Innovative Native Education for Children & Families* Am. Indian Coll. Fund (2003), <http://aihec.org/our-stories/docs/NativeLangugageImmersion.pdf>.
- Joely Proudfit & Nicole Quinderro Myers-Lim (Eds.), *On Indian Ground California: A Return to Indigenous Knowledge-Generating Hope, Leadership and Sovereignty through Education Information* Age Publishing (2017).
- Kishan Lara-Cooper & Walter J. Lara Sr (Eds.), *Ka'm-t'em: A Journey Toward Healing* Great Oak Press (2019).
- NCAI Pol'y Rsch. Ctr., *Native Language Education: An NCAI Policy Research Center Backgrounder* (Oct. 2013), http://www.ncai.org/policy-research-center/research-data/prc-publications/Native_Language_Backgrounder_to_print.pdf
- John Reyhner, Williard Sakiestewa Gilbert, & Louise Lockard (Eds.), *Honoring Our Heritage: Culturally Appropriate Approaches for Teaching Indigenous Students* Northern Arizona University (2011), jan.ucc.nau.edu/~jar/HOH/Honoring.pdf
- Amanda Lechner, et al., *Addressing Trauma in American Indian and Alaska Native Youth* Mathematica Policy Research (Aug. 2016).

VI. Appendix

Methodology

In addition to data at the county level, we reviewed data from the following 10 of the 32 school districts in Humboldt County. These districts were selected because of their relatively large total student enrollment and/or large percentage of Native American students.⁷⁹

District	Total Student Enrollment	Native American
Arcata School District	530	4.5%
Cutten Elementary School District	610	5%
Eureka City Schools	3,643	5.6%
Ferndale Unified School District	475	5.5%
Fortuna Elementary School District	1,134	3.5%
Fortuna Union High School District	1,107	3.1%
Klamath-Trinity Joint Unified School District	1,019	81.6%
Loleta Union School District	123	36.6%
McKinleyville Union School District	1,123	10.1%
Northern Humboldt Union High School District	1,544	5%

Of the other Humboldt County Districts with over 5% Native American student population, all had total student enrollment of less than 300, including some as small as Big Lagoon Union Elementary (19 students, 57.9% Native American); Bridgeville (29 students, 6.9% Native American), and Peninsula Union (35 students, 5.7% Native American).

A Note on Racial Categories

The race and ethnicity data used in this report come from state and federal sources, shaped by local, state and federal data collection practices and definitions. The California Department of Education (CDE) collects race data by asking students to self-identify. If a student self-identifies with more than one race (for example, white and American Indian/Alaska Native (AI/AN)), the student is recorded as “two or more races,” and *not* included in either the white or AI/AN category. If a student does not self-identify and there is no other race information in their records, CDE does not report on race.

The “two or more races” category is opaque. In 2010, the Census Bureau found that those identifying as AI/AN on the census were the most likely of any respondent to report more than one race. Of the 5.2 million AI/AN respondents, 44% (2.3 million) reported AI/AN and *at least* one other race. While the has broken down its data on “Two or more races” respondents, the CDE has not. This suggests that at least a significant population of the Native American student population in CDE’s data is obscured and hidden in the “two or more races” category.⁸⁰

It is likely that many Indigenous students in Humboldt County identify as multi-racial, and consequently included in the “two or more races” category. These students are not highlighted in this report.

Tables

The data used for these tables are data as reported to the California Department of Education. The data can be accessed online at the websites listed after the tables.

Table 1: 2018–2019 English Language Arts/Literacy CAASP Data

		Standard Not Met	Standard Nearly Met	Standard Met	Standard Exceeded
Humboldt County	All Students	31.5%	24%	28.2%	16.4%
	Native American Students	56.6%	22.7%	15.6%	5.1%
California	All Students	26.7%	22.4%	28.6%	22.2%
	Native American Students	37.5%	24.4%	25.1%	13.1%

Table 2: 2018–2019 Math CAASP Data

		Standard Not Met	Standard Nearly Met	Standard Met	Standard Exceeded
Humboldt County	All Students	38.3%	29.2%	20.1%	12.4%
	Native American Students	61%	24.8%	10.9%	3.6%
California	All Students	34.9%	25.4%	20%	19.7%
	Native American Students	47.3%	26.2%	16.2%	10.4%

Table 3: Percent of Students Demonstrating College/Career Readiness⁸¹

	Year	California	Eureka City Schools	Klamath-Trinity Joint Unified	Northern Humboldt Union
All Students	2016-17	44.9%	33%	8.1%	52.6%
	2017-18	42.2%	33.6%	11.4%	41.4%
	2018-19	44.1%	31.3%	4%	47.4%
Native American Students	2016-17	31.2%	<i>unreported</i>	10.4%	53.8%
	2017-18	25.2%	15.4%	12.1%	0%
	2018-19	25.9%	21.4%	3.2%	16.7%

Table 4: Humboldt County Graduation Rates Compared to Rates of Graduates Meeting UC/CSU Entrance Requirements

	Year	High School Graduation	UC/CSU Entrance Requirements
All Students	2016-17	84.3%	32.2%
	2017-18	83.8%	22.7%
	2018-19	86.2%	32%
Native American Students	2016-17	86.9%	12.3%
	2017-18	79.7%	1.1%
	2018-19	84.8%	10.3%

Table 5: Humboldt County Overall Suspension Rates Compared to Overall Suspension Rates in California

		2016-17	2017-18	2018-19
Humboldt County	Native American Students	11.2%	15.4%	14.6%
	All Students	6.4%	6.6%	5.7%
California	Native American Students	7.4%	7.2%	7.5%
	All Students	3.6%	3.5%	3.5%

Table 6: Humboldt County Defiance Suspension Rate Compared to California Defiance Rate

		2016-17	2017-18	2018-19
Humboldt County	Native American Students	3.3%	4.4%	5.1%
	All Students	1.9%	1.5%	1.2%
California	Native American Students	2%	1.5%	1.7%
	All Students	0.8%	0.6%	0.5%

Table 7: Chronic Absenteeism Rate

		2016-17	2017-18	2018-19
Humboldt County	Native American Students	26.2%	15.3% ⁸²	28.8%
	All Students	15.2%	14.8%	15.7%
California	Native American Students	21.3%	21%	21.8%
	All Students	10.8%	11.1%	12.1%

Table 8: Student to School-Based Mental Health Professional Ratios

	Students to Counselors	Students to Nurses	Students to Psychologists	Students to Social Workers
Humboldt County	763	4707	1228	No Social Workers
California	626	2410	1041	7308
Recommended Ratio	250	750	600	250
COUNTY: STATE	1.2x higher	2.1x higher	1.2x higher	
COUNTY: RECOMMENDED	3.1x higher	6.3x higher	2x higher	

Table 9: School-Based Mental Health Professional at the District Level

District	TOTAL NUMBER OF					RATIO OF STUDENTS TO			
	Students	Counselors	Nurses	Psychologists	Social Workers	Counselors	Nurses	Psychologists	Social Workers
Eureka City Schools	3,836	4	1	4	0	959	3836	959	—
Ferndale Unified School District	475	1	0	0	0	396	—	—	—
Fortuna Elementary School District	1,356	1	5	2	0	1356	5	678	—
Fortuna Union High School District	1,107	2	0	1	0	554	—	1107	—
McKinleyville Union School District	1,123	1	0	1	0	1123	—	1123	—
Northern Humboldt Union High School District	1,787	5	1	2	0	337	1787	894	—

Data for tables 1, 2, 4, 5, 6, and 7 and student enrollment numbers are available at EdData, *California Public Schools*, <https://www.ed-data.org/state/CA> and <https://www.ed-data.org/county/Humboldt>.

Data for table 3 are available at Cal. Dep't of Educ., *College/Career Measures Report & Data: Klamath-Trinity Joint Unified*, <https://www6.cde.ca.gov/californiamodel/ccireport?&year=2019&cdcode=1262901&scode=&reporttype=schools>; *College/Career Measures Report & Data: Eureka City Schools*, <https://www6.cde.ca.gov/californiamodel/ccireport?Year=2019&cdcode=1275515&scode=>; *College/Career Measures Report & Data: Northern Humboldt Union High*, <https://www6.cde.ca.gov/californiamodel/ccireport?&year=2019&cdcode=1262687&scode=&reporttype=schools>; *State of California: Academic Performance*, <https://www.caschooldashboard.org/reports/ca/2018/academic-performance#college-career>; *Eureka City Schools: Academic Performance*, <https://www.caschooldashboard.org/reports/1275515000000/2017/academic-performance#college-career>

Data for tables 8 and 9 are available at Kid's Data, <https://www.kidsdata.org/region/324/humboldt-county/summary#18/education-child-care>.

ENDNOTES

- 1 Cal. Dep't of Educ. Data Rep. Office, *2018–19 Suspension Rate: Humboldt County Report*, <https://dq.cde.ca.gov/dataquest/dqCensus/DisSuspRate.aspx?year=2018-19&aggllevel=County&cds=12> (last visited October 9, 2020). Cal. Dep't of Educ. Data Rep. Office, *2018–19 Suspension Rate: State Report*, <https://dq.cde.ca.gov/dataquest/dqCensus/DisSuspRate.aspx?cds=00&aggllevel=State&year=2018-19> (last visited October 9, 2020).
- 2 For more information on the history of Indian Education and the Boarding School Era, see Nat'l Native Am. Boarding Sch. Healing Coalition, *The Need for Education*, <https://boardingschoolhealing.org/> (last visited Sept. 25, 2020). Lewis Meriam, et al., *The Problem of Indian Administration*, Inst. For Gov't Research 3 (1928). Comm. On Lab. And Pub. Welfare, *Indian Education: A National Tragedy* xii S. Rep. No. 91-501 (1969) (U.S. Senate Special Subcommittee on Indian Education).
- 3 Adams, David Wallace, *Education for Extinction: American Indians and the Boarding School Experience, 1875–1928* University Press of Kansas (1995). Michelle M. Jacob, *Yakama Rising: Indigenous Cultural Revitalization, Activism, and Healing* University of Arizona Press (2013). Brendan C. Lindsay, *Murder State: California's Native American Genocide, 1846–1873* Lincoln and London, 346 University of Nebraska Press (2015) (“Removing children from their parents’ care, banning Native American culture and language, and indoctrinating students in Western culture and white civilization, were the key strategies employed. These schools were engaged in a subset of genocide, often termed ethnocide or culturecide. Native American children were exposed to diseases, and many perished in these schools or were sent home to their families to die.”).
- 4 See Letter from A.C.L.U., Nat. Cent. For Youth Law, & Cal. Indian Legal Services to U.S. Dep't of Educ. Office for Civ. Rights (Dec. 18, 2013) (accessible at <https://www.aclunc.org/sites/default/files/2013.12.18%20Loleta%20OCR%20Complaint.pdf>); A.C.L.U.-N.C., *Humboldt County Schools Litigation* (Mar. 17, 2014), <https://www.aclunc.org/our-work/legal-docket/humboldt-county-schools-litigation>.
- 5 *Jessica K. v. Eureka City Schs. Dist.*, 2014 WL 1420367 (N.D. Cal.) Compl., <https://www.aclunc.org/sites/default/files/001%202013%2012%2018%20Complaint%20and%20Civil%20Cover%20Sheet.pdf>. Reduction in Student Discipline Agreement Between A.C.L.U.-N.C. and Del Norte County Unified School District 4 (May 6, 2009), https://www.aclunc.org/sites/default/files/2020-01/Reduction_in_Student_Discipline_Agreement.pdf. J. Luke Wood et al., *From Boarding Schools to Suspension Boards: Suspensions and Expulsions of Native American Students in California Public Schools*, C.C.E.A.L. & S.N.A.H.E.C. (Sept. 2019), <https://cceal.org/wp-content/uploads/2019/09/Suspension-Boards-Final.pdf>. Kristen Bokenkamp & Laurie A. Walker, *Empty Desks: Discipline & Policing in Montana's Public Schools*, A.C.L.U. of Mont. (Dec. 2019), <https://www.aclumontana.org/sites/default/files/aclu-education-report-2019-v13.pdf>.
- 6 U.S. Census Bureau, *The American Indian and Alaska Native Population: 2010* (Jan. 2012), <https://www.census.gov/history/pdf/c2010br-10.pdf>.
- 7 Data taken from the U.S. Census Bureau, American Community Survey (ACS). See Index Mundi, *California American Indian and Alaska Native Population Percentage by County*, <https://www.indexmundi.com/facts/united-states/quick-facts/california/american-indian-and-alaskan-native-population-percentage#map> (last visited Sept. 25, 2020). Humboldt County also has among the largest proportions of Indigenous children in the state. Kid's Data, *Summary: American Indian/Alaska Native Children*, Lucile Packard Found. for Child.'s Health, <https://www.kidsdata.org/demographic/19/american-indianalaska-native-children/summary#99/demographics> (last visited Sept. 25, 2020).
- 8 Cal. Dep't of Educ. Data Rep. Office, *2018–19 Enrollment by Ethnicity: State Report*, <https://dq.cde.ca.gov/dataquest/dqcensus/EnrEthLevels.aspx?cds=12&aggllevel=county&year=2018-19> (last visited Sept. 25, 2020); Cal. Dep't of Educ. Data Rep. Office, *2018–19 Enrollment by Ethnicity: Humboldt County Report*, <https://dq.cde.ca.gov/dataquest/dqcensus/EnrEthGrd.aspx?cds=00&aggllevel=state&year=2018-19&ro=y> (last visited Sept. 25, 2020) (in the drop-down menu for “County,” select “12-Humboldt”); Cal. Dep't of Educ. Data Rep. Office, *Enrollment Multi-Year Summary by Ethnicity: Humboldt County Report*, <https://dq.cde.ca.gov/dataquest/dqcensus/EnrEthYears.aspx?cds=12&aggllevel=county&year=2018-19> (last visited Sept. 25, 2020).
- 9 2018–19 Enrollment by Ethnicity: Humboldt County Report, *supra* n.8.
- 10 Nicholas A. Jones & Jungmiwha Bullock, *The Two or More Races Population: 2010*, U.S. Census Bureau (2012), <https://www.census.gov/prod/cen2010/briefs/c2010br-13.pdf>.
- 11 Humboldt Cnty. Office of Educ., *Humboldt County Schools and Districts*, <https://hcoe.org/schools/> (last visited Sept. 25, 2020).

- 12 Cal. Dep't of Educ. Data Rep. Office, *2018–19 Enrollment by Ethnicity and Grade: Humboldt County Report*, <https://dq.cde.ca.gov/dataquest/dqcensus/EnrEthGrd.aspx?cds=12&aggllevel=county&year=2018-19> (last visited Sept. 25, 2020). Cal Dep't of Educ. Data Rep. Office, *2018–19 Enrollment for Charter and Non-Charter Schools*, <https://dq.cde.ca.gov/dataquest/DQCensus/EnrCharterLevels.aspx?cds=12&aggllevel=County&year=2018-19> (last visited Sept. 25, 2020).
- 13 *Ibid.*
- 14 Cal. Dep't of Educ. Data Rep. Office, *Selected County Level Data — HUMBOLDT for the Year 2018–19* (last visited Sept. 25, 2020), <https://dq.cde.ca.gov/dataquest/Cbeds2.asp?FreeLunch=on&cChoice=CoProf2&cYear=2018-19&TheCounty=12%2CHUMBOLDT&cLevel=County&cTopic=FRPM&myTimeFrame=S&submit1=Submit> (low-income, defined as eligible for free and reduced meals).
- 15 Cal. Dep't of Educ. Data Rep. Office, *County of Matched Foster Students by Race/Ethnicity and Grade: Humboldt County Report*, <https://dq.cde.ca.gov/dataquest/foster/fosterGrdRace.aspx?level=County&county=12&year=2018-19> (last accessed Sept. 25, 2020). Cal. Dep't of Educ. Data Rep. Office, *2018–19 Enrollment by English Language Acquisition Status (ELAS) (with District Data): Humboldt County Report*, <https://dq.cde.ca.gov/dataquest/longtermel/ELASLevels.aspx?cds=12&aggllevel=County&year=2018-19> (last accessed Sept. 25, 2020).
- 16 Sabine Nicole Talaugon, *History of Indian Education in California in On Indian Ground California: A Return to Indigenous Knowledge-Generating Hope, Leadership and Sovereignty through Education* 20 Information Age Publishing (Joely Proudfit & Nicole Quinderro Myers-Lim 2017).
- 17 Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe* Yale Univ. Press (2016). Cutcha Risling Baldy & Kayla Begay, *Xo'ch Na:nahsde'tl-te Survivance, Resilience and Unbroken Traditions in Northwest California in Ka'm-t'em: A Journey Toward Healing* K. Great Oak Press (Lara-Cooper and W. J. Lara Sr. 2019). Cutcha Risling Baldy, *We Are Dancing for You: Native Feminisms and the Revitalization of Women's Coming-of-Age Ceremonies* University of Washington Press (2018).
- 18 Comm. On Lab. And Pub. Welfare, *Indian Education: A National Tragedy* xii S. Rep. No. 91-501 (1969) (U.S. Senate Special Subcommittee on Indian Education).
- 19 Kishan Lara-Cooper, *Protecting the Treasure: A History of Indigenous Education in California* 15 *supra* n.16.
- 20 See, for example, Article 14 of the U.N. Declaration on the Rights of Indigenous People:
1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
 3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- G.A. Res. 61/295, at 5–6 (Sept. 13, 2007), <https://undocs.org/A/RES/61/295>.
- 21 In the 2018–2019 school year, 84.8% of American Indian students in Humboldt County graduated. Educ. Data P'ship, *Humboldt County*, <https://www.ed-data.org/county/Humboldt> (last visited Sept. 25, 2020) (click on the blue horizontal “College and Career Readiness” tab). The term “graduate” means those who graduate among “cohort students” as defined by the California Department of Education: “Cohort Students: The number of students who enter grade 9 for the first time, plus any students who transfer in later during grade 9 or the next three years, minus any student from the cohort who transfers out, emigrates from the country, transfers to a juvenile facility or prison, or dies during that same period.” Cal. Dep't of Educ., *File Structure: ACGR and Outcome Data* (Dec. 12, 2019), <https://www.cde.ca.gov/ds/sd/sd/fsacgr.asp>.
- 22 In the 2018–2019 school year, only 10.3% of Native American graduates in Humboldt County met the entrance requirements to attend California universities. *Humboldt County*, *supra* n.21 (click on the blue horizontal “College and Career Readiness” tab).

- 23 For more information on California standard testing, see EdSource, *California's Smarter Balanced Assessments: A Primer* (Aug. 24, 2016), <https://edsources.org/2015/california-smarter-balanced-math-english-results-common-core-faq/86181>. Educ. Data P'ship, *Standardized Tests in California* (Jan. 29, 2020), <https://www.ed-data.org/article/Standardized-Tests-in-California>; Cal. Assessment of Student Performance and Progress, *California Testing Overview* (Mar. 18, 2020), <http://www.caaspp.org/administration/about/testing/index.html>.
- 24 Figures in this section concerning state test scores are based on the average of all grade levels that participate in CAASP testing (3–8 and 11).
- 25 In the 2016–2017 school year, 56.8% of American Indian students in Humboldt County received a “standard not met” ELA score, compared to 28.4% of all students in the state. In the 2017–2018 school year, 55.5% of American Indian students in Humboldt County received that score, compared to 27.5% of all students statewide. Educ. Data P'ship, *California Public Schools*, <https://www.ed-data.org/state/CA> (last visited Sept. 25, 2020) (click on the blue horizontal “Performance” bar); *Humboldt County*, *supra* n.21 (click on the blue horizontal “Performance” bar).
- 26 In 2016–2017, 37.6% of all students in California met or exceeded math grade-level expectations, as compared to 15.2% of Native American students in Humboldt County. In 2017–2018, while 38.7% of all students statewide met or exceeded expectations, only 13.7% of Native American students in the County met these expectations. *California Public Schools*, *supra* n.25 (click on the blue horizontal “Performance” bar). *Humboldt County*, *supra* n.21 (click on the blue horizontal “Performance” bar).
- 27 Educ. Data P'ship, *Loleta Union Elementary*, <https://www.ed-data.org/district/Humboldt/Loleta-Union-Elementary> (last visited Sept. 25, 2020) (click on the blue horizontal “Performance” bar).
- 28 In the 2016–2017 school year, only 12.5% of American Indian students in Northern Humboldt Union High School District met or exceeded ELA standards, as compared to 59.8% of all students in the district. For math in that year, only 6.3% of American Indian students in the district met or exceeded grade level expectations, compared to 35.4% of all students. While 52.2% of Native American students met or exceeded ELA standards in 2017–18, that dropped to 42.9% in 2018–19. Educ. Data P'ship, *Northern Humboldt Union High*, <https://www.ed-data.org/district/Humboldt/Northern-Humboldt-Union-High> (last visited Sept. 25, 2020) (click on the blue horizontal “Performance” bar).
- 29 In 2016–2017, 40.42% of all students in the Arcata School District met or exceeded math standards. In 2017–2018 the rate for all students was 41.88%, and 42.58% in 2018–2019. The rates at which Native American students in the District met or exceeded math standards were 30% in 2016–2017, 24.83% in 2017–2018 and 14.29% in 2018–2019. See Educ. Data P'ship, *Arcata Elementary*, <http://www.ed-data.org/district/Humboldt/Arcata-Elementary> (last visited Sept. 25, 2020) (click on the blue horizontal “Performance” bar).
- 30 In 2018–19, 44% of Native students in Cutten Elementary School District met or exceeded ELA standards, while 51% of all students met or exceeded standards. While 23.8% of all students did not meet ELA standards, 40.7% of Native American students did not meet standards. In 2017–18, 37% Native American students met or exceeded ELA standards while 50% of all students met or exceeded them, and 40.7% of Native American students compared with 24.4% of all students did not meet standards. In 2016–17, 26.5% of Native American students met or exceeded standards compared to 50.3% of all students met or exceeded; 47.1% of Native American students compared to 25.3% of all students did *not* meet standards. Educ. Data P'ship, *Cutten Elementary*, <http://www.ed-data.org/district/Humboldt/Cutten-Elementary> (last visited Sept. 25, 2020) (click on the blue horizontal “Performance” bar).
- 31 In 2016–17, all students in the Eureka City Schools met or exceeded ELA standards at a rate of 35.7%, compared to only 15.1% of American Indian students. In 2017–18 34.4% of all students met or exceeded standards, in contrast to 16.5% of American Indian students. Educ. Data P'ship, *Eureka City Schools*, <http://www.ed-data.org/district/Humboldt/Eureka-City-Schools> (last visited Sept. 25, 2020) (click on the blue horizontal “Performance” bar).
- 32 In the 2018–19 school year, 86.2% of all students and 84.8% of Native American students in Humboldt graduated, compared to 84.5% of all students and 74.8% of Native American students across California. These rates are representative of the County's graduation rates over the last three years. *Humboldt County*, *supra* n.21.
- 33 Cal. Dep't of Educ., *2017–18 Four-Year Adjusted Cohort Graduation Rate*, <https://dq.cde.ca.gov/dataquest/dqcensus/CohRate.aspx?cds=12&agglevel=County&year=2017-18> (last visited Sept. 25, 2020).

- 34 Cal. Dep't of Educ., *Graduation Requirements: Courses required for graduation and university admission*, <https://www.cde.ca.gov/ci/gs/hs/hsgtable.asp> (last visited Oct. 8, 2020).
- 35 For the definition of “College/Career Readiness Indicator,” see Justin Allen et al., *Search and compare data from the California School Dashboard, 2019*, EdSource (Dec. 12, 2019), <https://edsources.org/2019/search-and-compare-data-from-the-california-school-dashboard-2019/620992>. More detailed information on the measurements used in the College/Career Readiness Indicator are available at Cal. School Dashboard, *Understanding the College/Career Readiness Measure: Prepared* (Oct. 2019), <https://www.cde.ca.gov/ta/ac/cm/documents/understandcciprepared.pdf>.
- 36 Educ. Data P'ship, *Klamath-Trinity Joint Unified*, <https://www.ed-data.org/district/Humboldt/Klamath--Trinity-Joint-Unified> (last visited Oct. 9, 2020). *Eureka City Schools*, *supra* n.31. *Northern Humboldt Union High*, *supra* n.28.
- 37 *Supra* n.18.
- 38 Cal. Dep't of Educ. Data Rep. Office, *2017–18 Four-Year Adjusted Cohort Graduation Rate: Klamath-Trinity Joint Unified District Report*, <https://dq.cde.ca.gov/dataquest/dqcensus/CohRate.aspx?agglevel=district&year=2018-19&cds=1262901> (last visited Oct. 9, 2020). Cal. Dep't of Educ. Data Rep. Office, *2017–18 Four-Year Adjusted Cohort Graduation Rate: Northern Humboldt Union High District Report*, <https://dq.cde.ca.gov/dataquest/dqcensus/CohRate.aspx?agglevel=district&year=2017-18&cds=1262687> (last visited Sept. 25, 2020); Cal. Dep't of Educ. Data Rep. Office, *2017–18 Four-Year Adjusted Cohort Graduation Rate: Eureka City Schools District Report*, <https://dq.cde.ca.gov/dataquest/dqcensus/CohRate.aspx?agglevel=district&year=2017-18&cds=1275515> (last visited Sept. 25, 2020).
- 39 In 2018–19, while 49.4% of all graduates in Northern Humboldt Union High School District met these requirements, only 25.9% of the District's Native American graduates met them. *Northern Humboldt Union High*, *supra* n.28 (click on the blue horizontal “College and Career Readiness” tab).
- 40 In the 2016–17 school year, 26.1% of all Eureka City Schools graduates met the UC/CSU course requirements, while only 7.1% of Native American graduates met them. In 2017–18, no Native American graduates met UC/CSU requirements and in the 2018–19 school year, 24.4% of all graduates met the requirements, compared to 8.3% of Native American graduates. *Eureka City Schools*, *supra* n.31 (click on the blue horizontal “College and Career Readiness” tab).
- 41 See generally Michelle M. Jacob & RunningHawk Johnson Stephany (Eds.), *On Indian Ground: A Return to Indigenous Knowledge-Generating Hope, Leadership and Sovereignty through Education*. Information Age Publishing (2020).
- 42 Eduardo Porter, *A Simple Equation: More Education = More Income*, N.Y. TIMES (Sept. 10, 2014), <https://tinyurl.com/yc8g3zz4> (reporting data from the Organization for Economic Cooperation and Development that American workers with a college degree are paid 74% more than those with only a high school degree).
- 43 See O.C.E.D., *Education At a Glance 2020: OCED Indicators, Indicator A3. How does educational attainment affect participation in the labour market?* 70 (2020), https://read.oecd-ilibrary.org/education/education-at-a-glance-2020_1bbc2e6a-en#page1 (finding that higher educational attainment increases the likelihood of being employed for each age group studied).
- 44 See Caroline Wolf Harlow, *Bureau of Justice Statistics Special Report: Education and Correctional Populations* U.S. Dep't of Justice (Jan. 2003), <https://tinyurl.com/kpsgzx4>. All for Excellent Educ., *Saving Futures, Saving Dollars* 3 (Sept. 2013), <https://tinyurl.com/kx5sw9k> (noting that lower educational attainment is correlated with increased arrest and incarceration rates, especially for males).
- 45 Am. Psych. Ass'n Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in the Schools?: An Evidentiary Review and Recommendations*, 63(9) *The Am. Psych.* 858 (2008), <https://pubmed.ncbi.nlm.nih.gov/19086747/> (finding that suspension and expulsion are associated with engagement with juvenile justice and incarceration as an adult, which are associated with stress-related illnesses, psychiatric problems, higher recidivism rates, suicide attempts, increased HIV, Hepatitis C, and tuberculosis). Ursula Running Bear, et al., *The impact of individual and parental American Indian boarding school attendance on chronic physical health of Northern Plains Tribes* 42(1) *Family & Community Health* 1–7 (2019).
- 46 Mneesha Gellman, *Indigenous Revitalization in Words and Land: Countering Culturecide in Northern California* (forthcoming 2021) (under review).

- 47 According to *From Boarding Schools to Suspension Boards: Suspensions and Expulsions of Native American Students in California Public Schools*, Humboldt County has the third highest suspension rate in the state for Native American girls (at 13.3%, behind only Modoc and Colusa Counties) and the fifth highest in the state for Native American boys (17.5%, following Glenn, Lassen, Mono, and Modoc Counties). Wood et al., *supra* n.5.
- 48 Under California Education Code § 48900 (k), until July 2020, students in grades 4–12 could be suspended if they committed “defiance” in that they “[d]isrupted school activities or otherwise willfully defied” the authority of school personnel. The defiance suspension rate represents the percent of students suspended whose only offense was defiance under this section of the Education Code. Under recent revisions to the Education Code, as of July 2020, only students in grades 9–12 can be suspended for defiance. See Louis Freedberg, *California to extend ban on pushing students out of school for disruptive behavior*, EdSource (Sept. 9, 2019), <https://edsources.org/2019/california-to-ban-pushing-students-out-of-school-for-disruptive-behavior/617326>. S. 419 (Cal. 2019).
- 49 Daniel J. Willis, *Searchable database: Chronic absenteeism in California schools*, EdSource (Jan. 31, 2019), <https://edsources.org/2019/searchable-database-chronic-absenteeism-in-california-schools/607777#:~:text=January%2031%2C%202019.-Chronic%20absenteeism%20is&text=A%20student%20is%20defined%20as,and%202017%2D18%20school%20years>. (“A student is defined as chronically absent if he or she misses 10 percent of the school year for any reason — through excused or unexcused absences, or suspension.”).
- 50 In 2018–2019, 12.1% of all students in California were chronically absent, compared to 28.8% of American Indian Students in Humboldt County. Cal. Dep’t of Educ. Data Rep. Office, 2018–19 *Chronic Absenteeism Rate: Humboldt County Report*, <https://dq.cde.ca.gov/dataquest/DQCensus/AttChrAbsRate.aspx?agglevel=County&cds=12&year=2018-19> (last visited Sept. 25, 2020). Cal. Dep’t of Educ. Data Rep. Office, 2018–19 *Chronic Absenteeism Rate*, <https://dq.cde.ca.gov/dataquest/DQCensus/AttChrAbsRate.aspx?agglevel=State&cds=00&year=2018-19> (last visited Sept. 25, 2020).
- 51 For more information on the links between chronic absenteeism and student success, and the long-term impacts of chronic absenteeism on higher education and economic opportunity, please see: David Washburn, *Chronic Absenteeism in California Schools up Slightly, New Data Show*, EdSource (Jan. 31, 2019), <https://edsources.org/2019/chronic-absenteeism-in-california-schools-up-slightly-new-data-show/607993>. Julia Lara et al., *Chronic Absenteeism. NEA Research Brief. NBI No. 57* Nat’l Educ. Ass’n (2018), <https://eric.ed.gov/?id=ED595241>. Attendance Works, *Key Research: Why Attendance Matters for Achievement and How Interventions Can Help* (2016), <https://awareness.attendanceworks.org/wp-content/uploads/Research2016.pdf>.
- 52 Cal. Dep’t of Educ. Data Rep. Office, 2018–19 *Suspension Rate: Humboldt County Report, Disaggregated by Ethnicity*, <https://dq.cde.ca.gov/dataquest/dqCensus/DisSuspRate.aspx?year=2018-19&agglevel=County&cds=12> (last visited Oct. 9, 2020); Cal. Dep’t of Educ. Data Rep. Office, 2018–19 *Suspension Rate: State Report, Disaggregated by Ethnicity*, <https://dq.cde.ca.gov/dataquest/dqCensus/DisSuspRate.aspx?cde=00&agglevel=State&year=2018-19> (last visited Oct. 9, 2020).
- 53 From 2016–2019, the suspension rate for Native American students in the ten districts we analyzed for this report has been the same as or lower than the overall suspension rate on only five occasions: in 2016–2017, no American Indians in Ferndale Unified School District were suspended, compared to 3.8% of all students in the District; that same year 3.6% of American Indian students in Arcata School District were suspended, in contrast to 4% of all students; in 2017–2018 only 1.9% of American Indian students in Fortuna Elementary School District were suspended, compared to 5% of all students in the District; and in 2017–2018, 5.8% of American Indian students in Northern Humboldt Union High School District were suspended, compared to 5.9% of all students in the District.
- Of the 10 districts whose data we analyzed, Cutten Elementary School District (“Cutten ESD”) was the only outlier in school push-out metrics. While there were disparities in outcomes for Indigenous students, generally students fared better in Cutten ESD than in Humboldt County and the disparities in outcomes were much less severe. Native American students faced higher suspension rates in two of three years (2% for Native American students versus 1.3% overall in 16–17; 9.8% versus 1.3% overall in 17–18; and 0% versus 0.8% overall in 18–19), but suspension rates overall in Cutten ESD were lower than the County average in all three years.
- Arcata Elementary*, *supra* n.29. *Cutten Elementary*, *supra* n.30. Northern Humboldt, *supra* n.28. Educ. Data P’ship, *Ferndale Unified*, <https://www.ed-data.org/district/Humboldt/Ferndale-Unified>. *Fortuna Elementary*, <https://www.ed-data.org/district/Humboldt/Fortuna-Elementary> (last visited Oct. 9, 2020) (click on the blue horizontal “Suspensions and Expulsions” tab).

- 54 In 2017–18, Loleta Union School District suspended 28.2% of all students and 34% of Native American students. Even more alarmingly, Fortuna Union High School District suspended 16.2% of all students and 40% of Native American students. In the 2016–17 school year, Loleta Union School District suspended 28.9% of all students, compared to 42.1% of Native American students, while Fortuna Union High School District suspended 17.9% of all students and 34.6% of Native American students.
- Cal. Dep’t of Educ. Data Rep. Office, *2017–18 Suspension Rate: Loleta Union Elementary Report, Disaggregated by Ethnicity*, <https://dq.cde.ca.gov/dataquest/dqCensus/DisSuspRate.aspx?year=2017-18&aggllevel=District&cids=1262927> (last visited Oct 9., 2020). Cal. Dep’t of Educ. Data Rep. Office, *2016–17 Suspension Rate: Loleta Union Elementary Report, Disaggregated by Ethnicity*, <https://dq.cde.ca.gov/dataquest/dqCensus/DisSuspRate.aspx?year=2016-17&aggllevel=District&cids=1262927> (last visited Oct 9., 2020). Cal. Dep’t of Educ. Data Rep. Office, *2017–18 Suspension Rate: Fortuna Union High Report, Disaggregated by Ethnicity*, <https://dq.cde.ca.gov/dataquest/dqCensus/DisSuspRate.aspx?year=2017-18&aggllevel=District&cids=1262810> (last visited Oct 9., 2020). Cal. Dep’t of Educ. Data Rep. Office, *2016–17 Suspension Rate: Fortuna Union High Report, Disaggregated by Ethnicity*, <https://dq.cde.ca.gov/dataquest/dqCensus/DisSuspRate.aspx?year=2016-17&aggllevel=District&cids=1262810> (last visited Oct 9., 2020).
- 55 For more information on the 2015 law to limit and prohibit defiance suspensions, see Fix School Discipline, *AB 420 — Fact Sheet* (Nov. 2014), <http://www.fixschooldiscipline.org/wp-content/uploads/2014/11/AB-420-Fact-Sheet-Implementation.pdf>.
- 56 *Supra* n.18 (Humboldt County data).
- 57 In 2018–19, 12.8% of Native American students in Fortuna Union High School District were suspended for defiance, compared to only 3% of all students. In 2017–18, these numbers were 17.1% for Native American students, compared to 8.4% of all students, and in 2016–17, 25% for Native American students, in contrast to 11.3% for all students. Educ. Data P’ship, *Fortuna Union High*, <https://www.ed-data.org/district/Humboldt/Fortuna-Union-High> (last visited Sept. 25, 2020).
- 58 Wood et al., *supra* n.5 (finding the expulsion rate for Native American boys in Humboldt County is twelfth-highest in the state at 0.24%, *three times* the statewide average of .08% for all students. Eureka City Schools has the tenth-highest expulsion rate of Native American boys among California school districts at 1.65%).
- 59 In Humboldt County school districts, 0.18% of Native American students were expelled, compared to a 0.08% of all students in California during the 2018–2019 school year. Cal. Dep’t of Educ., *2018–19 Expulsion Rate: Humboldt County Report, Disaggregated by Ethnicity*, <https://dq.cde.ca.gov/dataquest/dqCensus/DisExpRate.aspx?year=2018-19&aggllevel=County&cids=12> (last visited Oct. 9, 2020).
- 60 In 2018–19, the expulsion rate for Native American boys in Humboldt County was nearly six times the rate of expulsions for boys across all racial groups in the County and almost three times the state expulsion rate for all male students across racial groups. *Ibid.*
- 61 In 2016–17, Fortuna Union High School District expelled 1.9% of Native American students, compared to 0.6% of all students. In 2017–18, it expelled 0.8% of all students, compared to 2.9% of Native American students. There were no reported expulsions in 2018–19. Cal. Dep’t of Educ. Data Rep. Office, *2018–19 Expulsion Rate: Fortuna Union High Report*, <https://dq.cde.ca.gov/dataquest/dqCensus/DisExpRate.aspx?cids=1262810&aggllevel=District&year=2018-19&initrow=Eth&row=y> (last visited Sept. 25, 2020). Cal. Dep’t of Educ. Data Rep. Office, *2016–17 Expulsion Rate: Fortuna Union High Report*, <https://dq.cde.ca.gov/dataquest/dqCensus/DisExpRate.aspx?year=2016-17&aggllevel=District&cids=1262810> (last visited Oct. 9, 2020). Cal. Dep’t of Educ. Data Rep. Office, *2017–18 Expulsion Rate: Fortuna Union High Report*, <https://dq.cde.ca.gov/dataquest/dqCensus/DisExpRate.aspx?year=2017-18&aggllevel=District&cids=1262810> (last visited Oct. 9, 2020).
- 62 See, e.g., *Jessica K. et al. v. Eureka City Schools District et al.*, 2014 WL 1420367 (N.D. Cal.) Compl. at 8 (available at https://www.aclunc.org/docs/20171127-resolution_letter-case_14-1111-redacted.pdf) (alleging that Eureka City Schools unfairly denies Native American students equal educational opportunities by pushing them out of District schools and into the County-run community school system for inappropriate reasons, including “credit recovery,” at higher rates than similarly situated White students); Letter from Laura Faer, Regional Director, U.S. Dep’t of Educ., to John Sutter, Superintendent, Loleta Union School District (Nov. 22, 2017) 18 (describing evidence gathered by the Office for Civil Rights that the “Humboldt County Sheriff’s Office (Sheriff) was frequently called to the School to address minor behavior issues with Native American students, such as kicking a ball over a fence or climbing a tree. [Two School

staff members] reported seeing the Sheriff at the School on an almost weekly basis. The staff members stated that they had not observed the former Principal contact the Sheriff to intervene in behavior issues with a white student.”).

- 63 Willis, *supra* n.49.
- 64 Chronic absenteeism is an indicator on the California School Dashboard. For more information on how this data is calculated, *See* Cal. Sch. Dashboard, *Chronic Absenteeism Indicator* (Nov. 2019), <https://www.cde.ca.gov/ta/ac/cm/documents/chronicabsenteeism.pdf>.
- 65 Cal. Dep’t of Educ. Data Rep. Office, *Chronic Absenteeism Data* (Aug. 31, 2020), <https://www.cde.ca.gov/ds/sd/sd/filesabd.asp>.
- 66 *See* Attendance Works, *Key Research: Why Attendance Matters for Achievement and How Interventions Can Help* (2016), <https://awareness.attendanceworks.org/wp-content/uploads/Research2016.pdf>. Brian A. Jacob & Kelly Lovett, *Chronic absenteeism: An old problem in search of new answers*, The Brookings Inst. (July 27, 2017), <https://www.brookings.edu/research/chronic-absenteeism-an-old-problem-in-search-of-new-answers/>. Michael A. Gottfried & Ethan L. Hutt, *Addressing Absenteeism: Lessons for Policy and Practice*, Policy Analysis for Cal. Educ. (Feb. 2019), https://edpolicyinca.org/sites/default/files/PB_Gottfried_Feb-2019.pdf.
- 67 Cal. Dep’t of Educ., *Attachment 1: Proposed Status and Change Cut Scores for the Chronic Absenteeism Indicator*, <https://mk0edsources0y23p672y.kinstacdn.com/wp-content/uploads/2018/11/CDEAbsentee.pdf> (last visited Oct. 13, 2020).
- 68 *See* *Loleta Union Elementary* n.27. *Fortuna Union High*, *supra* n.57. *Klamath-Trinity Joint Unified*, *supra* n.36. *Eureka City Schools*, *supra* n.31.

While the chronic absenteeism rate for in Cutten Elementary School District is significantly less than the County-wide average (5.9% overall in 2018–19, compared to 15.7% throughout the County), Indigenous students do face a higher rate of chronic absenteeism (8.6% for Indigenous students in 2018–19). However, Indigenous students in Cutten ESD are chronically absent at much lower rates than their peers throughout Humboldt County (28.8%). *Cutten Elementary*, *supra* n.30 (click on the blue horizontal “Chronic Absenteeism” bar).

- 69 Tony Fabelo, Michael D. Thompson, & Matha Plotkin, *Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement*, The Council of States Gov’ts Just. Ctr. & the Pub. Pol’y Rsch Inst. (July 1, 2011), <https://edpolicy.stanford.edu/library/publications/425>. Robert Balfanz, Vaughan Byrnes, & Joanna Fox, *Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in Ninth Grade*, J. of Applied Rsch. on Child. (2014), <https://digitalcommons.library.tmc.edu/cgi/viewcontent.cgi?article=1217&context=childrenatrisk>.
- 70 Ctr. for Disease Control and Prevention, *Preventing Adverse Childhood Experiences* (Apr. 3, 2020), https://www.cdc.gov/violenceprevention/acestudy/fastfact.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Fchildabuseandneglect%2Ffaces%2Ffastfact.html. *Supra* n.16 at 71. *See also* Norton, J., *Genocide in Northwestern California: When Our Worlds Cried* Indian Hist. Press (1979).
- For more information on the impacts of ACEs and prevalence of ACEs in California, *see* The Ctr. For Youth Wellness, *A Hidden Crisis: Findings on Adverse Childhood Experiences in California*, <https://centerforyouthwellness.org/wp-content/themes/cyw/build/img/building-a-movement/hidden-crisis.pdf> (last visited Sept.25, 2020) (finding that 75.1% of residents in Humboldt & Mendocino Counties (combined) have 1 or more ACE and that 30.8% of people in Humboldt and Mendocino counties have an ACE score of 4 or more — nearly two times the statewide 23.3%).
- 71 Jocelyn Wiener, *Mental health ‘tsunami’ looms: Can California prevent a surge in suicides?* *In CalMatters* Cal Matters (Oct. 1, 2020), <https://calmatters.org/health/breakdown-mental-health/2020/09/mental-health-tsunami-california-suicides/>.
- 72 Kid’s Data, *Number of Pupil Support Service Personnel, by Type of Personnel*, Lucile Packard Found. for Child.’s Health, <https://www.kidsdata.org/topic/452/pupil-support-number/table#fmt=606&loc=2,324,503,504,505,506,507,508,509,510,511,2136,513,514,515,516,517,518,519,520,521,522,523,524,525,526,527,528,529,530,532,533,534,535&tf=124&ch=276,278,280,277,279,807,1136&sortColumnId=0&sortType=asc> (last visited Oct. 1, 2020).
- 73 Julian Lange, *Being of the Same Mind in Ka’m-t’em: A Journey Toward Healing* 253 Great Oak Press (2019).

- 74 U.S. Comm'n on Civil Rights, *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities* 33 (July 2019), <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>.
- 75 Bryan Brayboy & Angelina E. Castagno, *Self-determination through self-education: culturally responsive schooling for Indigenous students in the USA*, 20:1 *Teaching Educ.* 31–53 (Mar. 2009), https://www.researchgate.net/publication/249004938_Self-determination_through_self-education_Culturally_responsive_schooling_for_Indigenous_students_in_the_USA.
- 76 Jennifer Klump & Gwen McNeir, *Culturally responsive practices for student success: A regional sampler*, Nw. Reg'l Educ. Lab'y (June 2005), <https://educationnorthwest.org/sites/default/files/culturally-responsive-practices.pdf>.
- 77 See also Leonie Pihama, et al., *Investigating Māori approaches to trauma informed care* 2 *Journal of Indigenous Wellbeing Te Mauri — Pimatisiwin* (Dec 2017), <https://journalindigenouswellbeing.com/media/2018/07/84.81.Investigating-M%C4%81ori-approaches-to-trauma-informed-care.pdf>. Te Kīwai Rangahau & Kaimahi Consulting, *Ngā Kōmata o te Rangi Māori Mental Health Hui Report 2019* Te Rau Ora (2019), <https://terauora.com/wp-content/uploads/2019/09/Nga%CC%84-Komata-o-Te-Rangi-2019-Final.pdf>. Te Rau Ora, *Weaving together knowledge for wellbeing: Trauma informed approaches*. <https://www.tepou.co.nz/uploads/files/resource-assets/180219%20Trauma%20informed%20care%20WEB%20V%C6%92.pdf> (last visited Oct. 13, 2020).
- 78 Teresa L. McCarty & Alice Wiley Snell, *The Role of Native Languages and Cultures in American Indian, Alaska Native, and Native Hawaiian Student Achievement*, Promising Practices and P'ships in Indian Educ. (July 2011), <https://static1.squarespace.com/static/52cf1070e4b048ae22d972b2/t/54aac6b3e4b0c309d027948a/1420478131256/McCarty+%282011%29.+Role+and+Impact+of+Native+Languages+and+Cultural+Context.pdf>. Gellman, Mneesha, *Culture Kids: Indigenous Resistance and Language Survival in Mexico and the United States* (forthcoming 2021) (book manuscript in process).
- 79 Arcata Elementary, *supra* n.29. Cutten Elementary, *supra* n.30. Eureka City Schools, *supra* n.31. Ferndale Unified, *supra* n.53. Fortuna Elementary, *supra* n.53; Fortuna Union High, *supra* n.57. Klamath-Trinity Joint Unified, *supra* n.36. Loleta Union Elementary, *supra* n.27. Educ. Data P'ship, McKinleyville Union Elementary, <http://www.ed-data.org/district/Humboldt/McKinleyville-Union-Elementary> (last visited Oct. 13, 2020). Northern Humboldt Union High School District, *supra* n.28 (click on the blue horizontal “Demographics” bar).
- 80 Jones, *supra* n.10.
- 81 Cal. Dep't of Educ., *College / Career Measures Reports & Data: Klamath-Trinity Joint Unified*, <https://www6.cde.ca.gov/californiamodel/ccireport?&year=2019&cdcode=1262901&scode=&reporttype=schools> (last visited Oct. 9, 2020). Cal. Dep't of Educ., *College / Career Measures Reports & Data: Eureka City Schools*, <https://www6.cde.ca.gov/californiamodel/ccireport?Year=2019&cdcode=1275515&scode=> (last visited Oct. 9, 2020). Cal. Dep't of Educ., *College / Career Measures Reports & Data: Northern Humboldt Union High*, <https://www6.cde.ca.gov/californiamodel/ccireport?&year=2019&cdcode=1262687&scode=&reporttype=schools> (last visited Oct. 9, 2020). Cal. Sch. Dashboard, *State of California: Academic Performance*, <https://www.caschooldashboard.org/reports/ca/2018/academic-performance#college-career> (last visited Oct. 9, 2020). Cal. Sch. Dashboard, *State of California*, <https://www.caschooldashboard.org/reports/1275515000000/2017/academic-performance#college-career> (last visited Sept. 1, 2020).
- 82 Klamath-Trinity Joint Unified School District (“Klamath-Trinity JUSD”) did not provide data for the 2016–17 school year, and we suspect that the 2017–18 numbers for Klamath-Trinity JUSD are severely underreported. Klamath-Trinity JUSD reported chronic absenteeism rates of 3.2% for all students and 2.8% for Native American students in 2017–18, but in 2018–19 reported rates of 31.4% and 35.3% for all students and Native American students respectively — well over three times the state average of 12.1%. This vast underreporting in Klamath-Trinity JUSD in 2017–18 would have impacted the County rate, which may explain some of why Humboldt reported lower rates of chronic absenteeism than the state in 2017–18. Cal. Sch. Dashboard, *Klamath-Trinity Joint Unified*, <https://www.caschooldashboard.org/reports/1262901000000/2019> (last visited Oct. 9, 2020); *Klamath-Trinity Joint Unified*, *supra* n.36.

The logo for the American Civil Liberties Union (ACLU), consisting of the letters 'ACLU' in a bold, white, sans-serif font.

AMERICAN CIVIL LIBERTIES UNION

Northern
California