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## **My Label Does Not Define Me:**

### **Practices Identifying Indigenous Students in Schools**

Labels are innately powerful. The words by which we name illuminate how we think. American philosopher John R. Searle (1983) describes the act of naming as one of intentionality, writing “there are no actions, not even unintentional actions, without intentions, because every action has an intention in action as one of its components” (p. 107). More specifically, the intention of an agent might be understood as explicit because the agent has externalized (e.g., made public, voiced, given name to) their intention by representing something to be the case via externalization, although the name to which the agent gives an intention might be designed to mask its true intent. “All of this is consistent with the fact that language is essentially a social phenomenon and...the forms of Intentionality underlying language are social forms” (Searle, 1983, p. viii).

Throughout history, multiple labels have been constructed and given to the people indigenous to the land now known as the U.S. (and to the myriad of holy and government programs), many of which can be understood as contributing to continued colonization and intentional genocide. As Mvskoke scholar K. Tsianina

Lomawaima (2006) explains, “U.S. society and government were not... simply vacillating through ‘swings of a pendulum’ between tolerance and intolerance. Each generation was working out, in a systematic way, its notion of a safety zone, an area where dangerously different cultural expressions might be safely domesticated and thus neutralized” (p. xxii). Modern American philosopher J. Jeremy Wisniewski might describe this as one of humanity’s “looping effects” wherein societies constantly attempt to articulate an understanding of its actions, particularly through theories of human agency (2008).

Regrettably, however, the modern incarnation of these labeling policies (the naming of our Indigenous Peoples as a ‘race’ of American Indians and Alaska Natives and the quantification of Indigenous blood) masks what is problematic about these systems, and also supports the continued unequal relations of Indigenous Peoples relative to their original displacement by colonial settlers (Veracini, 2011). Thus, these “exogenous representations of indigenous peoples... results in a legal and historical effacement of indigeneity on which the legitimacy of the settler-state is in many ways predicated” (LeFevre, 2013, p. 137).

Within America’s public schools, the methods by which Native students are identified and coded in school records, designated for services, selected for participation in educational research studies, and the like, mirror popular imagery

of Indigenous Peoples and Indigenous issues as both race-based and inconsequential. However, there are 566 federally recognized Indigenous Nations in the U.S. (Tribal Directory, 2013) to which the U.S. federal government holds a trust responsibility to provide educational support. With more than 90% of Indigenous students attending public schools in the U.S., sharing appropriate data with Indigenous Nations is imperative for the continued exercise of the Nations' sovereign rights. The collection and dissemination of appropriate and nation-based data linking students to their respective tribes are very real and complex issues for our schools, these students, and educational researchers today.

However, schools are currently required to report student data to states and the U.S. federal government based on Office of Management and Budget standards (New Race and Ethnicity Guidance, 2008). These standards are used to simplistically reduce and then classify native students into racial categories including "American Indians and Alaska Natives" or "Native Hawaiian and Other Pacific Islanders." Yet these categories exclude these students' tribal identities, which in reality should be understood as distinct nationalities.

More specifically, there are five key problems with the aforementioned system, and approaches to the issues, all of which collectively make current standard data collection and analytical approaches inappropriate for the classification of Indigenous students.

**Problem 1: A Tribal Identity is Not a Racial Identity.**

As mentioned, lost in the mainstream consciousness is the fact that the Indigenous Nations are distinct political entities with inherent sovereignty predating the United States and consisting of both pre-Constitutional and extra-Constitutional status.<sup>1</sup> Whereas the U.S. federal government's standard classification of indigenous peoples as "American Indian and Alaska Natives" (which excludes Native Hawaiians), and separately "Native Hawaiian and Other Pacific Islanders" (which also ignores these peoples' shared colonial histories and masks their Indigeneity) might be quasi-useful for creating broad, sweeping policies or statements (e.g., about the achievement gap), such policies simply do not make sense for Indigenous Peoples following the education of their students. This is particularly true where states and other local agencies must understand how curricula are developed, how assessment systems capture learning and achievement by members of different tribes, and how varied languages of instruction impact learning and the demonstration of learning via student achievement. Not only is the effect of language of instruction tribally dependent, also are the philosophies and methods underlying the delivery of content and assessment of learning. With hundreds of distinct cultural philosophies and practices among the Indigenous Nations throughout the U.S., thinking of America's tribes as a single race certainly diminishes the ability to develop mindful educational practice or data for tribes' use.

**Problem 2: Inconsistencies in Collecting Student Identity Data.**

While schools must report student race and ethnicity data according to published standards, there is no uniform policy on how schools collect such data. In the most recent study available on student identification practices in public schools, U.S. Department of Education researchers found that over 70% of schools used only the five federally mandated categories<sup>2</sup> to classify students (Bare, Meek, & Frase, 1998). These same schools did not have a mechanism in place for students to identify as multiracial either (Bare, Meek, & Frase, 1998). In addition, while 73% of schools collected student identity data as per parent and/or legal guardian self-report data, more than 20% of schools assigned students to a category based on a teacher or other third party decision. Although federal reporting for education data has since added a “Two or more races” category and separated the categories “Asian” and “Native Hawaiian or Other Pacific Islander,” from the original five races in order to be consistent with Census data, state department guides to help schools update to the new system by 2010 still *require* a third-party observer identification in instances where students and parents decide not to select an identification (see for example, The Idaho State Department of Education Guide to Implementing New Federal Race and Ethnicity Categories for Students and Staff, 2009).

Recalling a history where government contractors would assign a blood quantum to an Indigenous person based on his/her look and demeanor, it is important that students retain control over their bodies (which includes how they choose to self-identify or not identify). This is true for all students, no matter what their ancestry, and this is especially important for Indigenous students considering their long histories in this country, as well as their histories of being both labeled and physically controlled by external entities (e.g., enrollment and boarding school practices). Put quite simply, “race cannot [and should not] be taken as given” (Wolfe, 2006, p. 388).

**Problem 3: Federal Standards Prioritize “Hispanic/Latino” Identification  
Above All Other Categories.**

Under the current data reporting standards, designations capturing whether a student has descended from a Hispanic ethnicity trumps every other classification, regardless of a student’s actual self-identity or cultural affiliation. That is, no matter under what racial categories a student may be identified, if the student is also identified as “Hispanic/Latino” that becomes the category in which they “count.” Given the historical and geographical ties between Mexico and the territories of Indigenous Nations that cover areas of California, Arizona, New Mexico, and other southern and southwestern states, this also causes a number of

Indigenous students to be mis-categorized and mis-represented as “Hispanic/Latino.”

**Problem 4: Federal Standards Collapse the Identification of Any Non-  
“Hispanic/Latino” Student of Multiple Races as “Two or more races.”**

Any student identified as a not “Hispanic/Latino” but who also has multiple race categories selected is reclassified into a generic “Two or more races” category, with no further specification required. This further perpetuates the aforementioned problems with mis-identifying Indigenous students, and this further sustains the myth that Indigenous persons are only authentically “Indian” if it is the one and only culture or ancestry with which they (are permitted to) identify.

Unfortunately, these two federal rules (#3 and #4 above) impact Native students more than any other student group. For example, Humes, Jones, and Ramirez (2011) examined U.S. population statistics based on 2010 Census data and found that “Native Hawaiians and Other Pacific Islanders” and “American Indians and Alaska Natives” were more likely than other racial groups to report multiple races (55.9% and 43.8% respectively). Inversely, 1.2 million people of Hispanic origin self-identified as “American Indian and Alaska Native.”<sup>3</sup> This policy (also) preserves U.S. federal government practices of under and mis-counting minoritized and traditionally marginalized groups (Valenzuela, 2011).

Whereas schools report on their students in the aforementioned racial categories plus “Hispanic/Latino,” close to 3 million “American Indian and Alaska Native” students continue to go unreported and unsupported without funding or programs given these misclassifications (Author, 2013). This means that using state and federal data, as socially constructed, also limits states and tribes by the extent to which they might appropriately respond to Indigenous Nation students’ diverse educational needs, accordingly.

**Problem 5: Selection of Students for Educational Research Based on School Records of “Racially”-Based Data is Unreliable.**

When asked to self-identify on the National Assessment for Education Progress (NAEP) Background Questionnaire as part of the National Indian Education Study (NIES), only 25% of fourth-graders and 21% of eighth-graders participating in the 2009 NIES self-reported as “American Indian or Alaska Native,” despite *all selected students* being classified under this category by their schools (Author, 2013).<sup>4</sup> Yet, these same students, when asked if they could identify the name of their American Indian tribe or Alaska Native group in the subsequent NIES survey, 49% of fourth-graders and 72% of eighth-graders marked “Yes.” Although selected for these studies based on strict and “objective” criteria, these students’ self-identification was fluid, depending on the context the question was asked, and contradictory to official record. This also supports what



has been previously demonstrated: that schools do not have reliable identification data when it comes to student identity. Additionally, students with legitimate ongoing cultural ties to their Native heritage are disproportionately excluded if they have any additional ethnic or racial categories on record.

### **Conclusion**

Unquestionably, current practices for identifying and collecting data about Indigenous students are unreliable and unsuitable. Essentially, U.S. policy-makers have perpetuated a shift in understanding Indigenous Peoples as a political class to that of a race and conserved efforts to “count” us out of existence. The complex intertwining of issues that comprise identity and identification of Indigenous students, inconsistent collection of identification data, and the reductive nature of re-classifying students in “Hispanic/Latino” or “Two or more races” contribute to the continued misrepresentation of Indigenous Nations.

Recent changes to the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99) designated tribes as entities eligible to receive student data from schools. Hence, sharing appropriate (and appropriately unique) data, with Indigenous Nations is imperative for the continued exercise of Indigenous Nations’ sovereign rights. Collaborative partnerships are needed to construct data systems that will not only properly identify Indigenous students but also help to document culturally appropriate achievement indicators.

Undoubtedly, until school data systems are improved to capture tribal nation identity data, educational research based on standard reporting will remain limited, incomplete, and likely biased.

Actors at all levels of education must be mindful of the need to appropriately identify Indigenous students in general but mainly, as pertinent given this audience, for purposes of support programs, research on such programs, and research addressing tribal needs. Some tribal-state data sharing partnerships are already under development, but a U.S.-wide system will be required to facilitate tribes' continued work to support the education of their citizens, no matter where they attend school. More broadly, intentionally shifting the way we name will ultimately lead to a wider understanding of the unique status and needs of Indigenous Nations and their people as a unique and individualized whole.

### Notes

1. While a much larger topic than can be covered in an essay of this length, it is important for readers to note that treaty negotiation, signing, and ratification by the US Senate were processes of history. Some tribes and the US never had treaty relations (e.g. Tohono O'odham in Arizona); others negotiated and signed treaties that were never ratified by the United States (e.g. the 18 lost treaties of California).
2. Federal regulations require reporting in four racial categories: American Indian or Alaska Native; Asian or Pacific Islander; black; or white; and one ethnic category – whether the student is of Hispanic descent.
3. These figures are based on reported Census counts and do not attend to discrepancies due to data imputation practices that also historically under-report the presence of American Indian and Alaska Native peoples. For further discussion, see Valenzuela, K. (2011). Imputing out the natives: How census practices can fuel Native American population decline. *Nakum*, 2(1). Retrieved from <http://indigenoucultures.org/nakumjournal/nakum-2011>
4. The National Indian Education Study (NIES), is a biennial, two-part review of a nationally representative sample of “American Indian and Alaska Native” students conducted by the National Center for Education Statistics. Originally authorized in 2004 as part of President George W. Bush’s *Executive Order 13336*

*of April 30, 2004 - American Indian and Alaska Native Education*, the NIES has been part of the federal government's contemporary data-driven approach to fulfill federal trust responsibilities, providing educators, policymakers, and the public with background, performance, and school context data for fourth- and eighth-grade AI/AN students. However, the study only samples students who are identified in school records as *only* "American Indian or Alaska Native" (excludes students who may also identify as "Hispanic/Latino" and of any other race in combination with their Native ancestry. This policy also completely ignores Native Hawaiian students as they are counted in a separate category altogether. Section 3, Item 2 of the NAEP Background Questionnaire reads, "Which of the following best describes you? Fill in **one or more ovals**." It includes the categories "White," "Black or African American," "Asian," "American Indian or Alaska Native," and "Native Hawaiian or other Pacific Islander". There is a separate item for identifying Hispanic or Latino ethnicity.

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