

# The Federal Trust Responsibility and Higher Education

*This explainer clarifies the status of programs supporting American Indian students in higher education in response to recent legal and policy developments. Federal relationships with Tribal Nations and their citizens/members are based on political distinctions rather than racial classifications. The framework outlined in this document reflects the federal government's unique relationship with and obligations to Tribal Nations.*





## Legal Framework

### ● Tribal Citizenship Is a Political Distinction, Not a Racial Classification

- The U.S. Supreme Court (e.g., Morton v. Mancari) and Congress (Title 25 of the U.S. Code) have repeatedly reaffirmed the political status of American Indians as citizens and members of Tribal Nations. Consistent with the United States Constitution, Congress's ability to legislate in Indian Affairs is not based on racial or ethnic minority status but on a government-to-government relationship between the United States and the various Tribal Nations.
- This legal distinction based on tribal citizenship/membership ensures that educational opportunities for American Indian students remain constitutionally valid as an extension of the United States trust responsibilities.


### ● The Federal Government Has a Legal and Treaty-Based Obligation to Support American Indian Education

- Federal treaties, laws and regulations mandate support for American Indian education programming and are part of a substantial legal trust responsibility.
- Over 150 treaties include explicit provisions for educational support, reflecting a longstanding federal obligation to uphold Tribal sovereignty and self-determination based on the unique status of tribes and tribal citizens/members.

### ● Non-Tribal Universities Have a Role in Upholding the Federal Trust Responsibility

- Public institutions that receive federal funding, such as Arizona State University (ASU), are integral to fulfilling the trust obligation by offering tailored support services and American Indian-focused academic programs.
- State governments can legally extend educational support to Tribal citizens/members, just as they provide benefits or services based on the state residency/citizenship of certain classes of students.





# Tribal Sovereignty and the Federal Trust Responsibility: A Legal Obligation

Tribal Nations are sovereign governments with a distinct political and legal status recognized in the U.S. Constitution, treaties, and federal law. As part of the United States' sovereign-to-sovereign relationships, Tribal nations and their citizens/members have a unique relationship with the federal government, which is legally bound by treaty and law to uphold its trust responsibility. This obligation is a fundamental aspect of Tribal sovereignty. The federal trust responsibility ensures the protection of Tribal sovereignty, fulfillment of treaty commitments, and support for self-determination, including specific programs such as education.

To operationalize the Trust obligation, Congress has enacted key federal statutes that codify the federal government's role in supporting education for American Indian, Alaska Native, and Native Hawaiian students. These statutes serve as the basis for implementing the trust responsibility in educational contexts:

## Key Federal Statutes

- **The Indian Self-Determination and Education Assistance Act (1975):** This Act empowers Tribal Nations to manage their education programs and services, honoring the government-to-government relationship.
- **The Tribally Controlled Schools Act (1988):** This statute supports the development and operation of schools governed by Tribal Nations, reflecting an enduring commitment to American Indian education.
- **The Native Hawaiian Education Act (1965):** This Act similarly recognizes the unique political and trust relationship between the federal government and Native Hawaiian peoples.

These statutes represent only a portion of the broader legal framework guiding educational support for Tribal Nations. A wide array of additional laws, regulations, and policies collectively shape the implementation of the federal trust responsibility in education and beyond.



## Conclusion & Resources:

---

A long-standing political relationship between the United States and Tribal Nations, anchored in the U.S. Constitution, federal treaties, laws, statutes, and regulations, forms the bedrock of Trust Obligations. For generations, education has been explicitly recognized in treaties as a central pillar of the United States' obligation to Tribal members/citizens. These treaties and other legal duties guarantee access to education and affirm the political status of Tribal Nations, ensuring that any program designed to benefit Tribal citizens aligns with these foundational promises.

### Policy Guides & Explainers

- [Higher Education Institutions Guide](#)
- [Educators Guide](#)
- [Government Agencies Guide](#)
- [Tribal Communities Guide](#)
- [Policy Explainer: The Role of Higher Education Institutions in Upholding the Federal Trust Responsibility as Applied by Arizona State University](#)

For a more comprehensive overview, explore the [ASU American Indian Education Law Library Guide](#) for curated legal and policy resources.



## FIND US ONLINE

For more go to  
**aipi.asu.edu**



Connect with our accounts  
@aipinstitute

## ACKNOWLEDGEMENTS

### Authored by:

Dr. Traci Morris, PhD

Director of AIPI

Brooke Curleyhair

Research Analyst

### Design by:

Kennedy Satterfield



**American  
Indian Policy  
Institute**

**Arizona State  
University**

## American Indian Policy Institute

Sandra Day O'Connor College of Law  
Beaus Center for Law and Society  
111 E. Taylor St. Phoenix, AZ 85004  
[aipi.asu.edu](http://aipi.asu.edu)