

# Calendar No. 538

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1948

To promote the academic achievement of American Indian, Alaska Native, and Native Hawaiian children with the establishment of a Native American language grant program.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2014

Mr. TESTER (for himself, Mr. SCHATZ, Mr. BEGICH, Mr. JOHNSON of South Dakota, Mr. BAUCUS, Mr. UDALL of New Mexico, Ms. MURKOWSKI, Ms. HEITKAMP, Mr. WALSH, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

AUGUST 26, 2014

Reported, under authority of the order of the Senate of August 5 (legislative day, August 1), 2014, by Mr. TESTER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To promote the academic achievement of American Indian, Alaska Native, and Native Hawaiian children with the establishment of a Native American language grant program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Native Language Im-  
3 mersion Student Achievement Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Congress established the unique status of  
7 Native American languages and distinctive policies  
8 supporting their use as a medium of education in  
9 the Native American Languages Act (Public Law  
10 101–477).

11 (2) Reports from the Bureau of Indian Affairs  
12 and tribal, public, charter, and private schools and  
13 colleges that use primarily Native American lan-  
14 guages to deliver education, have indicated that stu-  
15 dents from these schools have generally had high  
16 school graduation and college attendance rates above  
17 the norm for their peers.

18 (3) The Elementary and Secondary Education  
19 Act of 1965 (20 U.S.C. 6301 et seq.) includes policy  
20 barriers to schools taught through Native American  
21 languages and a lack of adequate funding to support  
22 such opportunities.

23 (4) There is a critical need that requires imme-  
24 diate action to support education through Native  
25 American languages to preserve these languages.

1 **SEC. 3. NATIVE AMERICAN LANGUAGE SCHOOLS.**

2 Title VII of the Elementary and Secondary Edu-  
 3 cation Act of 1965 (20 U.S.C. 7401 et seq.) is amended  
 4 by adding at the end the following:

5 **“PART D—NATIVE AMERICAN LANGUAGE**  
 6 **SCHOOLS**

7 **“SEC. 7401. NATIVE AMERICAN LANGUAGE SCHOOLS.**

8 “(a) PURPOSES.—The purposes of this section are—

9 “(1) to establish a grant program to support  
 10 schools using Native American languages as the pri-  
 11 mary language of instruction of all curriculum  
 12 taught at the school that will improve high school  
 13 graduation rates, college attainment, and career  
 14 readiness; and

15 “(2) to further integrate into this Act, Federal  
 16 policy for such schools, as established in the Native  
 17 American Languages Act (Public Law 101–477).

18 “(b) PROGRAM AUTHORIZED.—

19 “(1) IN GENERAL.—From the amounts made  
 20 available to carry out this section, the Secretary may  
 21 award grants to eligible entities to develop and  
 22 maintain, or to improve and expand, programs that  
 23 support schools, including prekindergarten through  
 24 postsecondary education, using Native American lan-  
 25 guages as the primary language of instruction of all  
 26 curriculum taught at the schools.

1           “(2) ELIGIBLE ENTITIES.—In this section, the  
2 term ‘eligible entity’ means a school or a private or  
3 tribal, nonprofit organization that has a plan to de-  
4 velop and maintain, or to improve and expand, pro-  
5 grams that support schools using Native American  
6 languages as the primary language of instruction of  
7 all curriculum taught at the schools.

8           “(c) APPLICATION.—

9           “(1) IN GENERAL.—An eligible entity that de-  
10 sires to receive a grant under this section shall sub-  
11 mit an application to the Secretary at such time, in  
12 such manner, and containing such information as  
13 the Secretary may require, including the following:

14           “(A) The name of the Native American  
15 language to be used for instruction at the  
16 school supported by the eligible entity.

17           “(B) The number of students attending  
18 such school.

19           “(C) The number of present hours of Na-  
20 tive American language instruction being pro-  
21 vided to students at such school, if any.

22           “(D) The status of such school with regard  
23 to any applicable tribal education department or  
24 agency, public education system, indigenous

1 language schooling research and cooperative, or  
2 accrediting body.

3 “(E) A statement that such school—

4 “(i) is engaged in meeting targeted  
5 proficiency levels for students, as may be  
6 required by applicable Federal, State, or  
7 tribal law; and

8 “(ii) provides assessments of student  
9 using the Native American language of in-  
10 struction, where appropriate.

11 “(F) A list of the instructors, staff, admin-  
12 istrators, contractors, or subcontractors at such  
13 school and their qualifications to deliver high  
14 quality education through the Native American  
15 language of the school.

16 “(2) ADDITIONAL APPLICATION MATERIALS.—

17 In addition to the application described in paragraph  
18 (1), an eligible entity that desires to receive a grant  
19 under this section shall submit to the Secretary the  
20 following:

21 “(A) A certification from a Federally rec-  
22 ognized Indian tribe, or a letter from any Na-  
23 tive American entity, on whose land the school  
24 supported by the eligible entity is located, or  
25 which is served by such school, indicating that

1 the school has the capacity to provide education  
2 primarily through a Native American language  
3 and that there are sufficient speakers of such  
4 Native American language at the school or  
5 available to be hired by the school.

6 “(B) A statement that such school will  
7 participate in data collection conducted by the  
8 Secretary that will determine best practices and  
9 further academic evaluation of the school.

10 “(C) A demonstration of the capacity to  
11 have speakers of its Native American language  
12 provide the basic education offered by such  
13 school on a full-time basis.

14 “(d) AWARDING OF GRANTS.—In awarding grants  
15 under this section, the Secretary shall—

16 “(1) determine the amount and length of each  
17 grant;

18 “(2) ensure, to the maximum extent feasible,  
19 that diversity in languages is represented; and

20 “(3) require the eligible entities to present a  
21 Native language education plan to improve high  
22 school graduation rates, college attainment, and ea-  
23 reer readiness.

1       “(e) ACTIVITIES AUTHORIZED.—An eligible entity  
2 that receives a grant under this section shall carry out  
3 the following activities:

4           “(1) Support Native American language edu-  
5 cation and development.

6           “(2) Develop or refine instructional curriculum  
7 for the school supported by the eligible entity, in-  
8 cluding distinctive teaching materials and activities,  
9 as appropriate.

10          “(3) Fund training opportunities for teachers  
11 and, as appropriate, staff and administrators, that  
12 would strengthen the overall language and academic  
13 goals of such school.

14          “(4) Other activities that promote Native Amer-  
15 ican language education and development, as appro-  
16 priate.

17       “(f) REPORT TO SECRETARY.—Each eligible entity  
18 that receives a grant under this section shall provide an  
19 annual report to the Secretary in such form and manner  
20 as the Secretary may require.

21       “(g) AUTHORIZATION OF APPROPRIATION.—There is  
22 authorized to be appropriated to carry out this section  
23 \$5,000,000 for fiscal year 2015, and such sums as may  
24 be necessary for each of the 4 succeeding fiscal years.”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Native Language Im-*  
3 *mersion Student Achievement Act”.*

4 **SEC. 2. FINDINGS.**

5 *Congress finds the following:*

6 *(1) Congress established the unique status of Na-*  
7 *tive American languages and distinctive policies sup-*  
8 *porting their use as a medium of education in the*  
9 *Native American Languages Act (Public Law 101-*  
10 *477).*

11 *(2) Reports from the Bureau of Indian Affairs*  
12 *and tribal, public, charter, and private schools and*  
13 *colleges that use primarily Native American lan-*  
14 *guages to deliver education, have indicated that stu-*  
15 *dents from these schools have generally had high*  
16 *school graduation and college attendance rates above*  
17 *the norm for their peers.*

18 *(3) Such successful schools include Native Amer-*  
19 *ican language medium schools focusing primarily on*  
20 *children who enter school speaking Native American*  
21 *languages and immersion schools that focus primarily*  
22 *on teaching Native American languages to children*  
23 *who enter school with little or no knowledge of a Na-*  
24 *tive American language, as well as programs com-*  
25 *bining features of both types of schools, such as Native*



1 *American Language Nests and Native American Lan-*  
 2 *guage Survival Schools.*

3 (4) *The Elementary and Secondary Education*  
 4 *Act of 1965 (20 U.S.C. 6301 et seq.) includes policy*  
 5 *barriers to schools taught through Native American*  
 6 *languages and a lack of adequate funding to support*  
 7 *such opportunities.*

8 (5) *There is a critical need that requires imme-*  
 9 *diate action to support education through Native*  
 10 *American languages to preserve these languages.*

11 **SEC. 3. NATIVE AMERICAN LANGUAGE SCHOOLS.**

12 *Title VII of the Elementary and Secondary Education*  
 13 *Act of 1965 (20 U.S.C. 7401 et seq.) is amended by adding*  
 14 *at the end the following:*

15 **“PART D—NATIVE AMERICAN LANGUAGE**  
 16 **SCHOOLS**

17 **“SEC. 7401. NATIVE AMERICAN LANGUAGE SCHOOLS.**

18 *“(a) PURPOSES.—The purposes of this section are—*

19 *“(1) to establish a grant program to support*  
 20 *schools using Native American languages as the pri-*  
 21 *mary language of instruction of all curriculum taught*  
 22 *at the schools that will improve high school gradua-*  
 23 *tion rates, college attainment, and career readiness;*  
 24 *and*

1           “(2) *to further integrate into this Act, Federal*  
2           *policy for such schools, as established in the Native*  
3           *American Languages Act (Public Law 101-477).*

4           “(b) *PROGRAM AUTHORIZED.—*

5           “(1) *IN GENERAL.—From the amounts made*  
6           *available to carry out this section, the Secretary may*  
7           *award grants to eligible entities to develop and main-*  
8           *tain, or to improve and expand, programs that sup-*  
9           *port schools, including prekindergarten through post-*  
10           *secondary education sites and streams, using Native*  
11           *American languages as the primary language of in-*  
12           *struction of all curriculum taught.*

13           “(2) *ELIGIBLE ENTITIES.—In this section, the*  
14           *term ‘eligible entity’ means a tribe, Tribal College or*  
15           *University (as defined in section 316 of the Higher*  
16           *Education Act of 1965), tribal education agency,*  
17           *school, or a private or tribal, nonprofit organization,*  
18           *which has a plan to develop and maintain, or to im-*  
19           *prove and expand, programs that support schools*  
20           *using Native American languages as the primary lan-*  
21           *guage of instruction of all curriculum taught at the*  
22           *schools.*

23           “(c) *APPLICATION.—*

24           “(1) *IN GENERAL.—An eligible entity that de-*  
25           *sires to receive a grant under this section shall submit*

1        *an application to the Secretary at such time, in such*  
2        *manner, and containing such information as the Sec-*  
3        *retary may require, including the following:*

4                *“(A) The name of the Native American lan-*  
5                *guage to be used for instruction at the school*  
6                *supported by the eligible entity.*

7                *“(B) The number of students attending such*  
8                *school.*

9                *“(C) The number of present hours of in-*  
10                *struction in or through 1 or more Native Amer-*  
11                *ican languages being provided to targeted stu-*  
12                *dents at such school, if any.*

13                *“(D) The status of such school with regard*  
14                *to any applicable tribal education department or*  
15                *agency, public education system, indigenous lan-*  
16                *guage schooling research and cooperative, or ac-*  
17                *crediting body.*

18                *“(E) A statement that such school—*

19                        *“(i) is engaged in meeting targeted*  
20                        *proficiency levels for students, as may be re-*  
21                        *quired by applicable Federal, State, or trib-*  
22                        *al law; and*

23                        *“(ii) provides assessments of student*  
24                        *using the Native American language of in-*  
25                        *struction, where appropriate.*

1           “(F) A list of the instructors, staff, adminis-  
2           trators, contractors, or subcontractors at such  
3           school and their qualifications to deliver high  
4           quality education through the Native American  
5           language of the school.

6           “(2) *ADDITIONAL APPLICATION MATERIALS.*—In  
7           addition to the application described in paragraph  
8           (1), an eligible entity that desires to receive a grant  
9           under this section shall submit to the Secretary the  
10          following:

11           “(A) A certification from a Federally recog-  
12           nized Indian tribe, or a letter from any Native  
13           American entity, on whose land the school sup-  
14           ported by the eligible entity is located, or which  
15           is served by such school, indicating that the  
16           school has the capacity to provide education pri-  
17           marily through a Native American language and  
18           that there are sufficient speakers of such Native  
19           American language at the school or available to  
20           be hired by the school.

21           “(B) A statement that such school will col-  
22           lect data relative to high school graduation, col-  
23           lege attendance, or other data relevant to student  
24           achievement, career readiness, or community  
25           participation of students who matriculate

1           *through its programs, and will participate in*  
2           *data collection conducted by the Secretary that*  
3           *will determine best practices and further aca-*  
4           *ademic evaluation of the school.*

5           “(C) *A demonstration of the capacity to*  
6           *have speakers of its Native American language*  
7           *provide the basic education offered by such school*  
8           *on a full-time basis.*

9           “(d) *AWARDING OF GRANTS.—In awarding grants*  
10          *under this section, the Secretary shall—*

11           “(1) *determine the amount and length of each*  
12          *grant;*

13           “(2) *ensure, to the maximum extent feasible, that*  
14          *diversity in languages is represented; and*

15           “(3) *require the eligible entities to present a Na-*  
16          *tive language education plan that integrates high*  
17          *achievement in the Native American language with*  
18          *improved student academic achievement, high school*  
19          *graduation rates, college attainment, and career read-*  
20          *iness.*

21           “(e) *ACTIVITIES AUTHORIZED.—An eligible entity*  
22          *that receives a grant under this section shall carry out the*  
23          *following activities:*

24           “(1) *Support Native American language edu-*  
25          *cation and development.*

1           “(2) *Develop or refine instructional curriculum*  
2 *for the school supported by the eligible entity, includ-*  
3 *ing distinctive teaching materials and activities, as*  
4 *appropriate.*

5           “(3) *Fund training opportunities for teachers*  
6 *and, as appropriate, staff and administrators, that*  
7 *would strengthen the overall language and academic*  
8 *goals of such school.*

9           “(4) *Develop a Native Language alignment plan*  
10 *to create or refine assessments of student proficiency*  
11 *on State or tribally-developed academic standards for*  
12 *Native American language schools, aligned with the*  
13 *Native language of instruction in such schools, as ap-*  
14 *propriate.*

15           “(5) *Other activities that promote Native Amer-*  
16 *ican language education and development, as appro-*  
17 *priate.*

18           “(f) *REPORT TO SECRETARY.—Each eligible entity*  
19 *that receives a grant under this section shall provide an*  
20 *annual report to the Secretary in such form and manner*  
21 *as the Secretary may require.*

22           “(g) *AUTHORIZATION OF APPROPRIATION.—There is*  
23 *authorized to be appropriated to carry out this section*  
24 *\$5,000,000 for fiscal year 2015, and such sums as may be*  
25 *necessary for each of the 4 succeeding fiscal years.”.*



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**A BILL**

To promote the academic achievement of American Indian, Alaska Native, and Native Hawaiian children with the establishment of a Native American language grant program.

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Reported with an amendment