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SENATE

{ REPORT
{ 114-215

NATIVE LANGUAGE IMMERSION STUDENT ACHIEVEMENT ACT

FEBRUARY 29, 2016.—Ordered to be printed

Mr. BARRASSO, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 1419]

The Committee on Indian Affairs, to which was referred the bill (S. 1419), to promote the academic achievement of American Indian, Alaska Native, and Native Hawaiian children with the establishment of a Native American language grant program, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

PURPOSE

The purpose of S. 1419 is to establish a federal grant program specifically for Native American language immersion programs and to provide for their administration and the collection of data to determine the effectiveness of these programs.

BACKGROUND

In 1990 Congress passed the Native American Languages Act (NALA), which recognizes the unique status of Native American cultures and languages. According to the law, it is U.S. federal policy to ‘preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages.’ Further, NALA declares U.S. federal support for ‘the use of Native American languages as a medium of instruction.’

The Esther Martinez Native American Languages Preservation Act (NALPA), which builds on NALA, was signed into law in December 2006. NALPA further cemented the federal government’s policy of supporting the preservation of and continued education in Native American languages. Named after Esther Martinez, a Tewa

teacher and storyteller, NALPA bolsters federal support for Native language education by creating and funding programs described below.

This bill builds upon the federal policy on Native American languages established by both NALA and NALPA. It would amend Title VII of the Elementary and Secondary Education Act of 1965 (as in effect prior to the passage of the Every Student Succeeds Act (P.L. 114–95)) to establish a grant program that supports Native language immersion schools, including pre-kindergarten through post-secondary, that use Native American languages as the primary language of instruction. The grant program would promote and strengthen schools utilizing Native American languages as the primary language of instruction. This bill would authorize \$5 million for Fiscal Year 2016 and such sums as are necessary for 4 succeeding Fiscal Years.

LEGISLATIVE HISTORY

On May 21, 2015, Senator Tester introduced S. 1419, along with Senators Heinrich, Heitkamp, Schatz, and Udall. The bill was referred to the Senate Committee on Indian Affairs. On October 21, 2015, the Committee met at a duly called business meeting to consider the bill. By voice vote, the Committee then ordered the bill to be reported favorably, with an amendment in the nature of a substitute, to the full Senate. A House companion bill has not been introduced.

In the 113th Congress, Senator Tester introduced the predecessor bill, S. 1948, the Native Language Immersion Student Achievement Act, on January 16, 2014. With ten co-sponsors, the bill was referred to the Senate Committee on Indian Affairs. The Committee held a legislative hearing on the bill on June 18, 2014. On July 30, 2014, the Committee met at a duly called business meeting to consider the bill and ordered it reported favorably, with an amendment in the nature of a substitute, to the full Senate. No further action was taken by the Senate. On March 12, 2014, an identical House companion bill, H.R. 4214, was introduced by Representative Cole. The bill was referred to the Committee on Education and the Workforce. No further action was taken.

SUMMARY OF AMENDMENT

Only one amendment was filed to S. 1419 to be considered at the business meeting on October 21, 2015. Senator Tester offered the amendment, in the nature of a substitute, to clarify the application and certain waiver processes for the language immersion programs and to clarify that local education agencies are considered eligible entities.

SECTION-BY-SECTION ANALYSIS OF BILL AS ORDERED REPORTED

Section 1: Short title

“Native Language Immersion Student Achievement Act.”

Section 2: Findings

Section 2 sets forth the findings underlying the legislation.

Section 3: Native American language schools

Section 3(a) establishes the purposes of the section: (1) to establish a grant program to support immersion instruction in Native American languages; and (2) to further establish support for Native language education into federal policy.

Section 3(b) provides that the Secretary of Education may award grants to ‘eligible entities’ (defined as tribes, Tribal Colleges or Universities, tribal education agencies, schools, and private or tribal nonprofit organizations) providing prekindergarten through post-secondary educational institutions. Eligible entities may receive a grant if they have a plan to create and sustain—or improve and enhance—programs employing Native language immersion as the primary mode of instruction throughout the curriculum. Schools or programs that offer full curriculum instruction in multiple languages are also eligible under the Act, so long as at least one such offering is a Native American language.

Section 3(c) sets forth the requirements of the application process for potential grantees. Applications must include the name of the Native American language of instruction; number of students enrolled at the institution; number of present hours for instruction; status of school (tribal, public, indigenous language schooling research and cooperative, etc.); statement of compliance with proficiency requirements of applicable law and that the school provides assessment of student use of the Native language (where appropriate); and list of the qualifications of the staff to deliver effective instruction in the Native language. This section mandates that attendance and matriculation data will be collected to determine immersion best practices and to assist in the evaluation of such schooling. Additionally, it specifies that the grant authorizes eligible entities to develop a Native language alignment plan to create or refine assessments of student proficiency on State or tribally developed academic standards, and it requires grantees develop a plan to integrate high achievement in Native American language acquisition with improved student outcomes (e.g., academic achievement, high school graduation rates, college enrollment, etc.).

Section 3(d) requires the Secretary of Education to determine that the amount and length of each grant and to ensure as much as possible the diversity of languages of instruction selected for the grant,

Section 3(e) clarifies which activities the grants are authorized to fund. These activities include the support of Native language and development; development or refinement of instructional curricula; funding for training opportunities for teachers as appropriate staff in the furtherance of the immersion program; and other activities to promote Native language education and development.

Section 3(f) mandates that each grantee provide an annual report to the Secretary of Education.

Section 3(g) mandates the Secretary, in consultation with the Commissioner of the National Center for Education Statistics, compile a report to Congress that evaluates the outcomes of the grant program and evidence of Native language immersion student outcomes.

Section 3(g) authorizes \$5,000,000 for Fiscal Year 2016 and authorizes that funding may be appropriated for Fiscal Years 2017, 2018, 2019, and 2020.

COST AND BUDGETARY CONSIDERATIONS

DECEMBER 18, 2015.

Hon. JOHN BARRASSO,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1419, the Native Language Immersion Student Achievement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Leah Koestner.

Sincerely,

KEITH HALL.

Enclosure.

Summary: S. 1419 would amend the Elementary and Secondary Education Act of 1965 to authorize the Department of Education to award grants to organizations that develop, maintain, improve, or expand programs that use Native American languages as their primary language of instruction. The bill would authorize the appropriation of \$5 million in fiscal year 2016, and such sums as may be necessary for fiscal years 2017 to 2020. Those authorizations would automatically be extended one year, through 2021, under the General Education Provisions Act.

CBO estimates that enacting S. 1419 would cost \$17 million over the 2016–2020 period, assuming appropriation of the necessary amounts. Enacting S. 1419 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply to this legislation.

Enacting S. 1419 would not increase net direct spending or on-budget deficits in any of the four 10-year periods beginning in 2026.

S. 1419 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary effect of S. 1419 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—					
	2016	2017	2018	2019	2020	2016— 2020
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	5	5	5	5	5	26
Estimated Outlays	*	2	4	5	5	17

Notes: Components may not add to totals because of rounding.
 * = less than \$500,000.

Basis of estimate: S. 1419 would authorize the appropriation of \$5 million for fiscal year 2016 and such sums as may be necessary in the following four fiscal years. After adjusting the \$5 million authorized in 2016 for inflation in future years, CBO estimates that the bill would authorize appropriations totaling \$26 million over the 2016–2020 period.

Based on historical spending patterns of similar programs, and assuming appropriation of the estimated amounts, CBO projects

that enacting the bill would cost \$17 million over the 2016–2020 period.

Pay-As-You-Go considerations: None.

Increase in long-term net direct spending and deficits: CBO estimates that enacting S. 1419 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

Intergovernmental and private-sector impact: S. 1419 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Tribal governments and tribal entities would benefit from grant funds authorized in the bill. The grants could be used to improve and expand programs that use Native American languages as primary languages of instruction in schools.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 1419.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 1419 will have a minimal impact on regulatory or paperwork requirements.

CHANGES IN EXISTING LAW (CORDON RULE)

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee finds that the enactment of S. 1776 will not make any changes in existing law.

