

109TH CONGRESS  
2D SESSION

# H. R. 5222

To amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2006

Mr. CASE introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Native American Lan-  
5       guages Amendments Act of 2006”.

6       **SEC. 2. PURPOSES.**

7       The purposes of this Act are—

8               (1) to encourage and support, consistent with  
9       the policy of the United States as expressed in the

1 Native American Languages Act (25 U.S.C. 2901 et  
2 seq.)—

3 (A) the development of Native American  
4 language survival schools as innovative means  
5 of addressing the negative effects of past prac-  
6 tices with respect to Native American language  
7 speakers; and

8 (B) the revitalization of Native American  
9 languages through—

10 (i) education in Native American lan-  
11 guages; and

12 (ii) instruction in other academic sub-  
13 jects using Native American languages as  
14 an instructional medium;

15 (2) to demonstrate the positive effects of Native  
16 American language survival schools on the academic  
17 success of Native American students and the stu-  
18 dents' mastery of standard English;

19 (3) to encourage and support the involvement  
20 of families in the educational and cultural survival  
21 efforts of Native American language survival schools;

22 (4) to encourage communication, cooperation,  
23 and educational exchange among Native American  
24 language survival schools and the administrators of  
25 Native American language survival schools;

1           (5) to provide support for Native American lan-  
2           guage survival school facilities and endowments;

3           (6) to provide support for Native American lan-  
4           guage nests—

5                 (A) as part of Native American language  
6           survival schools; or

7                 (B) as separate programs that will be de-  
8           veloped into more comprehensive Native Amer-  
9           ican language survival schools;

10          (7) to support the development of local and na-  
11          tional models that can be disseminated to the public  
12          and made available to other schools as exemplary  
13          methods of teaching Native American students;

14          (8) to encourage the participation of private  
15          education in Native American language education;

16          (9) to develop support for Native American lan-  
17          guage survival schools at the university level among  
18          federally funded institutions; and

19          (10) to provide direction relative to existing  
20          provisions of the Native American Languages Act  
21          (25 U.S.C. 2901 et seq.) regarding teacher, staff,  
22          and student use of Native American languages in  
23          publicly supported education, including charter  
24          schools.

1 **SEC. 3. DEFINITIONS.**

2 Section 103 of the Native American Languages Act  
3 (25 U.S.C. 2902) is amended to read as follows:

4 **“SEC. 103. DEFINITIONS.**

5 “In this title:

6 “(1) **ELEMENTARY SCHOOL.**—The term ‘ele-  
7 mentary school’ has the meaning given the term in  
8 section 9101 of the Elementary and Secondary Edu-  
9 cation Act of 1965.

10 “(2) **INDIAN.**—The term ‘Indian’ has the mean-  
11 ing given the term in section 7151 of the Elemen-  
12 tary and Secondary Education Act of 1965.

13 “(3) **INDIAN RESERVATION.**—The term ‘Indian  
14 reservation’ has the meaning given the term ‘res-  
15 ervation’ in section 3 of the Indian Financing Act of  
16 1974.

17 “(4) **INDIAN TRIBAL GOVERNMENT.**—The term  
18 ‘Indian tribal government’ has the meaning given  
19 the term in section 502 of the Indian Environmental  
20 General Assistance Program Act of 1992.

21 “(5) **INDIAN TRIBE.**—The term ‘Indian tribe’  
22 has the meaning given the term in section 4 of the  
23 Indian Self-Determination and Education Assistance  
24 Act.

25 “(6) **INSTITUTION OF HIGHER EDUCATION.**—  
26 The term ‘institution of higher education’ has the

1 meaning given to that term in section 101(a) of the  
2 Higher Education Act of 1965.

3 “(7) LOCAL EDUCATIONAL AGENCY.—The term  
4 ‘local educational agency’ has the meaning given to  
5 that term in section 9101 of the Elementary and  
6 Secondary Education Act of 1965.

7 “(8) NATIVE AMERICAN.—The term ‘Native  
8 American’ means—

9 “(A) an Indian;

10 “(B) a Native American Pacific Islander;

11 or

12 “(C) a Native Hawaiian.

13 “(9) NATIVE AMERICAN LANGUAGE.—The term  
14 ‘Native American language’ means a historical, tra-  
15 ditional language spoken by Native Americans.

16 “(10) NATIVE AMERICAN LANGUAGE COL-  
17 LEGE.—The term ‘Native American language col-  
18 lege’ means—

19 “(A) a tribally controlled college or univer-  
20 sity (as defined in section 2 of the Tribally Con-  
21 trolled College or University Assistance Act of  
22 1978);

23 “(B) Ka Haka ‘Ula O Ke’elikōlani, the  
24 Hawaiian language college of the State of Ha-  
25 waii;

1 “(C) Ilisagvik College, of Alaska; and

2 “(D) any accredited government college or  
3 university in a Pacific Islands territory or pos-  
4 session of the United States within which the  
5 majority of instruction or administration is  
6 through one or more Native American lan-  
7 guages.

8 “(11) NATIVE AMERICAN LANGUAGE EDU-  
9 CATIONAL ORGANIZATION.—The term ‘Native Amer-  
10 ican language educational organization’ means an  
11 organization that—

12 “(A) is governed by a board consisting  
13 of—

14 “(i) primarily Native Americans; and

15 “(ii) as many speakers of 1 or more  
16 Native American languages as practicable;

17 “(B) is currently providing instruction  
18 through the use of a Native American language  
19 to at least 10 preschool, elementary school, or  
20 secondary school students for at least 700  
21 hours per year per student;

22 “(C) has provided instruction through the  
23 use of a Native American language to at least  
24 10 preschool, elementary school, or secondary  
25 school students for at least 700 hours per year

1 per student for a period of not less than 3 years  
2 before the date of application for a grant or  
3 contract under this title; and

4 “(D) may be a public school that meets the  
5 requirements of subparagraphs (A), (B), and  
6 (C).

7 “(12) NATIVE AMERICAN LANGUAGE NEST.—  
8 The term ‘Native American language nest’ means a  
9 site-based educational program that—

10 “(A) enrolls families with children under  
11 the age of 7;

12 “(B) is conducted through a Native Amer-  
13 ican language for at least 700 hours per year  
14 per student; and

15 “(C) has the specific goal of strengthening,  
16 revitalizing, or reestablishing a Native Amer-  
17 ican language and culture as a living language  
18 and culture of daily life.

19 “(13) NATIVE AMERICAN LANGUAGE SURVIVAL  
20 SCHOOL.—The term ‘Native American language sur-  
21 vival school’ means a site-based educational pro-  
22 gram—

23 “(A) in which a Native American language  
24 is dominant;

1           “(B) that expands from a Native American  
2           language nest, as a separate entity or inclusive  
3           of a Native American language nest, to enroll  
4           families with children eligible for elementary  
5           school or secondary school; and

6           “(C) that provides a complete education  
7           through a Native American language with the  
8           specific goal of strengthening, revitalizing, or  
9           reestablishing a Native American language and  
10          culture as a living language and culture of daily  
11          life.

12          “(14) NATIVE AMERICAN PACIFIC ISLANDER.—  
13          The term ‘Native American Pacific Islander’ means  
14          any descendant of the aboriginal people of any is-  
15          land in the Pacific Ocean that is a territory or pos-  
16          session of the United States.

17          “(15) NATIVE HAWAIIAN.—The term ‘Native  
18          Hawaiian’ has the meaning given the term in section  
19          7207 of the Elementary and Secondary Education  
20          Act of 1965.

21          “(16) SECONDARY SCHOOL.—The term ‘sec-  
22          ondary school’ has the meaning given the term in  
23          section 9101 of the Elementary and Secondary Edu-  
24          cation Act of 1965.

1           “(17) SECRETARY.—The term ‘Secretary’  
2 means the Secretary of Education.

3           “(18) STATE EDUCATIONAL AGENCY.—The  
4 term ‘State educational agency’ has the meaning  
5 given to that term in section 9101 of the Elemen-  
6 tary and Secondary Education Act of 1965.

7           “(19) TRIBAL ORGANIZATION.—The term ‘trib-  
8 al organization’ has the meaning given the term in  
9 section 4 of the Indian Self-Determination and Edu-  
10 cation Assistance Act.”.

11 **SEC. 4. NATIVE AMERICAN LANGUAGE NESTS AND SUR-**  
12 **VIVAL SCHOOLS.**

13       The Native American Languages Act (25 U.S.C.  
14 2901 et seq.) is amended by adding at the end the fol-  
15 lowing:

16 **“SEC. 108. NATIVE AMERICAN LANGUAGE NESTS.**

17       “(a) IN GENERAL.—The Secretary may make grants  
18 to, or enter into contracts with, Native American language  
19 educational organizations, Native American language col-  
20 leges, Indian tribal governments, organizations that dem-  
21 onstrate the potential to become Native American lan-  
22 guage educational organizations, or consortia of such enti-  
23 ties for the purpose of establishing Native American lan-  
24 guage nests for—

25           “(1) students under the age of 7; and

1 “(2) families of the students.

2 “(b) REQUIREMENTS.—A Native American language  
3 nest receiving funds under this section shall—

4 “(1) provide instruction and child care through  
5 the use of a Native American language for at least  
6 10 children under the age of 7 for at least 700  
7 hours per year per student;

8 “(2) provide compulsory classes in a Native  
9 American language for parents of students enrolled  
10 in a Native American language nest (including Na-  
11 tive American language-speaking parents);

12 “(3) provide compulsory monthly meetings for  
13 parents and other family members of students en-  
14 rolled in a Native American language nest;

15 “(4) provide a preference in enrollment for stu-  
16 dents and families who are fluent in a Native Amer-  
17 ican language;

18 “(5) receive at least 5 percent of the funding  
19 for the program from another source, which may in-  
20 clude any federally funded program (such as a Head  
21 Start program funded under the Head Start Act);  
22 and

23 “(6) ensure that a Native American language  
24 becomes the dominant medium of instruction in the  
25 Native American language nest not later than 3

1 years after the date on which the Native American  
2 language nest first receives funding under this title.

3 “(c) PRIORITY.—In making grants or entering into  
4 contracts under this section, the Secretary shall give pri-  
5 ority to—

6 “(1) previously federally funded Native Amer-  
7 ican language nest programs that continue to dem-  
8 onstrate full use of their target Native American  
9 language or languages in all aspects of their pro-  
10 gram;

11 “(2) previously federally funded Native Amer-  
12 ican language survival school programs that con-  
13 tinue to demonstrate no less than 80 percent use of  
14 their target Native American language in all aspects  
15 of their program;

16 “(3) maximum geographic, linguistic, and tribal  
17 diversity in each funding period;

18 “(4) the provision of direct educational services;

19 “(5) applicants that have the support of each  
20 appropriate tribal government; and

21 “(6) applicants that have researched language  
22 revitalization and the unique characteristics and cir-  
23 cumstances of the languages of their schools.

1 **“SEC. 109. NATIVE AMERICAN LANGUAGE SURVIVAL**  
2 **SCHOOLS.**

3 “(a) IN GENERAL.—The Secretary may make grants  
4 to, or enter into contracts with, Native American language  
5 educational organizations, Native American language col-  
6 leges, Indian tribal governments, or consortia of such enti-  
7 ties, to operate, expand, and increase the number of Na-  
8 tive American language survival schools throughout the  
9 United States and the territories and possessions of the  
10 United States for Native American children and Native  
11 American language-speaking children.

12 “(b) ELIGIBILITY.—As a condition of receiving funds  
13 under subsection (a), a Native American language edu-  
14 cational organization, a Native American language college,  
15 an Indian tribal government, or a consortium of such enti-  
16 ties—

17 “(1) shall have at least 3 years experience in  
18 operating and administering—

19 “(A) a Native American language survival  
20 school;

21 “(B) a Native American language nest; or

22 “(C) any other educational program in  
23 which instruction is conducted in a Native  
24 American language;

25 “(2) shall include students who are subject to  
26 State compulsory education laws; and

1 “(3) may include—

2 “(A) students from infancy through grade  
3 12; and

4 “(B) the families of the students.

5 “(c) PRIORITY.—In making grants or entering into  
6 contracts under this section, the Secretary shall give pri-  
7 ority to—

8 “(1) previously federally funded Native Amer-  
9 ican language nest programs that continue to dem-  
10 onstrate full use of their target Native American  
11 language or languages in all aspects of their pro-  
12 gram;

13 “(2) previously federally funded Native Amer-  
14 ican language survival school programs that con-  
15 tinue to demonstrate no less than 80 percent use of  
16 their target Native American language in all aspects  
17 of their program;

18 “(3) maximum geographic, linguistic, and tribal  
19 diversity in each funding period;

20 “(4) the provision of direct educational services;

21 “(5) applicants that have the support of each  
22 appropriate tribal government; and

23 “(6) applicants that have researched language  
24 revitalization and the unique characteristics and cir-  
25 cumstances of the languages of their schools.

1 “(d) USE OF FUNDS.—

2 “(1) REQUIRED USES.—A Native American lan-  
3 guage survival school receiving funds under this sec-  
4 tion—

5 “(A) shall consist of not less than 700  
6 hours of instruction per student conducted an-  
7 nually through 1 or more Native American lan-  
8 guages for at least 15 students for whom a Na-  
9 tive American language survival school is their  
10 principal place of instruction;

11 “(B) shall provide direct educational serv-  
12 ices and school support services to students,  
13 which may include—

14 “(i) support services for children with  
15 special needs;

16 “(ii) transportation;

17 “(iii) boarding;

18 “(iv) food service;

19 “(v) teacher and staff housing;

20 “(vi) purchase of basic materials;

21 “(vii) adaptation of teaching mate-  
22 rials;

23 “(viii) translation and development;

24 and

25 “(ix) other appropriate services;

1           “(C)(i) shall provide direct or indirect edu-  
2           cational and support services for the families of  
3           enrolled students on site, through colleges, or  
4           through other means to increase the families’  
5           knowledge and use of the Native American lan-  
6           guage and culture; and

7           “(ii) may impose a requirement of family  
8           participation as a condition of student enroll-  
9           ment; and

10          “(D) shall ensure that within 3 years of  
11          enrollment, all students achieve functional flu-  
12          ency in a Native American language that is ap-  
13          propriate to the unique circumstances and  
14          endangerment status of the Native American  
15          language, with the ultimate goal of academic or  
16          cognitive fluency.

17          “(2) PERMISSIBLE USES.—A Native American  
18          language survival school receiving funds under this  
19          section may—

20               “(A) include Native American language  
21               nests and other educational programs for stu-  
22               dents who—

23                       “(i) are not Native American lan-  
24                       guage speakers; but

25                       “(ii) seek—

1 “(I) to establish fluency through  
2 instruction in a Native American lan-  
3 guage; or

4 “(II) to reestablish fluency as de-  
5 scendants of Native American lan-  
6 guage speakers;

7 “(B) provide instruction through more  
8 than 1 language;

9 “(C) provide instruction through a regional  
10 program (as opposed to 1 site) to better serve  
11 geographically dispersed students;

12 “(D) include a program of concurrent and  
13 summer college or university education course  
14 enrollment for secondary school students en-  
15 rolled in the Native American language survival  
16 school;

17 “(E) provide special support for Native  
18 American languages for which there are very  
19 few or no remaining Native American language  
20 speakers;

21 “(F) develop comprehensive curricula in  
22 Native American language instruction and in-  
23 struction through Native American languages,  
24 including—

1 “(i) curricula that can be used by  
2 public schools for—

3 “(I) instruction through a Native  
4 American language; or

5 “(II) teaching Native American  
6 languages as subjects;

7 “(ii) community Native American lan-  
8 guage use in communities served by Native  
9 American language survival schools; and

10 “(iii) knowledge of a specific Native  
11 American language gained through re-  
12 search for the purpose of directly aiding  
13 the development of curriculum materials;

14 “(G) provide programs in pre-service and  
15 in-service teacher training, staff training, per-  
16 sonnel development, upgrading of teacher and  
17 staff skills, and community resource develop-  
18 ment training, that shall include a program  
19 component that has as the objective of the pro-  
20 gram component increased speaking proficiency  
21 in Native American languages for teachers and  
22 staff employed in Native American language  
23 survival schools and Native American language  
24 nests, which may include—

1 “(i) visits or exchanges among Native  
2 American language survival schools and  
3 Native American language nests of teach-  
4 ers, staff, students, or families of students;

5 “(ii) participation in conferences or  
6 special nondegree programs focusing on  
7 the use of 1 or more Native American lan-  
8 guages for the education of teachers, staff,  
9 students, or families of students;

10 “(iii) subject to paragraph (3), full or  
11 partial scholarships and fellowships to col-  
12 leges or universities—

13 “(I) to provide for the profes-  
14 sional development of faculty and  
15 staff;

16 “(II) to meet requirements for  
17 the involvement of the family or the  
18 community of Native American lan-  
19 guage survival school students in Na-  
20 tive American language survival  
21 schools; and

22 “(III) to develop resource per-  
23 sonnel for Native American language  
24 programs in public schools;

1 “(iv) training in the language and cul-  
2 ture associated with a Native American  
3 language survival school that is provided  
4 by a community or academic expert, in-  
5 cluding credit courses;

6 “(v) structuring of personnel oper-  
7 ations to support Native American lan-  
8 guage and cultural fluency and program  
9 effectiveness;

10 “(vi) Native American language plan-  
11 ning, documentation, reference material,  
12 and archives development; and

13 “(vii) recruitment for participation in  
14 teacher, staff, student, and community de-  
15 velopment; or

16 “(H) rent, lease, purchase, construct,  
17 maintain, or repair educational facilities to en-  
18 sure the academic achievement of Native Amer-  
19 ican language survival school students.

20 “(3) REQUIREMENTS FOR RECIPIENTS OF FEL-  
21 LOWSHIPS OR SCHOLARSHIPS.—A recipient of a fel-  
22 lowship or scholarship under paragraph (2)(G)(iii)  
23 who is enrolled in a program leading to a degree or  
24 certificate shall—

1           “(A) be trained in the Native American  
2           language of the Native American language sur-  
3           vival school, if such program is available  
4           through that Native American language;

5           “(B) complete a minimum annual number  
6           of hours in Native American language study or  
7           training during the period of the fellowship or  
8           scholarship; and

9           “(C) enter into a contract that obligates  
10          the recipient to provide the recipient’s profes-  
11          sional services, during the period of the fellow-  
12          ship or scholarship or on completion of a degree  
13          or certificate, in Native American language in-  
14          struction in the Native American language as-  
15          sociated with the Native American language  
16          survival school in which the service obligation is  
17          to be fulfilled.

18 **“SEC. 110. DEMONSTRATION PROGRAMS.**

19          “(a) ESTABLISHMENT.—The Secretary shall make  
20          grants, or enter into contracts, to establish 4 demonstra-  
21          tion programs that will provide assistance to Native Amer-  
22          ican language survival schools and Native American lan-  
23          guage nests.

24          “(b) LOCATIONS AND PURPOSES.—The demonstra-  
25          tion programs shall be established through grants to—

1           “(1) the ‘Aha Pūnana Leo, Inc. in consortium  
2           with Ka Haka ‘Ula O Ke’elikōlani, and with other  
3           entities if determined to be appropriate by the ‘Aha  
4           Pūnana Leo, Inc.—

5                   “(A) for conduct of a demonstration pro-  
6                   gram in the development and operation of the  
7                   various private/public partnership components  
8                   of a comprehensive regional Native American  
9                   language survival school program integrated  
10                  with a Native American language college using  
11                  the Native American language from the bacca-  
12                  laureate to graduate school level; and

13                  “(B) for the provision of assistance in the  
14                  establishment, operation, and administration of  
15                  Native American language nests and Native  
16                  American language survival schools by such  
17                  means as—

18                          “(i) training;

19                          “(ii) hosting informational visits to  
20                          demonstration sites; and

21                          “(iii) providing a national clearing-  
22                          house for data and information relevant  
23                          to—

24                                  “(I) teaching Native American  
25                                  languages;

- 1 “(II) conducting outreach;
- 2 “(III) offering courses;
- 3 “(IV) providing conferences; and
- 4 “(V) carrying out other activities;

5 “(2) the Piegan Institute of Browning, Mon-  
6 tana, for demonstration of the operation of a Native  
7 American language nest and Native American lan-  
8 guage survival school;

9 “(3) the governing board of Window Rock Uni-  
10 fied School District No. 8 and its Indian Education  
11 Committee on the Navajo Reservation for dem-  
12 onstration of the operation of Tséhootsooí Diné  
13 Bi’ólta’ as a Native American language survival  
14 school; and

15 “(4) the Alaskan Federation of Natives, in con-  
16 sortium with other entities as the Alaska Native  
17 Language Center advises to be appropriate, for the  
18 conduct of a demonstration program, training, out-  
19 reach, conferences, and visitation programs, and for  
20 scientific research-based provision of other assist-  
21 ance, in developing—

- 22 “(A) orthographies;
- 23 “(B) resource materials;
- 24 “(C) language documentation;
- 25 “(D) language preservation;

1                   “(E) material archiving; and

2                   “(F) community support for development,  
3                   for diverse languages, and for Native American  
4                   language nest and Native American survival  
5                   school initiatives in the Lower Kuskokwim  
6                   School District and other sites as appropriate.

7           “(c) USE OF TECHNOLOGY.—The demonstration pro-  
8           grams established under this section may employ syn-  
9           chronic and asynchronic telecommunications and other ap-  
10          propriate means to maintain coordination and cooperation  
11          among the programs and with participating Native Amer-  
12          ican language survival schools and Native American lan-  
13          guage nests.

14          “(d) SITE VISIT EVALUATIONS.—The demonstration  
15          programs established under this section shall provide di-  
16          rection to the Secretary in developing a site visit evalua-  
17          tion of Native American language survival schools and Na-  
18          tive American language nests.

19          “(e) FOLLOW-UP AND DATA COLLECTION.—A dem-  
20          onstration program established under this section may  
21          conduct follow-up data collection and analysis on students  
22          while the students are in school—

23                  “(1) to assess how Native American language  
24                  survival school students are performing in compari-  
25                  son with other students; and

1           “(2) to identify instructional methods that are  
2           working and instructional methods that are not  
3           working.

4           “(f) ENDOWMENTS AND FACILITIES.—A demonstra-  
5           tion program established under this section may—

6           “(1) establish endowments to further the activi-  
7           ties of the demonstration program relating to the  
8           study and preservation of Native American lan-  
9           guages; and

10          “(2) use funds to provide for the rental, lease,  
11          purchase, construction, maintenance, and repair of  
12          facilities.”.

13 **SEC. 5. NATIVE AMERICAN LANGUAGE EDUCATION ACCESS.**

14          The Native American Languages Act (25 U.S.C.  
15          2901 et seq.), as amended by section 4, is further amend-  
16          ed by adding at the end the following:

17 **“SEC. 111. DEMONSTRATION OF APPROPRIATE TRAINING**  
18 **AND OUTCOMES.**

19          “(a) IN GENERAL.—The Secretary shall recognize  
20          the unique circumstances of education in Native American  
21          languages and shall provide for the meeting of national  
22          educational standards through alternative means in the  
23          area of Native American language education.

24          “(b) TRAINING AND QUALIFICATION REQUIREMENTS  
25          FOR TEACHERS AND STAFF IN NATIVE AMERICAN LAN-

1 GUAGE SURVIVAL SCHOOLS AND NATIVE AMERICAN LAN-  
2 GUAGE NESTS.—

3 “(1) IN GENERAL.—Notwithstanding any other  
4 Federal law requiring teacher or educational or ad-  
5 ministrative staff training or qualifications (includ-  
6 ing section 1119 of the Elementary and Secondary  
7 Education Act of 1965), any Native American lan-  
8 guage survival school or Native American language  
9 nest shall have the option of satisfying Federal re-  
10 quirements of appropriate training and qualifications  
11 for any of its teachers and staff by demonstration of  
12 annual satisfactory progress in an alternative certifi-  
13 cation program that the school or language nest de-  
14 velops for its individual teachers and staff members.

15 “(2) ALTERNATIVE CERTIFICATION PRO-  
16 GRAMS.—Such alternative certification programs  
17 shall—

18 “(A) be based on—

19 “(i) high academic achievement in  
20 content areas for contemporary education;

21 “(ii) high achievement in the Native  
22 American language and culture of instruc-  
23 tion; and

1 “(iii) high achievement in pedagogy  
2 appropriate to the Native American culture  
3 of instruction;

4 “(B) include an annual report on progress  
5 made in meeting the plan;

6 “(C) be submitted annually to the approv-  
7 ing entity under subparagraph (D) by January  
8 31; and

9 “(D) be approved or rejected by July 15—

10 “(i) by the teacher certification unit  
11 of a Native American language college for  
12 cases where such a college agrees to be the  
13 approving entity; or

14 “(ii) by any other entity or entities  
15 which the Secretary shall recognize or es-  
16 tablish for such purposes.

17 “(c) PERFORMANCE ASSESSMENTS OF STUDENTS,  
18 TEACHERS AND STAFF IN NATIVE AMERICAN LANGUAGE  
19 SURVIVAL SCHOOLS AND NATIVE AMERICAN LANGUAGE  
20 NESTS.—Notwithstanding any other Federal law requir-  
21 ing performance assessments of students, teachers, or  
22 staff (including sections 1111 and 9101(23) of the Ele-  
23 mentary and Secondary Education Act of 1965), any Na-  
24 tive American language survival school or Native Amer-  
25 ican language nest—

1           “(1) shall have the option of satisfying Federal  
2           performance assessment requirements through an-  
3           nual demonstration of appropriate student, teacher,  
4           or staff performance in an evaluation and research  
5           instrument package that the school or language nest  
6           develops; and

7           “(2) such alternative evaluation and research  
8           instrument packages shall—

9                   “(A) be based on—

10                       “(i) high global academic achieve-  
11                       ment;

12                       “(ii) high achievement in the Native  
13                       American language and culture of instruc-  
14                       tion; and

15                       “(iii) the curriculum of the program;

16                       “(B) include a report on achievement dur-  
17                       ing the previous year relative to the evaluation;

18                       “(C) be submitted annually to the approv-  
19                       ing entity under subparagraph (D) by July 31;  
20                       and

21                       “(D) be approved or rejected by February  
22                       1—

23                       “(i) by the teacher certification unit  
24                       of a Native American language college for

1 cases where such a college agrees to be the  
2 approving entity; or

3 “(ii) by any other entity or entities  
4 which the Secretary shall recognize or es-  
5 tablish for such purposes.

6 “(d) TRAINING AND QUALIFICATIONS OF OTHER  
7 TEACHERS AND PARAPROFESSIONALS IN THE FIELD OF  
8 NATIVE AMERICAN LANGUAGES.—

9 “(1) IN GENERAL.—Notwithstanding any other  
10 Federal law requiring teacher or staff training or  
11 qualifications, any teacher or paraprofessional who  
12 solely teaches a Native American language or culture  
13 or who works as a paraprofessional to provide bilin-  
14 gual education assistance to a teacher of Native  
15 American children shall have the option of satisfac-  
16 torily demonstrating appropriate qualifications for  
17 employment under Federal law (including section  
18 9101(23) of the Elementary and Secondary Edu-  
19 cation Act of 1965) through—

20 “(A) certification by an Indian tribe asso-  
21 ciated with the language used by the teacher or  
22 paraprofessional;

23 “(B) designation as a qualified Native  
24 American language expert by a Native Amer-  
25 ican language educational organization associ-

1           ated with the language used by the teacher or  
2           paraprofessional;

3           “(C) designation as a qualified Native  
4           American language expert by the teacher cer-  
5           tification unit of a Native American language  
6           college; or

7           “(D) participation in an alternative certifi-  
8           cation program under subsection (b) in associa-  
9           tion with a consenting Native American lan-  
10          guage survival school or Native American lan-  
11          guage nest when such a school or language nest  
12          exists for the target language.

13          “(2) EVIDENCE OF CERTIFICATION.—For pur-  
14          poses of paragraph (1), evidence of certification or  
15          designation under such paragraph shall be provided  
16          to the State in which the program is located.

17          “(3) REVIEW OF CERTIFICATION.—Certification  
18          granted by an Indian tribe under paragraph (1)(A),  
19          designation granted by a Native American language  
20          educational organization or a teacher certification  
21          unit under paragraph (1)(B) or (C), and certifi-  
22          cation granted through an alternative certification  
23          program pursuant to paragraph (1)(D), shall be  
24          subject to review by the granting entity every 5  
25          years (or more frequently if the granting entity de-

1       termines appropriate) and may be revoked by the  
2       granting entity.

3       **“SEC. 112. PROHIBITIONS ON RESTRICTIONS ON NATIVE**  
4                   **AMERICAN LANGUAGE USE IN FEDERALLY**  
5                   **FUNDED EDUCATIONAL ENTITIES.**

6       “(a) ESTABLISHMENT.—Notwithstanding any other  
7       Federal law, no Federal agency, State educational agency,  
8       local educational agency, early childhood education pro-  
9       gram, institution of higher education, educational service  
10      agency, or any other entity providing or receiving edu-  
11      cational assistance under any Federal Act shall fail to rec-  
12      ognize and support the right of Native Americans to ex-  
13      press themselves in Native American languages in publicly  
14      supported education.

15      “(b) PERFORMANCE ASSESSMENTS AND QUALIFICA-  
16      TIONS.—Notwithstanding any other Federal law, no Fed-  
17      eral agency, State educational agency, local educational  
18      agency, early childhood education program, institution of  
19      higher education, educational service agency, or any other  
20      entity providing or receiving educational assistance under  
21      any Federal Act shall fail to recognize as meeting Federal  
22      requirements any of the following:

23              “(1) Satisfactory scores on performance assess-  
24              ments of students, staff, and teachers carried out  
25              consistent with section 111.

1           “(2) Training and qualifications of teachers,  
2           staff, and paraprofessionals carried out consistent  
3           with section 111.

4           “(c) ADMINISTRATION, DEVELOPMENT, AND DELIV-  
5           ERY OF PROGRAMS.—

6           “(1) SUBSTITUTION OF NATIVE AMERICAN LAN-  
7           GUAGE.—Notwithstanding any other Federal law, no  
8           Federal agency, State educational agency, local edu-  
9           cational agency, early childhood education program,  
10          institution of higher education, educational service  
11          agency, or any other entity providing or receiving  
12          educational assistance under any Federal Act shall  
13          fail to allow substitution of a Native American lan-  
14          guage in serving Native Americans where English is  
15          otherwise required for the administration, develop-  
16          ment, or delivery of programs.

17          “(2) MODEL FOR DEVELOPING ENGLISH LAN-  
18          GUAGE SKILLS.—Notwithstanding any other Federal  
19          law, Native American language survival schools and  
20          Native American language nests that follow a model  
21          endorsed by a teacher certification unit of a Native  
22          American language college for developing English  
23          language skills shall be considered as meeting any  
24          requirements relative to the teaching of English.

1       “(d) STUDENT ACCESS TO NATIVE AMERICAN LAN-  
2   GUAGE PROGRAMS.—Notwithstanding any other Federal  
3   law, no Federal agency, State educational agency, local  
4   educational agency, early childhood education program, in-  
5   stitution of higher education, educational service agency,  
6   or any other entity controlling or funding the educational  
7   curriculum of Native American students and providing or  
8   receiving educational assistance under any Federal Act  
9   shall deny the request of the parents of 15 or more such  
10   Native American students in the same school or edu-  
11   cational site for a particular program using or teaching  
12   a particular Native American language for their children  
13   if—

14               “(1) the parents have identified a willing teach-  
15       er who meets the applicable Federal and State re-  
16       quirements relative to qualifications and training;  
17       and

18               “(2)(A) similar programs are provided for simi-  
19       lar groups of students for other non-English lan-  
20       guages at the school or educational site;

21               “(B) the program is one of gradual transition  
22       to English medium education;

23               “(C) the program is a Native American lan-  
24       guage nest program; or

1           “(D) the program serves Native American lan-  
2           guage speaking children with a Native American lan-  
3           guage survival school program.

4           “(e) COLLEGE CREDIT FOR PROFICIENCY IN NATIVE  
5 AMERICAN LANGUAGES.—Notwithstanding any other  
6 Federal law, no institution of higher education receiving  
7 assistance under any Federal Act shall deny the request  
8 of a Native American student—

9           “(1) to use secondary school study of a Native  
10 American language to meet entrance requirements to  
11 that institution of higher education when parallel  
12 quality and quantity of content in secondary school  
13 foreign language study is acceptable for such en-  
14 trance requirements;

15           “(2) to receive college credit applicable to gen-  
16 eral requirements of a degree equivalent to college  
17 credit accorded study of a foreign language, or  
18 through a foreign language, at that institution of  
19 higher education—

20           “(A) when the student has passed, at that  
21 institution of higher education, a college course  
22 in, or through, a Native American language,  
23 which is parallel in quantity and quality of con-  
24 tent to a course in, or through, a foreign lan-

1           guage offered at that institution of higher edu-  
2           cation;

3           “(B) when the student has taken, at an-  
4           other institution, a college course in, or  
5           through, a Native American language which is  
6           parallel in quantity and quality of content to a  
7           course in, or through, a foreign language of-  
8           fered at that institution of higher education; or

9           “(C) when the student demonstrates  
10          through an appropriate examination, proficiency  
11          in a Native American language equivalent to  
12          the level of proficiency in a foreign language for  
13          which credit is given by that institution of high-  
14          er education; or

15          “(3) to have an equitable prorated fraction of  
16          his or her tuition used to hire a teacher or contract  
17          a program provider in any particular Native Amer-  
18          ican language if—

19                 “(A) the student is part of a group of at  
20                 least 15 Native American students with the  
21                 same or different Native American language in-  
22                 terests making such a request for the same aca-  
23                 demic year;

24                 “(B) the students have identified a teacher  
25                 or teachers qualified under section 111(b) as a

1 potential hire of the institution of higher edu-  
 2 cation or pursuant to contracted services from  
 3 a program provider;

4 “(C) the course offered or the program  
 5 provided, which may be a distance education  
 6 program or a summer program, is to be parallel  
 7 in quantity and quality of content to a course  
 8 in, or through, a foreign language offered for  
 9 credit by the institution of higher education;  
 10 and

11 “(D) the program provider is, or is specifi-  
 12 cally endorsed by, an Indian tribe, a Native  
 13 American language college, or a Native Amer-  
 14 ican language educational organization associ-  
 15 ated with the language to be taught.

16 **“SEC. 113. PARTICIPATION BY PRIVATE EDUCATION ENTI-**  
 17 **TIES AND CHARTER SCHOOLS.**

18 “(a) ESTABLISHMENT.—The Secretary shall provide  
 19 for the inclusion of support for Native American language  
 20 nests and Native American language survival schools in  
 21 Federal support for private education and charter schools,  
 22 shall assure that such support is coordinated as part of  
 23 a unified effort for Native American language revitaliza-  
 24 tion, and shall look to Native American language edu-  
 25 cational organizations to lead coordinated public-private

1 cooperative efforts to revitalize Native American lan-  
2 guages.

3 “(b) RELATING TO CHARTER SCHOOLS.—Notwith-  
4 standing any other Federal law, no State educational  
5 agency or local educational agency receiving Federal fund-  
6 ing to fund charter schools shall exclude the granting of  
7 a charter and funding for a Native American language  
8 nest or Native American language survival school based  
9 on—

10 “(1) use of a Native American language as its  
11 medium of instruction when approved by a tribe as-  
12 sociated with the language of instruction, or as ap-  
13 propriate, a Native American language organization  
14 associated with the language of instruction;

15 “(2) action or inaction to comply with this Act;

16 “(3) curriculum, if that curriculum is approved  
17 by the teacher certification unit of a Native Amer-  
18 ican language college;

19 “(4) geographic location if that location is with-  
20 in boundaries served for other public educational  
21 purposes by that State educational agency or local  
22 educational agency, to include Indian Reservations  
23 and other lands associated with Native Americans;  
24 or

1           “(5) joint administration with other schools, in-  
2           cluding other charter schools, when such administra-  
3           tion is by a Native American language educational  
4           organization that provides programing meeting the  
5           definition of a Native American language nest or  
6           Native American language survival school.

7           “(c) RELATING TO FEDERAL SUPPORT OF PRIVATE  
8   EDUCATION.—

9           “(1) IN GENERAL.—Notwithstanding any other  
10          Federal law, no State educational agency or local  
11          educational agency receiving Federal funding to  
12          fund education in private schools shall exclude such  
13          support to a private Native American language nest  
14          program or to a private Native American language  
15          survival school program based on—

16               “(A) use of a Native American language as  
17               its medium of instruction when approved by a  
18               tribe associated with the language of instruc-  
19               tion, or as appropriate, a Native American lan-  
20               guage organization associated with the language  
21               of instruction;

22               “(B) action or inaction to comply with this  
23          Act;

1           “(C) curriculum, if that curriculum is ap-  
2           proved by the teacher certification unit of a Na-  
3           tive American language college;

4           “(D) geographic location if that location is  
5           within boundaries served for public educational  
6           purposes by that State educational agency or by  
7           that local educational agency, to include Indian  
8           Reservations and other lands associated with  
9           Native Americans; or

10          “(E) joint administration with other  
11          schools.

12          “(2) BYPASS.—When State or local law pre-  
13          cludes the support of private education by the State  
14          educational agency or the local educational agency,  
15          Native American language educational organizations  
16          shall be used by the Federal Government to fund  
17          private Native American language nests, private Na-  
18          tive American language survival schools, and other  
19          Native American language programs in private  
20          schools to the extent that entities other than a State  
21          educational agency or a local educational agency are  
22          allowed to serve this purpose under Federal law.”.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2       The Native American Languages Act (25 U.S.C.  
3 2901 et seq.), as amended by section 5, is further amend-  
4 ed by adding at the end the following:

5 **“SEC. 114. AUTHORIZATION OF APPROPRIATIONS.**

6       “‘There are authorized to be appropriated to carry out  
7 this title such sums as are necessary for each of fiscal  
8 years 2007 through 2012.’”.

○