

Calendar No. 376114TH CONGRESS
2^D SESSION**S. 1419****[Report No. 114–215]**

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

IN THE SENATE OF THE UNITED STATES

MAY 21, 2015

Mr. TESTER (for himself, Mr. SCHATZ, Mr. UDALL, Mr. HEINRICH, and Ms. HEITKAMP) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

FEBRUARY 29, 2016

Reported by Mr. BARRASSO, with an amendment

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

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) Such successful schools include Native
19 American language medium schools focusing on both
20 children who enter school speaking Native American
21 languages and children who enter school with little
22 or no knowledge of a Native American language, as
23 well as Native American Language Nests and Native
24 American Language Survival Schools.

25 (4) The Elementary and Secondary Education
26 Act of 1965 (20 U.S.C. 6301 et seq.) includes policy

1 barriers to schools taught through Native American
 2 languages and a lack of adequate funding to support
 3 such opportunities.

4 (5) There is a critical need that requires imme-
 5 diate action to support education through Native
 6 American languages to revitalize and maintain these
 7 languages.

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

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

12 **“PART D—NATIVE AMERICAN LANGUAGE**
 13 **SCHOOLS**

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

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

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

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

25 “(b) PROGRAM AUTHORIZED.—

1 “(1) IN GENERAL.—From the amounts made
2 available to carry out this section, the Secretary may
3 award grants to eligible entities to develop and
4 maintain, or to improve and expand, programs that
5 support schools, including prekindergarten through
6 postsecondary education sites and streams, using
7 Native American languages as the primary language
8 of instruction of all curriculum taught.

9 “(2) ELIGIBLE ENTITIES.—In this section, the
10 term ‘eligible entity’ means any of the following enti-
11 ties that has a plan to develop and maintain, or to
12 improve and expand, programs that support the en-
13 tity’s use of one or more Native American languages
14 as the primary language of instruction in a school:

15 “(A) An Indian tribe (as defined in section
16 103 of the Native American Languages Act (25
17 U.S.C. 2902)).

18 “(B) A Tribal College or University (as de-
19 fined in section 316 of the Higher Education
20 Act of 1965).

21 “(C) A tribal education agency.

22 “(D) A public elementary school or sec-
23 ondary school (including a public charter
24 school).

1 “(E) A private and accredited elementary
2 school or secondary school.

3 “(F) A school operated by the Bureau of
4 Indian Education.

5 “(G) A Regional Corporation (as defined
6 in section 3 of the Alaska Native Claims Settle-
7 ment Act (43 U.S.C. 1602)).

8 “(H) A private or tribal nonprofit organi-
9 zation.

10 “(I) A consortium of any of the entities de-
11 scribed in subparagraphs (A) through (H).

12 “(e) APPLICATION.—

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

18 “(A) The name of the Native American
19 language to be used for instruction at the
20 school supported by the eligible entity.

21 “(B) The number of students attending
22 such school.

23 “(C) The number of present hours of in-
24 struction in or through 1 or more Native Amer-

1 ican languages being provided to targeted stu-
2 dents at such school, if any.

3 “(D) The status of such school with regard
4 to any applicable tribal education department or
5 agency, public education system, indigenous
6 language schooling research and cooperative, or
7 accrediting body.

8 “(E) A statement that such school—

9 “(i) is engaged in meeting targeted
10 academic proficiency levels for students, as
11 may be required by applicable Federal,
12 State, or tribal law, including the avail-
13 ability of coursework for students to fulfill
14 the requirements necessary to obtain a
15 high school diploma;

16 “(ii) will strive to achieve high level
17 language fluency in students in the Native
18 American language of the school; and

19 “(iii) provides assessments of students
20 using the Native American language of in-
21 struction, where appropriate.

22 “(F) A list of the qualifications of the staff
23 to deliver effective education through the Native
24 American language of the school.

1 “(2) ADDITIONAL APPLICATION MATERIALS.—
2 In addition to the application described in paragraph
3 (1), an eligible entity that desires to receive a grant
4 under this section shall submit to the Secretary the
5 following:

6 “(A) TRIBAL CERTIFICATION.—

7 “(i) IN GENERAL.—A certification
8 from a Federally recognized Indian tribe,
9 or a letter from any State or community
10 recognized Native American entity, on
11 whose land the school supported by the eli-
12 gible entity is located, or which is served
13 by such school, indicating that the school
14 has an endorsement to provide education
15 primarily through the Native American
16 language and that there are sufficient
17 speakers of such Native American lan-
18 guage at the school or available to be hired
19 by the school.

20 “(ii) INABILITY TO SECURE CERTIFI-
21 CATION.—If neither a certification nor a
22 letter can be secured as described in clause
23 (i), the eligible entity may submit to the
24 Secretary an explanation of why such cer-
25 tification and letter cannot be obtained.

1 The Secretary may waive the certification
2 and letter requirement under clause (i) if
3 the explanation is deemed acceptable.

4 “(B) COLLECTION OF DATA.—A statement
5 that such school will collect data relative to
6 high school graduation, college attendance, or
7 other data relevant to student achievement, ca-
8 reer readiness, or community participation of
9 students who matriculate through its programs,
10 and will participate in data collection conducted
11 by the Secretary that will determine best prac-
12 tices and further academic evaluation of the
13 school.

14 “(C) DEMONSTRATION OF CAPACITY.—A
15 demonstration of the capacity to have speakers
16 of its Native American language provide in-
17 struction in the content curriculum offered by
18 such school.

19 “(D) NATIVE LANGUAGE EDUCATION
20 PLAN.—A Native language education plan that
21 integrates high achievement in the Native
22 American language with improved student aca-
23 demic achievement, high school graduation
24 rates, college attainment, and career readiness

1 by carrying out the activities authorized in sub-
2 section (e).

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

5 “(1) determine the amount and length of each
6 grant; and

7 “(2) ensure, to the maximum extent feasible,
8 that diversity in languages is represented.

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

12 “(1) Support Native American language edu-
13 cation and development.

14 “(2) Develop or refine instructional curriculum
15 for the school supported by the eligible entity, in-
16 cluding distinctive teaching materials and activities,
17 as appropriate.

18 “(3) Fund training opportunities for teachers
19 and, as appropriate, staff and administrators, that
20 would strengthen the overall language and academic
21 goals of such school.

22 “(4) Develop a Native language alignment plan
23 to create or refine assessments of student proficiency
24 on State or tribally developed academic standards
25 for Native American language schools, aligned with

1 the Native language of instruction in such schools,
2 as appropriate.

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

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

10 “(g) BUILDING NATIVE LANGUAGE IMMERSION EVI-
11 DENCE BASE.—

12 “(1) IN GENERAL.—The Secretary, in consulta-
13 tion with the Commissioner of the National Center
14 for Education Statistics, shall compile and analyze
15 data and reports provided under subsection (f) to
16 evaluate the outcomes of the grant program and
17 contribute to the evidence base of Native language
18 immersion student outcomes.

19 “(2) DISSEMINATION.—Not later than 180 days
20 after the date the Secretary receives all reports
21 under subsection (f), the information described in
22 paragraph (1) shall be disseminated to Congress, in-
23 cluding the Subcommittee on Indian, Insular and
24 Alaska Native Affairs and the Committee on Edu-
25 cation and the Workforce of the House of Rep-

1 representatives, and the Committee on Indian Affairs
2 and the Committee on Health, Education, Labor
3 and Pensions of the Senate.

4 “(h) AUTHORIZATION OF APPROPRIATION.—There is
5 authorized to be appropriated to carry out this section
6 \$5,000,000 for fiscal year 2016, and such sums as may
7 be necessary for each of the 4 succeeding fiscal years.”.

8 **SECTION 1. SHORT TITLE.**

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

11 **SEC. 2. FINDINGS.**

12 *Congress finds the following:*

13 *(1) Congress established the unique status of Na-*
14 *tive American languages and distinctive policies sup-*
15 *porting their use as a medium of education in the*
16 *Native American Languages Act (Public Law 101-*
17 *477).*

18 *(2) Reports from the Bureau of Indian Affairs*
19 *and tribal, public, charter, and private schools and*
20 *colleges that use primarily Native American lan-*
21 *guages to deliver education, have indicated that stu-*
22 *dents from these schools have generally had high*
23 *school graduation and college attendance rates above*
24 *the norm for their peers.*

1 (3) *Such successful schools include Native Amer-*
 2 *ican language medium schools focusing on both chil-*
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 4 *guages and children who enter school with little or no*
 5 *knowledge of a Native American language, as well as*
 6 *Native American Language Nests and Native Amer-*
 7 *ican Language Survival Schools.*

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

13 (5) *There is a critical need that requires imme-*
 14 *diante action to support education through Native*
 15 *American languages to revitalize and maintain these*
 16 *languages.*

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

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

21 **“PART D—NATIVE AMERICAN LANGUAGE**
 22 **SCHOOLS**

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

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

1 “(1) to establish a grant program to support
2 schools using Native American languages as the pri-
3 mary language of instruction of all curriculum taught
4 at the schools that will improve high school gradua-
5 tion rates, college attainment, and career readiness;
6 and

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

10 “(b) PROGRAM AUTHORIZED.—

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

19 “(2) ELIGIBLE ENTITIES.—In this section, the
20 term ‘eligible entity’ means any of the following enti-
21 ties that has a plan to develop and maintain, or to
22 improve and expand, programs that support the enti-
23 ty’s use of one or more Native American languages as
24 the primary language of instruction in a school:

1 “(A) *An Indian tribe (as defined in section*
2 *103 of the Native American Languages Act (25*
3 *U.S.C. 2902)).*

4 “(B) *A Tribal College or University (as de-*
5 *defined in section 316 of the Higher Education Act*
6 *of 1965).*

7 “(C) *A tribal education agency.*

8 “(D) *A local educational agency.*

9 “(E) *A private and accredited elementary*
10 *school or secondary school.*

11 “(F) *A school operated by the Bureau of In-*
12 *dian Education.*

13 “(G) *A Regional Corporation (as defined in*
14 *section 3 of the Alaska Native Claims Settlement*
15 *Act (43 U.S.C. 1602)).*

16 “(H) *A private or tribal nonprofit organi-*
17 *zation.*

18 “(I) *A consortium of any of the entities de-*
19 *scribed in subparagraphs (A) through (H).*

20 “(c) *APPLICATION.—*

21 “(1) *IN GENERAL.—An eligible entity that de-*
22 *sires to receive a grant under this section shall submit*
23 *an application to the Secretary at such time, in such*
24 *manner, and containing such information as the Sec-*
25 *retary may require, including the following:*

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

4 “(B) *The number of students attending such*
5 *school.*

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

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

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

16 “(i) *is engaged in meeting targeted*
17 *academic proficiency levels for students, as*
18 *may be required by applicable Federal,*
19 *State, or tribal law, including the avail-*
20 *ability of coursework for students to fulfill*
21 *the requirements necessary to obtain a high*
22 *school diploma;*

23 “(ii) *will strive to achieve high level*
24 *language fluency in students in the Native*
25 *American language of the school; and*

1 “(iii) provides assessments of students
2 using the Native American language of in-
3 struction, where appropriate.

4 “(F) A list of the qualifications of the staff
5 to deliver effective education through the Native
6 American language of the school.

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

12 “(A) *TRIBAL CERTIFICATION.*—

13 “(i) *IN GENERAL.*—Subject to clause
14 (ii), a certification from—

15 “(I) a federally recognized Indian
16 tribe on whose land the school sup-
17 ported by the eligible entity is located;

18 “(II) the State in which the school
19 supported by the eligible entity is lo-
20 cated; or

21 “(III) a community-recognized
22 Native American entity on whose land
23 the school supported by the eligible en-
24 tity is located.

1 “(ii) *CONTENTS OF CERTIFICATION.*—
2 *The certification required under clause (i)*
3 *shall certify that—*

4 “(I) *the school supported by the*
5 *eligible entity has an endorsement to*
6 *provide education primarily through*
7 *the Native American language; and*

8 “(II) *there are sufficient speakers*
9 *of such Native American language at*
10 *the school or available to be hired by*
11 *the school.*

12 “(iii) *WAIVER.*—

13 “(I) *IN GENERAL.*—*The eligible*
14 *entity may request from the Secretary*
15 *a waiver of the certification require-*
16 *ment under this subparagraph only if*
17 *the eligible entity submits—*

18 “(aa) *proof that an entity*
19 *described in subclause (I) or (III)*
20 *of clause (i) has denied providing*
21 *or failed to provide the certifi-*
22 *cation; and*

23 “(bb) *an explanation of why*
24 *such certification cannot be ob-*
25 *tained.*

1 “(II) *APPROVAL OF WAIVER.*—

2 “*(aa) IN GENERAL.*—Subject
3 to item (bb), the Secretary may
4 waive the certification require-
5 ment under this subparagraph if
6 the Secretary determines that the
7 explanation provided in subclause
8 (I)(bb) is acceptable.

9 “*(bb) RESTRICTION.*—The
10 Secretary shall not waive the cer-
11 tification requirement under this
12 subparagraph if the Indian tribe
13 on whose land the school sup-
14 ported by the eligible entity is lo-
15 cated submits an objection to the
16 waiver in writing to the Sec-
17 retary.

18 “*(B) COLLECTION OF DATA.*—A statement
19 that such school will collect data relative to high
20 school graduation, college attendance, or other
21 data relevant to student achievement, career
22 readiness, or community participation of stu-
23 dents who matriculate through its programs, and
24 will participate in data collection conducted by

1 *the Secretary that will determine best practices*
 2 *and further academic evaluation of the school.*

3 “(C) *DEMONSTRATION OF CAPACITY.—A*
 4 *demonstration of the capacity to have speakers of*
 5 *its Native American language provide instruc-*
 6 *tion in the content curriculum offered by such*
 7 *school.*

8 “(D) *NATIVE LANGUAGE EDUCATION*
 9 *PLAN.—A Native language education plan that*
 10 *integrates high achievement in the Native Amer-*
 11 *ican language with improved student academic*
 12 *achievement, high school graduation rates, college*
 13 *attainment, and career readiness by carrying out*
 14 *the activities authorized in subsection (e).*

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

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

19 “(2) *ensure, to the maximum extent feasible, that*
 20 *diversity in languages is represented.*

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) *BUILDING NATIVE LANGUAGE IMMERSION EVI-*
23 *DENCE BASE.—*

24 “(1) *IN GENERAL.—The Secretary, in consulta-*
25 *tion with the Commissioner of the National Center for*

1 *Education Statistics, shall compile and analyze data*
2 *and reports provided under subsection (f) to evaluate*
3 *the outcomes of the grant program and contribute to*
4 *the evidence base of Native language immersion stu-*
5 *dent outcomes.*

6 *“(2) DISSEMINATION.—Not later than 180 days*
7 *after the date the Secretary receives all reports under*
8 *subsection (f), the information described in paragraph*
9 *(1) shall be disseminated to Congress, including the*
10 *Subcommittee on Indian, Insular and Alaska Native*
11 *Affairs and the Committee on Education and the*
12 *Workforce of the House of Representatives, and the*
13 *Committee on Indian Affairs and the Committee on*
14 *Health, Education, Labor and Pensions of the Senate.*

15 *“(h) AUTHORIZATION OF APPROPRIATION.—There is*
16 *authorized to be appropriated to carry out this section*
17 *\$5,000,000 for fiscal year 2016, and such sums as may be*
18 *necessary for each of the 4 succeeding fiscal years.”.*

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114TH CONGRESS
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[Report No. 114-215]

A BILL

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FEBRUARY 29, 2016

Reported with an amendment