



# NATIONAL INDIAN EDUCATION ASSOCIATION

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## NIEA Resolution 2014-07

### **TITLE: URGE FEDERAL IMPLEMENTATION OF NALA 1990 IN SUPPORT OF NATIVE AMERICAN LANGUAGE MEDIUM EDUCATION**

WHEREAS, the National Indian Education Association (NIEA) was established in 1970 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, NIEA, as the largest national Indian organization of American Indian, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

WHEREAS, through its unique relationship with Indian nations and tribes, the federal government has established programs and resources to meet the educational needs of American Indians, Alaska Natives, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

WHEREAS, a unique need of American Indian, Alaska Native, and Native Hawaiian students is access to education that assures the survival of the Native American languages and cultures and further develops skills in those languages and cultures as a parallel pathway of education with mainstream English medium education maintains the English language and further develops student knowledge of English and the cultural base of the English language of the United States; and

WHEREAS, in 1990 the United States Congress passed the Native American Languages Act (NALA 1990) signed by President George Bush that established as the policy of the United States relative to Native American languages recognizing among other points that especial status is accorded Native Americans in the United States, a status that recognizes distinct cultural and political rights, including the right to continue separate identities and that the traditional languages of Native Americans are an integral part of their cultures and identities and form the basic medium for the transmission and thus survival of Native American cultures, literatures, histories, religions, political institutions, and values (Section 102); and

WHEREAS, NALA 1990 through Section 104 (3) establishes that is the policy of the United States to encourage and support the use of Native American languages as a medium of instruction; and

WHEREAS, since the passage of NALA 1990 there have developed in various parts of Native America successful Bureau of Indian Affairs, public, charter and private schools that use Native

American languages and cultures as the medium of education with English taught as an additional language; and

WHEREAS, NALA 1990 provides distinctive protections and support for these schools and their teachers as well as teachers who teach in Native American languages in English medium schools in Section 104 (2), specifically stating that is the policy of the United States to allow exceptions to teacher certification requirements for Federal programs, and programs funded in whole or in part by the Federal Government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage State and territorial governments to make similar exception; and

WHEREAS, NALA 1990 provides distinctive protections to student use of Native American languages in federally supported public education such as students in Native American language medium schools demonstrating their academic proficiency through Native American languages in Section 105, specifically stating that, “The right of Native Americans to express themselves through the use of Native American languages shall not be restricted in any public proceeding, including publicly supported education programs”; and

WHEREAS, Native American language medium schools and schools with courses in Native American languages and cultures have reported that federal implementation of the No Child Left Behind Act of 2001 (NCLB) has been conducted in such a way that NALA 1990 and provisions of NCLB that are compliant with NALA 1990 (e.g., Sections 3125 (3) and 3128 of Title III) have been superseded by other sections (e.g., Section 9101 (23) of Title IX and Section 1111 of Title I) with that result being Native American-serving schools have been denied access to hiring teachers fluent in Native American languages and that students educated through Native American languages have been denied the right to demonstrate their academic skills through those Native American languages of instruction; and,

WHEREAS, the implementation of NCLB in such a way to deny Native American students access to teachers fluent in Native American languages and assessment of academic progress in the Native American language of instruction is contrary to NALA 1990 and a violation of Native American rights;

NOW THEREFORE BE IT RESOLVED, that the National Indian Education Association calls upon the U.S. Department of Education (ED) to review conflicts between different sections within NCLB relative to NALA 1990 and of the rights of Native Americans to retain and further develop their languages and cultures while participating in federally supported education; and

BE IT FURTHER RESOLVED, that the National Indian Education Association calls upon ED to give special attention to the needs of education in Native American languages and cultures for distinctive student assessments, distinctive educational standards for those assessments, distinctive pathways for accreditation of certification programs for teachers teaching through Native American languages and cultures, and distinctive means to waive certain areas of teacher training when appropriate to the circumstances described in NALA 1990; and

BE IT FURTHER RESOLVED, that the NIEA calls upon ED to implement NALA 1990 and include its provisions that the federal government work with states and local education to promote Native

American language medium education and the teaching of Native American languages and the cultures expressed in these languages as provided for in NALA 1990;

CERTIFICATION

I do hereby certify that the following resolution was dully considered and passed by the National Indian Education Association on October 18, 2014 at which a quorum of the membership was present.

A handwritten signature in blue ink, reading "Melvin E. Monette". The signature is written in a cursive style with a large, stylized initial "M".

Melvin Monette  
President