

THE NATIVE AMERICAN RIGHTS FUND INDIAN EDUCATION LEGAL SUPPORT PROJECT “*Tribalizing Indian Education*”

A Compilation of Federal and State Education Laws regarding Native Language in Curriculum and Certification of Teachers of Native Languages *November 2003*

Introduction

These materials are a compilation of the provisions of two major federal education laws and the education laws of sixteen states that address Native Languages in school curricula and the certification of teachers of Native Languages. The first federal Native American Languages Act (NALA) was passed in 1990. At that time only three states had constitutional and / or statutory provisions regarding Native Languages curricula and / or teachers. The NALA did not require but it expressly encouraged states to enact such laws. Within a little over ten years, sixteen states had such laws. Most of these laws are the result of concerted, cooperative efforts among state and tribal educators and policy makers who believe that offering Native Languages and allowing tribal teachers of the languages will improve the overall school attendance and academic performance of tribal students.

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NARF seeks to "tribalize" formal education through developing tribal education laws and reforming state and national Indian education legislation. Tribal education laws are essential to effective tribal governance of education, yet few tribes have such laws. Tribal laws are essential to defining each tribe's education rights and goals. Tribal laws are essential to delineating the forum and process for establishing tribal and non-tribal government-to-government relationships and working agreements on common education issues and goals.

The U.S. Senate has reported that the Native American Languages Act of 1990 (NALA 1990), Pub. L. No. 101-477, was the result of a hearing held on November 24, 1987 by the Senate Select Committee on Indian Affairs on "Culturally Relevant Early Education Programs," and two resolutions adopted at the Eighth Annual International Native American Languages Issues Institute, held in June 1988 in Tempe, Arizona. S. Rep. No. 101-250, at 2-3 (1990).

Testimony at the 1987 hearing strongly indicated that where children are taught in their own languages by teachers of the same cultural background and who teach in methods appropriate to that culture, the results are that the children are brighter, higher-achieving, and have higher self-esteem than their native counterparts schooled in other environments. For this reason, it is additionally important that exceptions be made for teachers who are qualified to teach in native languages yet who do not have federal or state teacher certification. It is often the case that elders are used to teach native languages, which is desirable since many native cultures hold their elders in high esteem.

S. Rep. No. 101-250, at 2; *see also Oversight Hearing on Culturally Relevant Early Education Programs: Hearing before the Select Comm. on Indian Affairs*, 100th Cong. (1987).

Indigenous language bill signed

By [Joe Hanel](#) Durango Herald Staff Writer

DENVER – Schools can say “ya’ah’tee” to a new bunch of potential Native American language teachers, thanks to a bill Gov. John Hickenlooper signed into law Monday.

Senate Bill 57 allows schools to hire indigenous language teachers even if the teachers aren’t certified educators. The language instructors would have to work with a certified teacher.

Rep. J. Paul Brown, R-Ignacio, the House sponsor, taught Hickenlooper to say “ya’ah’tee” – a Navajo greeting – during a brief ceremony to mark the bill’s signing Monday.

Schools in Southwest Colorado could use the bill to hire Ute and Navajo language teachers, Brown said.

“If they could come in and teach the language without having the certification of a regular teacher, I think that would be beneficial to school districts and to the students and parents,” Brown said.

Sen. Suzanne Williams, D-Aurora, sponsored the bill, which she modelled on the Lakota language program in Denver Public Schools. Around 20 Denver Lakota students attended the bill-signing ceremony.

Senator Williams offered the following comment on Senate Bill 57 today:

“In the past children have been discouraged from speaking their native tongue in classrooms, and now we know that we should be allowing children to embrace their heritage. Allowing tribal elders to share their immense knowledge and experiences with children will enrich their educational experience and encourage them to connect with their roots.”

See more at: <http://coloradosenate.org/home/press/governor-signs-bipartisan-bill-to-allow-native-american-children-to-learn-in-their-native-language-today#sthash.D6nV5m84.dpuf>

C.R.S. 22-60.5-111

COLORADO REVISED STATUTES

TITLE 22. EDUCATION
TEACHERS

ARTICLE 60.5. COLORADO EDUCATOR LICENSING ACT
PART 1. GENERAL PROVISIONS

C.R.S. 22-60.5-111 (2013)

22-60.5-111. Authorization - types - applicants' qualifications - rules

(1) Pursuant to the rules of the state board of education, the department of education may issue the authorizations specified in this section to persons of good moral character who meet the qualifications prescribed by this section and by the rules of the state board of education.

(15) Native American language and culture instruction authorization. (a) The department may issue a native American language and culture instruction authorization to an individual under the following circumstances:

(I) If the individual qualifies for an adjunct instructor authorization pursuant to subsection (2) of this section in the area of native languages; or

(II) If an individual cannot be identified who meets the criteria of subparagraph (I) of this paragraph (a), the employing school district may allow an individual to apply to the department for approval of a native American language and culture instruction authorization if the individual has demonstrated expertise in a native American language of a federally recognized tribe. The native American language and culture instruction authorization shall allow the individual to teach the native American language in which he or she has demonstrated expertise for the employing school district. An individual authorized pursuant to this subparagraph (II) shall work in partnership with a licensed teacher who currently teaches world languages for the employing school district. The approval process for the native American language and culture instruction authorization shall be established by rule of the state board and shall include, at a minimum:

(A) A method to establish and document the expertise of the applicant in the native American language of a federally recognized tribe;

(B) The identification of the partnering licensed teacher;

(C) A requirement that the applicant meet any objective standards for language proficiency established by the state board;

(D) A prohibition on the applicant from teaching any subject other than the native American language for which he or she has demonstrated expertise; and

(E) A renewal process for the authorization.

(b) A native American language and culture authorization issued pursuant to paragraph (a) of this subsection (15) is valid for five years from the date of issuance. The department may renew the authorization for succeeding five-year periods upon the receipt of documented evidence that the person holding the authorization has completed any renewal requirements

specified by rule by the state board of education.

(c) All laws and rules, including but not limited to [section 22-9-106](#) and any rules promulgated thereunder related to educator evaluation and effectiveness, shall apply to the individual holding an authorization pursuant to this subsection (15).