

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native Language Im-
5 mersion Student Achievement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Congress established the unique status of
9 Native American languages and distinctive policies
10 supporting their use as a medium of education in

1 the Native American Languages Act (Public Law
2 101–477).

3 (2) Reports from the Bureau of Indian Affairs
4 and tribal, public, charter, and private schools and
5 colleges that use primarily Native American lan-
6 guages to deliver education, have indicated that stu-
7 dents from these schools have generally had high
8 school graduation and college attendance rates above
9 the norm for their peers.

10 (3) Such successful schools include Native
11 American language medium schools focusing on both
12 children who enter school speaking Native American
13 languages and children who enter school with little
14 or no knowledge of a Native American language, as
15 well as Native American Language Nests and Native
16 American Language Survival Schools.

17 (4) The Elementary and Secondary Education
18 Act of 1965 (20 U.S.C. 6301 et seq.) includes policy
19 barriers to schools taught through Native American
20 languages and a lack of adequate funding to support
21 such opportunities.

22 (5) There is a critical need that requires imme-
23 diate action to support education through Native
24 American languages to revitalize and maintain these
25 languages.

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

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

5 **“PART D—NATIVE AMERICAN LANGUAGE**
6 **SCHOOLS**

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

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

9 “(1) to establish a grant program to support
10 schools using Native American languages as the pri-
11 mary language of instruction of all curriculum
12 taught at the schools that will improve high school
13 graduation rates, college attainment, and career
14 readiness; and

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

18 “(b) PROGRAM AUTHORIZED.—

19 “(1) IN GENERAL.—From the amounts made
20 available to carry out this section, the Secretary may
21 award grants to eligible entities to develop and
22 maintain, or to improve and expand, programs that
23 support schools, including prekindergarten through
24 postsecondary education sites and streams, using
25 Native American languages as the primary language
26 of instruction of all curriculum taught.

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

7 “(A) An Indian tribe (as defined in section
8 103 of the Native American Languages Act (25
9 U.S.C. 2902)).

10 “(B) A Tribal College or University (as de-
11 fined in section 316 of the Higher Education
12 Act of 1965).

13 “(C) A tribal education agency.

14 “(D) A local educational agency.

15 “(E) A private and accredited elementary
16 school or secondary school.

17 “(F) A school operated by the Bureau of
18 Indian Education.

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

22 “(H) A private or tribal nonprofit organi-
23 zation.

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

1 “(c) APPLICATION.—

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

7 “(A) The name of the Native American
8 language to be used for instruction at the
9 school supported by the eligible entity.

10 “(B) The number of students attending
11 such school.

12 “(C) The number of present hours of in-
13 struction in or through 1 or more Native Amer-
14 ican languages being provided to targeted stu-
15 dents at such school, if any.

16 “(D) The status of such school with regard
17 to any applicable tribal education department or
18 agency, public education system, indigenous
19 language schooling research and cooperative, or
20 accrediting body.

21 “(E) A statement that such school—

22 “(i) is engaged in meeting targeted
23 academic proficiency levels for students, as
24 may be required by applicable Federal,
25 State, or tribal law, including the avail-

1 ability of coursework for students to fulfill
2 the requirements necessary to obtain a
3 high school diploma;

4 “(ii) will strive to achieve high level
5 language fluency in students in the Native
6 American language of the school; and

7 “(iii) provides assessments of students
8 using the Native American language of in-
9 struction, where appropriate.

10 “(F) A list of the qualifications of the staff
11 to deliver effective education through the Native
12 American language of the school.

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

18 “(A) TRIBAL CERTIFICATION.—

19 “(i) IN GENERAL.—Subject to clause
20 (ii), a certification from—

21 “(I) a federally recognized Indian
22 tribe on whose land the school sup-
23 ported by the eligible entity is located;

1 “(II) the State in which the
2 school supported by the eligible entity
3 is located; or

4 “(III) a community-recognized
5 Native American entity on whose land
6 the school supported by the eligible
7 entity is located.

8 “(ii) CONTENTS OF CERTIFICATION.—
9 The certification required under clause (i)
10 shall certify that—

11 “(I) the school supported by the
12 eligible entity has an endorsement to
13 provide education primarily through
14 the Native American language; and

15 “(II) there are sufficient speak-
16 ers of such Native American language
17 at the school or available to be hired
18 by the school.

19 “(iii) WAIVER.—

20 “(I) IN GENERAL.—The eligible
21 entity may request from the Secretary
22 a waiver of the certification require-
23 ment under this subparagraph only if
24 the eligible entity submits—

1 “(aa) proof that an entity
2 described in subclause (I) or (III)
3 of clause (i) has denied providing
4 or failed to provide the certifi-
5 cation; and

6 “(bb) an explanation of why
7 such certification cannot be ob-
8 tained.

9 “(II) APPROVAL OF WAIVER.—

10 “(aa) IN GENERAL.—Sub-
11 ject to item (bb), the Secretary
12 may waive the certification re-
13 quirement under this subpara-
14 graph if the Secretary determines
15 that the explanation provided in
16 subclause (I)(bb) is acceptable.

17 “(bb) RESTRICTION.—The
18 Secretary shall not waive the cer-
19 tification requirement under this
20 subparagraph if the Indian tribe
21 on whose land the school sup-
22 ported by the eligible entity is lo-
23 cated submits an objection to the
24 waiver in writing to the Sec-
25 retary.

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

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

16 “(D) NATIVE LANGUAGE EDUCATION
17 PLAN.—A Native language education plan that
18 integrates high achievement in the Native
19 American language with improved student aca-
20 demic achievement, high school graduation
21 rates, college attainment, and career readiness
22 by carrying out the activities authorized in sub-
23 section (e).

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

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

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

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

8 “(1) Support Native American language edu-
9 cation and development.

10 “(2) Develop or refine instructional curriculum
11 for the school supported by the eligible entity, in-
12 cluding distinctive teaching materials and activities,
13 as appropriate.

14 “(3) Fund training opportunities for teachers
15 and, as appropriate, staff and administrators, that
16 would strengthen the overall language and academic
17 goals of such school.

18 “(4) Develop a Native language alignment plan
19 to create or refine assessments of student proficiency
20 on State or tribally developed academic standards
21 for Native American language schools, aligned with
22 the Native language of instruction in such schools,
23 as appropriate.

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

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

8 “(g) BUILDING NATIVE LANGUAGE IMMERSION EVI-
9 DENCE BASE.—

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

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

1 and the Committee on Health, Education, Labor
2 and Pensions of the Senate.

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