

1 A JOINT MEMORIAL

2 CALLING FOR THE LEGISLATURE TO SUPPORT TRIBAL LANGUAGE
3 SURVIVAL, AND REQUESTING THE FULFILLMENT OF STATUTORY
4 OBLIGATIONS REGARDING THE 2003 INDIAN EDUCATION ACT AND THE
5 STATE BILINGUAL MULTICULTURAL EDUCATION ACT.

6
7 WHEREAS, Article 14, Number 1 of the United Nations
8 Declaration on the Rights of Indigenous People, adopted on
9 September 13, 2007 by General Resolution 61/295, states:
10 "Indigenous peoples have the right to establish and control
11 their educational systems and institutions providing
12 education in their own languages in a manner appropriate to
13 their cultural methods of teaching and learning."; and

14 WHEREAS, Article 14, Number 3 says: "States shall, in
15 conjunction with indigenous peoples, take effective measures,
16 in order for indigenous individuals, particularly children,
17 including those living outside their communities, to have
18 access, when possible, to an education in their own culture
19 and provided in their own language."; and

20 WHEREAS, Public Law 101-477, enacted October 30, 1990 as
21 Title I – Native American Languages Act (Section 102) states:
22 "The Congress finds that – (2) special status is accorded
23 Native Americans in the United States, a status that
24 recognizes distinct cultural and political rights, including
25 the right to continue separate identities; (3) the

1 traditional languages of Native Americans are an integral
2 part of their cultures and identities and form the basic
3 medium for the transmission, and thus survival, of Native
4 American cultures, literatures, histories, religions,
5 political institutions, and values; (6) there is convincing
6 evidence that student achievement and performance, community
7 and school pride, and educational opportunity is clearly and
8 directly tied to respect for, and support of, the first
9 language of the child or student; and (7) it is clearly in
10 the interests of the United States, individual states, and
11 territories to encourage the full academic and human
12 potential achievements of all students and citizens and to
13 take steps to realize these ends."; and

14 WHEREAS, Public Law 101-477, enacted October 30, 1990 as
15 Title I – Native American Languages Act (Section 104) states:
16 "It is the policy of the United States to – (1) preserve,
17 protect, and promote the rights and freedom of Native
18 Americans to use, practice, and develop Native American
19 languages; (3) encourage and support the use of Native
20 American languages as a medium of instruction in order to
21 encourage and support – (A) Native language survival, (B)
22 educational opportunity, (C) increased student success and
23 performance, (D) increased student awareness and knowledge of
24 their culture and history, and (E) increased student and
25 community pride; (4) encourage State and local education

1 programs to work with Native American parents, educators,
2 Indian tribes, and other Native American governing bodies in
3 the implementation of programs to put this policy into
4 effect."; and

5 WHEREAS, the president, on December 14, 2006, signed
6 into law HR 4766, the Esther Martinez Native American
7 Languages Preservation Act of 2006, amending the Native
8 American Programs Act of 1974 to provide for the
9 revitalization of Native American languages through Native
10 American language immersion programs; and

11 WHEREAS, the United States department of education's
12 under secretary, Martha J. Kanter, acknowledged the
13 importance of language to tribes across the country as an
14 educational priority conveyed by the tribal leaders and
15 community at the tribal consultations of 2009; and

16 WHEREAS, the 2010 national congress of American Indians
17 resolution ABQ-10-021, titled "Declaring Native American
18 Languages in a State of Emergency and an Executive Order on
19 Native Languages", states that "the NCAI does declare Native
20 languages in a State of Emergency and urges the White House
21 to adopt this proposed Executive Order in order to prevent
22 seventy Native languages from becoming extinct in the next
23 five years", and it further states that "the proposed
24 Executive Order honors President Obama's campaign promise to
25 support Native language revitalization"; and

1 WHEREAS, the national Indian education association has
2 stated in its recommendations to improve the Elementary and
3 Secondary Education Act of 1968 that Title I include schools
4 using a Native language as the medium of instruction and that
5 Title III amendments include provisions and funding to
6 support Native language instruction and remove barriers to
7 full-fledged instruction in Native languages; and

8 WHEREAS, New Mexico's 2003 Indian Education Act states
9 that the purpose of the Indian Education Act, Sections
10 22-23A-1 through 22-23A-8 NMSA 1978, is to "ensure
11 maintenance of native languages"; and

12 WHEREAS, the 2007-003 all Indian pueblo council
13 resolution describes the maintenance of Native American
14 languages as a key issue for tribal communities, noting that
15 "Native languages and their use by children have experienced
16 a sharp decline in the last ten years" and that the all
17 Indian pueblo council "does hereby affirm that the
18 revitalization and preservation of our languages and
19 ceremonies is of the highest priority"; and

20 WHEREAS, the 2005 Indian education summit between the
21 office of the governor and New Mexico's twenty-two tribes
22 identified the transmission of Native tribal languages to,
23 and their maintenance by, New Mexico Native American youth as
24 one of the top priorities in the education of Native American
25 children; and

1 WHEREAS, the 2009 Native American solutions summit and
2 the 2010 tribal summit identified tribal language maintenance
3 as a major contributor to the academic success of Native
4 American students; and

5 WHEREAS, the 2010-09 all Indian pueblo council
6 resolution supported the 2010 strong starts for children
7 initiative, which recently facilitated community forums in
8 which tribal community members participated and that
9 identified Native American language development as a priority
10 for early childhood education in Native American communities;
11 and

12 WHEREAS, current research on early childhood education
13 by Wong Fillmore (1991a; 1991b; 1991c; 2000), Romero-Little
14 (2003; 2008; 2009; 2010) and others points to the importance
15 of creating early foundations in heritage language
16 development as a means for future academic success
17 (Cummins, 1976; 1991); and

18 WHEREAS, longitudinal research of bilingual, one-way and
19 dual-language programs in schools points to the benefits of
20 long-term support for heritage language learning, finding
21 that such support helps close the achievement gap when
22 high-quality and consistent programs of instruction are
23 provided throughout the early years of schooling (Collier,
24 1992; Collier & Thomas, 2004; 2005; Cummins, 2000; Genesee,
25 1987); and

1 WHEREAS, recent research findings from the New Mexico
2 2010 Indian education study group report identified the
3 overwhelming desire of Native American students to have
4 tribal language instruction provided in public schools; and

5 WHEREAS, New Mexico state legislators established the
6 Indian Education Act of 2003 to "ensure that the department
7 of education partners with tribes to increase tribal
8 involvement and control over schools and the education of
9 students located in tribal communities"; and

10 WHEREAS, the 2008 establishment of the American Indian
11 language policy research and teacher training center at the
12 university of New Mexico through a United States department
13 of education seed grant has provided assistance to tribes and
14 schools in language maintenance and revitalization efforts;

15 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
16 STATE OF NEW MEXICO that it recognize the unique status of
17 New Mexico's Native American languages and that protection
18 and preservation of these languages represents New Mexico's
19 commitment to its multicultural and multilingual heritage;
20 and

21 BE IT FURTHER RESOLVED that the legislature acknowledge
22 the valuable and significant role that New Mexico's Native
23 American languages play in the survival of native communities
24 and cultures; and

25 BE IT FURTHER RESOLVED that the legislature recognize

1 that New Mexico's native languages are important for
2 improving the academic success of Native American children by
3 providing opportunities for them to embrace their tribal
4 language heritage, thus enhancing their educational
5 experience and achievement; and

6 BE IT FURTHER RESOLVED that the legislature support
7 these efforts by ensuring that resources attached to the
8 Indian Education Act be focused on adequate support of
9 tribally controlled language initiatives; and

10 BE IT FURTHER RESOLVED that the legislature recognize
11 that establishing and sustaining a strong infrastructure for
12 language development and maintenance initiatives for Native
13 Americans, from birth through adulthood, requires technical
14 assistance and ongoing training support provided through the
15 American Indian language policy research and teacher training
16 center; and

17 BE IT FURTHER RESOLVED that copies of this memorial be
18 transmitted to the secretary of public education and the
19 assistant secretary for Indian education. _____

20
21
22
23
24
25