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FISCAL IMPACT REPORT

SPONSOR Madalena **ORIGINAL DATE** 02/11/11 **LAST UPDATED** _____ **HB** HJM 31
SHORT TITLE Legis Support for Tribal Language Survival **SB** _____
ANALYST Kleats

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Not Received From

Indian Affairs Department (IAD)

Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Joint Memorial 31 requests the legislature to recognize the unique status of Native American languages in New Mexico and that protection and preservation of these languages represents New Mexico's commitment to its multicultural and multilingual heritage.

HJM 31 requests the legislature recognize the importance of Native American languages to the survival of native communities and cultures and to improve academic success of Native American children.

HJM 31 requests the legislature ensure resources attached to the Indian Education Act be focused on support for tribally-controlled language initiatives and recognize that strong infrastructure including technical assistance and training support is necessary for those initiatives.

FISCAL IMPLICATIONS

HJM 31 carries no fiscal implications. The joint memorial requests the legislature ensure that the existing resources of the Indian education fund be used for existing priorities enumerated in statute under Section 22-23A-2 NMSA 1978.

OTHER SUBSTANTIVE ISSUES

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

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

Public Law 101-477, enacted October 30, 1990 as Title I — Native American Languages Act (Section 102) states: "The Congress finds that — (2) special 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; (3) 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; (6) there is convincing evidence that student achievement and performance, community and school pride, and educational opportunity is clearly and directly tied to respect for, and support of, the first language of the child or student; and (7) it is clearly in the interests of the United States, individual states, and territories to encourage the full academic and human potential achievements of all students and citizens and to take steps to realize these ends."

Public Law 101-477, enacted October 30, 1990 as Title I — Native American Languages Act (Section 104) states: "It is the policy of the United States to — (1) preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages; (3) encourage and support the use of Native American languages as a medium of instruction in order to encourage and support — (A) Native language survival, (B) educational opportunity, (C) increased student success and performance, (D) increased student awareness and knowledge of their culture and history, and (E) increased student and community pride; (4) encourage State and local education programs to work with Native American parents, educators, Indian tribes, and other Native American governing bodies in the implementation of programs to put this policy into effect."

The president, on December 14, 2006, signed into law HR 4766, the Esther Martinez Native American Languages Preservation Act of 2006, amending the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs.

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

The 2010 national congress of American Indians resolution ABQ-10-021, titled "Declaring Native American Languages in a State of Emergency and an Executive Order on Native Languages", states that "the NCAI does declare Native languages in a State of Emergency and urges the White House to adopt this proposed Executive Order in order to prevent seventy Native

languages from becoming extinct in the next five years", and it further states that "the proposed Executive Order honors President Obama's campaign promise to support Native language revitalization."

The national Indian education association has stated in its recommendations to improve the Elementary and Secondary Education Act of 1968 that Title I include schools using a Native language as the medium of instruction and that Title III amendments include provisions and funding to support Native language instruction and remove barriers to full-fledged instruction in Native languages.

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

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

The 2005 Indian education summit between the office of the governor and New Mexico's twenty-two tribes identified the transmission of Native tribal languages to, and their maintenance by, New Mexico Native American youth as one of the top priorities in the education of Native American children.

The 2009 Native American solutions summit and the 2010 tribal summit identified tribal language maintenance as a major contributor to the academic success of Native American students.

The 2010-09 all Indian pueblo council resolution supported the 2010 strong starts for children initiative, which recently facilitated community forums in which tribal community members participated and that identified Native American language development as a priority for early childhood education in Native American communities.

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

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

Recent research findings from the New Mexico 2010 Indian education study group report identified the overwhelming desire of Native American students to have tribal language instruction provided in public schools.

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New Mexico state legislators established the Indian Education Act of 2003 to "ensure that the department of education partners with tribes to increase tribal involvement and control over schools and the education of students located in tribal communities."

The 2008 establishment of the American Indian language policy research and teacher training center at the university of New Mexico through a United States department of education seed grant has provided assistance to tribes and schools in language maintenance and revitalization efforts.

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