

1 SENATE JOINT MEMORIAL 24

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 CALLING FOR THE LEGISLATURE TO SUPPORT TRIBAL LANGUAGE
12 SURVIVAL, AND REQUESTING THE FULFILLMENT OF STATUTORY
13 OBLIGATIONS REGARDING THE 2003 INDIAN EDUCATION ACT AND THE
14 STATE BILINGUAL MULTICULTURAL EDUCATION ACT.

15
16 WHEREAS, Article 14, Number 1 of the United Nations
17 Declaration on the Rights of Indigenous People, adopted on
18 September 13, 2007 by General Resolution 61/295, states:
19 "Indigenous peoples have the right to establish and control
20 their educational systems and institutions providing education
21 in their own languages in a manner appropriate to their
22 cultural methods of teaching and learning."; and

23 WHEREAS, Article 14, Number 3 says: "States shall, in
24 conjunction with indigenous peoples, take effective measures,
25 in order for indigenous individuals, particularly children,

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1 including those living outside their communities, to have
2 access, when possible, to an education in their own culture and
3 provided in their own language."; and

4 WHEREAS, Public Law 101-477, enacted October 30, 1990 as
5 Title I – Native American Languages Act (Section 102) states:
6 "The Congress finds that – (2) special status is accorded
7 Native Americans in the United States, a status that recognizes
8 distinct cultural and political rights, including the right to
9 continue separate identities; (3) the traditional languages of
10 Native Americans are an integral part of their cultures and
11 identities and form the basic medium for the transmission, and
12 thus survival, of Native American cultures, literatures,
13 histories, religions, political institutions, and values; (6)
14 there is convincing evidence that student achievement and
15 performance, community and school pride, and educational
16 opportunity is clearly and directly tied to respect for, and
17 support of, the first language of the child or student; and (7)
18 it is clearly in the interests of the United States, individual
19 states, and territories to encourage the full academic and
20 human potential achievements of all students and citizens and
21 to take steps to realize these ends."; and

22 WHEREAS, Public Law 101-477, enacted October 30, 1990 as
23 Title I – Native American Languages Act (Section 104) states:
24 "It is the policy of the United States to – (1) preserve,
25 protect, and promote the rights and freedom of Native Americans

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1 to use, practice, and develop Native American languages; (3)
2 encourage and support the use of Native American languages as a
3 medium of instruction in order to encourage and support – (A)
4 Native language survival, (B) educational opportunity, (C)
5 increased student success and performance, (D) increased
6 student awareness and knowledge of their culture and history,
7 and (E) increased student and community pride; (4) encourage
8 State and local education programs to work with Native American
9 parents, educators, Indian tribes, and other Native American
10 governing bodies in the implementation of programs to put this
11 policy into effect."; and

12 WHEREAS, the president, on December 14, 2006, signed into
13 law HR 4766, the Esther Martinez Native American Languages
14 Preservation Act of 2006, amending the Native American Programs
15 Act of 1974 to provide for the revitalization of Native
16 American languages through Native American language immersion
17 programs; and

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

23 WHEREAS, the 2010 national congress of American Indians
24 resolution ABQ-10-021, titled "Declaring Native American
25 Languages in a State of Emergency and an Executive Order on

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1 Native Languages", states that "the NCAI does declare Native
2 languages in a State of Emergency and urges the White House to
3 adopt this proposed Executive Order in order to prevent seventy
4 Native languages from becoming extinct in the next five years",
5 and it further states that "the proposed Executive Order honors
6 President Obama's campaign promise to support Native language
7 revitalization"; and

8 WHEREAS, the national Indian education association has
9 stated in its recommendations to improve the Elementary and
10 Secondary Education Act of 1968 that Title I include schools
11 using a Native language as the medium of instruction and that
12 Title III amendments include provisions and funding to support
13 Native language instruction and remove barriers to full-fledged
14 instruction in Native languages; and

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

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

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1 WHEREAS, the 2005 Indian education summit between the
2 office of the governor and New Mexico's twenty-two tribes
3 identified the transmission of Native tribal languages to, and
4 their maintenance by, New Mexico Native American youth as one
5 of the top priorities in the education of Native American
6 children; and

7 WHEREAS, the 2009 Native American solutions summit and the
8 2010 tribal summit identified tribal language maintenance as a
9 major contributor to the academic success of Native American
10 students; and

11 WHEREAS, the 2010-09 all Indian pueblo council resolution
12 supported the 2010 strong starts for children initiative, which
13 recently facilitated community forums in which tribal community
14 members participated and that identified Native American
15 language development as a priority for early childhood
16 education in Native American communities; and

17 WHEREAS, current research on early childhood education by
18 Wong Fillmore (1991a; 1991b; 1991c; 2000), Romero-Little (2003;
19 2008; 2009; 2010) and others points to the importance of
20 creating early foundations in heritage language development as
21 a means for future academic success (Cummins, 1976; 1991); and

22 WHEREAS, longitudinal research of bilingual, one-way and
23 dual-language programs in schools points to the benefits of
24 long-term support for heritage language learning, finding that
25 such support helps close the achievement gap when high-quality

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1 and consistent programs of instruction are provided throughout
2 the early years of schooling (Collier, 1992; Collier & Thomas,
3 2004; 2005; Cummins, 2000; Genesee, 1987); and

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

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

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

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

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

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1 and cultures; and

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

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

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

19 BE IF FURTHER RESOLVED that copies of this memorial be
20 transmitted to the secretary of public education and the
21 assistant secretary for Indian education.