

Testimony
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Senate Committee on Indian Affairs
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628 Dirksen Senate Office Building

Aloha 'auinalā, e ka Lunaho'omalua Kenekoa Tester o ke Kōmike Kuleana 'Ōiwi o ka 'Aha Kenekoa a me nā lālā hanohano o ke Kōmike.

'O wau 'o Nāmaka Rawlins, Laekahi Kuleana Kūwaho o ka 'Aha Pūnana Leo, e kū hō'ike nei no ke kāko'o i kēia mau pila me nā loli i loko o kekahi.

GREETING

Good afternoon, Chairman Tester, Vice Chairman Barrasso, and distinguished members of the Senate Committee on Indian Affairs. My name is Nāmaka Rawlins. I am here representing the 'Aha Pūnana Leo. The 'Aha Pūnana Leo is the oldest Native American language immersion focused non-profit organization in the United States. Over 30 years ago, the 'Aha Pūnana Leo established its language nest preschools modeled on the Maori Kohanga Reo. Hawaiian is used exclusively and is the medium of education. We are the sole statewide provider and have 11 preschool sites. This is the model proven successful in reversing language loss. It is through this system that we are improving our teaching and learning in public education to ensure the success of our children and families in an education that makes sense and that comes from communities committed to building a future for their children based on the language and knowledge of the ancestors.

I want to begin by thanking those who introduced the bills being heard today. We support S. 2299, that ensures the survival and continuing vitality of Native American languages. Native language maintenance and revitalization efforts have had a positive impact in our communities that extend beyond language proficiency to include cultural and family engagement and community support. Dedicated advocates with the support of elders take on the daunting task of reversing language loss. The reward comes when the little ones speak our languages again. S. 2299 provides the mechanism to support these efforts.

Senator Tester, thank you for introducing S. 1948, a bill to promote the academic achievement of American Indian, Alaska Native, and Native Hawaiian children with the establishment of a Native American language grant program within the Department of Education. We also very much appreciate the coordination with Senator Schatz's office in introducing S. 1948 at the same time Hawai'i hosted the 21st Annual Stabilizing Indigenous Languages Symposium held in January of this year in Hilo. Ms. Rosalyn LaPier, enrolled member of the Blackfeet nation and board member of the Piegan Institute immersion program from Montana, read your press release to the audience. There was a resounding applause from those in attendance, representing 25 states and 10 countries. And as declared within your statement recognition of honor for Darrell Kipp, co-founder of the Piegan Institute Blackfeet immersion school, we too paid tribute to our dear friend and warrior for the survival of our Native American languages. There were representatives at the symposium from the majority of American schools and programs using their languages as the medium of education, that is to say, immersion and mother tongue Native American medium schools. All of our languages are at various stages of endangerment. These schools and programs are quite diverse. They include Bureau of Indian Affairs schools, public charter schools, regular public schools and non-profit administered schools. Following the symposium, the group held a special meeting to discuss overall challenges under federal education legislation related to schools using Native American languages as the medium of instruction. There was an opportunity to review S. 1948. My testimony is aligned to the discussion and outcomes of that meeting.

Native American Languages Act Compliance

S.1948 is of particular interest to us as it provides amendments to the ESEA, the current No Child Left Behind (NCLB). I want to state at the onset, strong support for S.1948 and its provisions for a new grant program under the Department of Education. However, I want to focus my testimony on **including in S. 1948, amendments to ESEA** that align to and are fully compliant with US Native American language education policy as defined in the Native American Languages Act of 1990 (NALA).

Because it is not fully compliant with NALA, the current ESEA has presented huge, discriminatory challenges to all Native American language schools throughout the country and to those communities that wish to establish such schools. Those challenges, I believe, are due to an oversight regarding our distinctive needs when NCLB was drafted over a decade ago. That oversight resulted in applying an inappropriate “one size fits all” approach to all schools in our huge diverse country, including our highly distinctive schools taught through endangered Native American languages. That “one size fits all” approach is moving our language back toward extinction by discriminating against the students, families and professionals in our schools. That “one size fits all” approach ignores our needs for distinctive standards, for distinctive means of assessment and for distinctive means for determining qualified teachers for our Native American language schools. “One size” **does not** “fit all.”

It is essential that the ESEA align to the NALA and address the need for a distinctive Native American language-aligned approach if our Native American language schools are to flourish and to serve more students and communities.

Hawai'i is the site of the oldest and largest effort to revitalize a Native American language using immersion methodology. Our organization, the non-profit 'Aha Pūnana Leo, began that groundbreaking effort in 1983. We have had an advantage in knowing what is possible when an indigenous language is the medium of education. Our islands have a history where in the 1800s, Hawaiian was the original language of public education. During the 19th century our distinctive Hawaiian language medium education system produced an exceptionally high level of literacy among Native Hawaiians. At the time of annexation to the United States, Native Hawaiians had the highest literacy rate of any of the many Asian and European ethnic groups in our islands.

However, with annexation came a law making it illegal to use our Hawaiian language in schools. Once the most literate of ethnic groups, Native Hawaiians fell to the least literate. Furthermore, the Hawaiian language was essentially exterminated among those born within a generation after annexation, as children punished for speaking Hawaiian in the schools, stopped speaking it. Loss of the language then led to a loss of values encoded in the language and considerable social breakdown among our people.

The 'Aha Pūnana Leo grew out of a dream to save our language and to provide high quality education to Hawaiian-speaking children. We began with preschools taught through Hawaiian. We used non-certified but knowledgeable elders teamed with dedicated youthful language-learners to run the schools. Our curriculum was, and is, grounded in best practices relevant to our own language and culture as supported by research from Hawaiian-speaking university experts. From our preschools, we moved our Hawaiian-speaking children into the public schools, where we trained year by year, their teachers in the same teaching methodology of exclusive use of Hawaiian in teaching academic content.

We moved forward and upward, grade by grade, until we graduated our first seniors in 1999. We opened more schools statewide. And we continued further with the establishment of a Hawaiian language college within the University of Hawai'i at Hilo and developed a graduate program, a teacher education certification program, and a model preschool through grade 12 (P-12) laboratory school all taught through Hawaiian. Today, approximately 2,500 children from preschool to grade 12 are educated through Hawaiian in our state. Our college also provides outreach and assistance to others working in schools through other Native American languages.

Our P-12 laboratory school is where we demonstrate best practice for education through Native American languages. This school boasts a record of 15 consecutive years of 100% high school graduation rate and 80% college-going rate. These rates surpass the state averages of 82% graduation and 63% college-going rates. In addition, the student population consists of 95% Native Hawaiians and 70% qualify for free and reduced lunch. In the English medium public school system, Native Hawaiians have academic outcomes lower than the state average, with our laboratory school graduation rate approximately 25% higher than that for Native Hawaiians in the English language public schools.

We are fortunate that we began our movement and graduated our first seniors before passage of NCLB. Those successes before NCLB produced the solidarity and data to resist challenges from NCLB. NCLB establishes a single box with “one size for all” for all public schools in the United States, except for those of Puerto Rico. Puerto Rico is the sole jurisdiction in the US, where the majority of public schooling is through a language other than English. However, Puerto Rico is not the only political jurisdiction where more than one language is official, nor is it the sole jurisdiction in the United States where an official language other than English is used as the medium of education. Hawaiian is an official language of our state and fully used as the medium of education in some public schools, such as the laboratory school described earlier.

I believe that it was an oversight in Congress to not include distinct provisions for schools taught through Native American languages throughout NCLB parallel to those provided Puerto Rico. Not only Hawaiian is an official language within the United States, nearly every Native American language is official for its tribe. Our Native American languages have already been recognized with distinct policies under the Native American Languages Act of 1990. Indeed, we are in great need of distinct policies for our Native American languages, which are considered smaller world languages similar to policies made for Puerto Rico for its official language Spanish, a larger European language.

Align NCLB to NALA with S.1948 Amendments

To give you an idea of the level of challenges – indeed discrimination – our schools face under NCLB, I draw your attention to the P-12 laboratory school I described earlier with 15 consecutive years of 100% high school graduation and 80% college-going rate. The State of Hawai'i has recognized our school for its high academic achievement. Yet, under NCLB, this same laboratory school has incredibly been designated as the second *lowest performing school* in the state! The lowest performing school is another school taught through Hawaiian. There are consequences that come with that NCLB's poor-performing categorization, including closure of the school, take over of the school and conversion to a curriculum that is based in English and the Common Core. All of these “corrective actions” threaten the very existence of our language, our culture and inevitably, our Native identity. Again, none of this is related to ultimate academic outcomes, much less the maintenance and revitalization of the Hawaiian language, but to the mandatory, biased and stigmatizing pathway of education set out for the state in the federal NCLB.

NCLB has not appreciably improved the position of Native Hawaiians in English medium schools nor have those English medium schools restored the Hawaiian language as a living language among Native Hawaiian families. NCLB has, however, held a sword over the head of our state government requiring it to discriminate against schools taught through Hawaiian for Hawaiian speaking families or lose over \$50,000,000 in congressionally approved educational support. The amendments we provide align NCLB to NALA and makes it possible for Native American language medium programs to seek out and to work with university experts in aligning accountability measures to the unique linguistic and cultural features of the language of instruction including assessment of academic content through the language of instruction.

NCLB has moved Hawai'i back toward the time when the federal government outlawed our indigenous language in territorial schools in our language and culture's own homeland. This is a new century, a century in which the United States has called upon such countries as China to protect the use of their indigenous languages in their schools. This year again the U.S. State Department reiterated our country's strong support for the preservation of Tibet's unique cultural and linguistic heritage in its schools. Our country, through Congress, needs to do the same for its own indigenous languages and cultures. NCLB needs to be amended now to protect its own country's schools taught through its own Native American languages. As stated in the Findings in S. 1948, Section 2, Part (4) “ There is a critical need that requires immediate action to support education through Native American languages to preserve these languages.” I have attached amendments to my testimony to strengthen the bill to meet those goals.

Mahalo nui loa, thank you very much, Senator Tester and members of the Committee for holding this hearing and for your support for the survival of our languages. I assure you that schools taught through Native American languages grounded in the policies of NALA as clarified in the attached amendments will not only reverse the effects of past government bans on use of our languages, but will also produce higher outcomes in terms of high school graduation, college attendance, community service and national service

S. 1948	Draft Amendments Native American language medium programs 2014 SILS discussions	Rationale June 2014
<p>113th CONGRESS 2nd Session S. 1948 IN THE SENATE OF THE UNITED STATES January 16, 2014 Mr. Tester (for himself, Mr. Schatz, Mr. Begich, Mr. Johnson of South Dakota, and Mr. Baucus) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs</p>		<p>House Majority companion bill introduced by Representative Cole</p>
<p>To promote the academic achievement of American Indian, Alaska Native, and Native Hawaiian children with the establishment of a Native American language grant program.</p> <p>Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,</p>		
<p>SECTION 1. SHORT TITLE. This Act may be cited as the "Native Language Immersion Student Achievement Act".</p>		
<p>SEC. 2. FINDINGS "Congress finds the following: "(1) Congress established the unique status of Native American languages and distinctive policies supporting their use as a medium of education in the Native American Languages Act (Public Law 101-477). "(2) Reports from Bureau of Indian Affairs and tribal, public, charter, and private schools and colleges that use primarily Native American languages to deliver education have indicated that students from these schools have generally had high school graduation and college attendance rates above the norm for their peers. "(3) The Elementary and Secondary School Act of 1965 (20 U.S.C. 6301 et seq.) includes policy barriers to schools taught through Native American languages and a lack of adequate funding support opportunities to support such opportunities. "(4) There is a critical need that requires immediate action to support education through Native American languages to preserve these languages.</p>	<p>ADD NEW # 3 and change number 3 and 4</p> <p>"(3) Such successful schools include Native American language medium schools focusing primarily on children who enter school speaking Native American languages and immersion schools that focus primarily on teaching Native American languages to children who enter school with little to no knowledge of a Native American language, as well as programs combining features of both types of schools, such as Native American Language Nests and Native American Language Survival Schools.</p> <p>Renumber (3) Number "(4)</p> <p>Renumber (4) Number "(5)</p>	<p>Acknowledge work to date in reversing Native American Language loss</p> <p>To clarify the nature of these schools and avoid being mischaracterized with Foreign Language Immersion</p>
<p>SEC. 3. NATIVE AMERICAN LANGUAGE SCHOOLS Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended by adding at the end the following:</p>		
<p>"PART D – NATIVE AMERICAN LANGUAGE SCHOOLS</p>		

<p>“SEC. 7401. NATIVE AMERICAN LANGUAGE SCHOOLS. “(a) PURPOSES. – The purposes of this section are— “(1) to establish a grant program to support schools using Native American languages as the primary language of instruction of all curriculum taught at the school that will improve high school graduation rates, college attainment, and career readiness and “(2) to further integrate into this Act, Federal policy for such schools, as established in the Native American Languages Act (Public Law 101-477).</p>		
<p>“(b) PROGRAM AUTHORIZED.— “(1) IN GENERAL. – From the amounts made available to carry out this section, the Secretary may award grants to eligible entities to develop and maintain, or to improve and expand, programs that support schools, including prekindergarten through postsecondary education, using Native American languages as the primary language of instruction of all curriculum at the schools. “(2) ELIGIBLE ENTITIES.—In this section, the term ‘eligible entity’ means a school or a private or tribal, nonprofit organization that has a plan to develop and maintain, or to improve and expand, programs that support schools using Native American languages as the primary language of instruction of all curriculum taught at the schools.</p>	<p>“(b) PROGRAM AUTHORIZED.— “(1) IN GENERAL. – From the amounts made available to carry out this section, the Secretary may award grants to eligible entities to develop and maintain, or to improve and expand, programs that support schools, including prekindergarten through postsecondary education sites and streams, using Native American languages as the primary language of instruction of all curriculum. [[REMOVE: at the schools.]]</p>	<p>Some of the current models exist as multiple sites or as “streams” within schools. Also, in some cases, children move from one school to another e.g preschool to elementary to middle to high</p>
<p>“(c) APPLICATION.— “(1) IN GENERAL.-- An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including the following:</p>		
<p>“(A) the name of the Native American language to be used for instruction at the school supported by the eligible entity.</p>	<p>“(A) the name of the Native American language or languages to be used for instruction at the school or schools supported by the eligible entity.</p>	<p>Includes programs with multiple sites e.g. preschool to elementary to middle to high</p>
<p>“(B) The number of students attending such school.</p>	<p>“(B) The number of students attending such school or schools.</p>	
<p>“(C) The number of present hours of Native American language instruction being provided to students at such school, if any.</p>	<p>“(C) The number of present hours of instruction in or through one or more Native American language being provided targeted students, if any.</p>	<p>“Targeted” means the children being instructed in the Native American language in the program or school.</p>
<p>“(D) The status of such school with regard to any applicable tribal education department or agency, public education system, indigenous language schooling research and cooperative, or accrediting body.</p>	<p>“(D) The status of such school or schools with regard to any applicable tribal education department or agency, public education system, indigenous language schooling research and cooperative, or accrediting body.</p>	<p>One school or program will apply and follow the students.</p>
<p>“(E) A statement that such school--</p>	<p>“(E) A statement that such school—</p>	<p>Make available for Native</p>

<p>“(i) is engaged in meeting targeted proficiency levels for students, as may be required by applicable Federal, State, or tribal law; and</p> <p>“(ii) provides assessments of student using the Native American language of instruction, where appropriate.</p>	<p>“(i) is engaged in measuring and meeting targeted proficiency levels for students, as [[may be]] established as best practice for such schools by a qualified researcher from a college or university with expertise in education through Native American languages.</p> <p>[[Remove: required by applicable Federal, State, or tribal law; and]]</p> <p>“(ii) provides assessments of student oral use of the Native American language of instruction, where appropriate.</p>	<p>American language medium programs the opportunity to seek out and to work with experts in aligning accountability measures to the unique linguistic and cultural features of the language of instruction including assessment of academic content through the language of instruction.</p> <p>Make available additional measures for oral fluency goals. Some languages, Keres for example, are solely oral languages.</p>
<p>“(F) A list of the instructors, staff, administrators, contractors, or subcontractors at such school or schools and their qualifications to deliver high quality education through the designated Native American language or languages.</p>		
<p>“(2) ADDITIONAL APPLICATION MATERIALS.— In addition to the application described in paragraph (1), an eligible entity that desires to receive a grant under this section shall submit to the Secretary the following:</p>		
<p>“(A) A certification from a Federally recognized Indian tribe, or a letter from any Native American entity, on whose land the school supported by the eligible entity is located, or which is served by such school, indicating that the school has the capacity to provide education primarily through a Native American language and that there are sufficient speakers of such Native American language at the school or available to be hired by the school.</p>		
<p>“(B) A statement that such school will participate in data collection conducted by the Secretary that will determine best practices and further academic evaluation of the school.</p>	<p>“(B) A statement that such school will collect data relative to high school graduation and college attendance of students who matriculate through its programs and provide such data to the Secretary along with other data relevant to career and community participation. For programs and schools that have not yet had 5 years of students of high school graduation age, the school will provide information from a school of its choice which follows a program model similar to its own and which has agreed to work with an eligible entity. [[participate in data collection conducted by the Secretary that will determine best practices and further academic evaluation of the school.]]</p>	<p>Strengthens tracking (former or current) students through graduation.</p> <p>Provides a means to predict high school graduation and college attendance for schools that have not yet produced sufficient years of students of high school graduation age. The model will predict likely outcomes until such time that the school or programs has its own data. High school graduation and college attendance are the ultimate academic outcomes sought by these programs rather than standardized test scores on English language assessments used in mainstream schools. Anecdotal evidence is that these Native American</p>

		language schools are producing above average high school graduation and college attendance rates.
“(C) A demonstration of the capacity to have speakers of its Native American language provide the basic education offered by such school on a full-time basis.		
<p>“(d) AWARDING OF GRANTS.—In awarding grants under this section, the Secretary shall—</p> <p>“(1) determine the amount and length of each grant;</p> <p>“(2) ensure, to the maximum extent feasible, that diversity in languages is represented; and</p> <p>“(3) require the eligible entities to present a Native language education plan to improve high school graduation rates, college attainment, and career readiness.</p>	<p>“(d) AWARDING OF GRANTS.—In</p> <p>“(1)</p> <p>“(2) ensure, to the maximum extent feasible, that diversity in languages, states served, and program types is represented;</p> <p>ADD new “(3) give priority to eligible entities that have been unfunded by this section over the past ten years and which have the longest record of operation following practices that have an exemplary record for high rates of high school graduation and college attendance; [[REMOVE: and]]</p> <p>Renumber “(4) require the eligible entities to present a Native American language education plan that integrates high achievement in the Native American language with improved high school graduation rates, college attainment, and career readiness; and</p> <p>ADD new “(5) reserve half of all funding for automatic distribution equally on a per student head basis among eligible entities funded under this section anytime over the previous ten years provided that they submit to the Secretary evidence that:</p> <ul style="list-style-type: none"> a) the schools and programs supported through them have continued to report high school graduation and college attendance rates that are on average above those for Native American student peers in mainstream public schools, or b) the schools and programs supported through them produce high school and college attendance rates similar to those for Native American student peers in mainstream public schools along with distinctive exemplary outcomes such as military service and community cultural roles, or c) they support a school or program that has not yet had 5 years of students of high school graduation age and which is following a program model that meets (5) (a) or (b) as verified through data from a school or program that has agreed to work with an eligible entity. 	<p>When this bill passes, all entities will be considered unfunded. This section gives priority to the most established programs, provided the diversity in program types, languages and states is accommodated. Once the program is operational successful programs will receive continued funding under (5) below and Section 3 will provide a pathway for new programs to receive initial funding.</p> <p>Similar to (original #3) but focuses on achievement in the NA language.</p> <p>(5) Accomplishes the goal of formula funding successful established programs.</p> <p>Expands the successful models to include other exemplary measures for the Secretary to recognize.</p>
“(e) ACTIVITIES AUTHORIZED.—An eligible entity that receives a grant		

<p>under this section shall carry out the following activities:</p> <p>“(1) Support Native American language education and development.</p> <p>“(2) Develop or refine instructional curriculum for the school supported by the eligible entity, including distinctive teaching materials and activities, as appropriate.</p> <p>“(3) Fund training opportunities for teachers and, as appropriate, staff and administrators, that would strengthen the overall language and academic goals of such school.</p> <p>“(4) Other activities that promote Native American language education and development, as appropriate.</p>		
	<p>ADD new “(f) MEETING REQUIREMENTS OF TITLES OF THIS ACT.-- Notwithstanding any other provisions of this Act, any school funded under this Part or otherwise meeting its requirements for use of a Native American language in instruction shall have the option of fulfilling federal requirements of this Title and other Titles of this Act relative to uniform state standards, student assessments, and the employment of highly qualified teachers through either the standard system applied to states, or through some other school specific method with Native American language of instruction-appropriate standards, assessments of students, and assessments of teachers developed together with a college or university with appropriate expertise chosen by the school for such purposes and consented to by such college or university.</p>	<p>VERY IMPORTANT</p> <p>USDOE Blueprint for Reform on Indian, Native Hawaiian and Alaska Native section. http://www2.ed.gov/policy/elsec/leg/blueprint/blueprint.pdf</p> <p>This section complies with the Native American Languages Act 1990.</p> <p>This section provides a new option for fulfilling federal requirements relative to uniform state plans.</p> <p>It opens a pathway and a “safe harbor” for these struggling programs to choose to work with experts in aligning the unique linguistic and cultural programming to teacher training, curriculum development and assessments in the Native American language.</p>
	<p>At minimum the Secretary shall recognize as having “appropriate expertise” any college or university that offers a degree at the baccalaureate level or above that is specific to developing high-level skills in one or more Native American language and the use of that language expertise in immersion schools seeking to produce high academic achievement combined with language revitalization.</p>	<p>Assures that the Secretary agrees to (f) above.</p> <p>There are several universities nationwide that meet this criteria and would be willing to assist schools.</p>
<p>“(f) REPORT TO THE SECRETARY.—</p>	<p>CHANGE (f) “(g).</p>	
<p>“(g) AUTHORIZATION OF APPROPRIATION.—</p>	<p>CHANGE (g) “(h)</p>	