



Memorandum of Agreement
between the
U.S. Department of Education,
U.S. Department of Health and Human Services,
and the U.S. Department of the Interior,
On Native Languages

I. OVERVIEW

This Memorandum of Agreement (MOA) is entered into and by and between the U.S. Department of Education (ED), the U.S. Department of Health and Human Services (HHS), and the U.S. Department of the Interior (DOI), (collectively, the “Partners” or “Federal Agencies”), and constitutes a nonbinding expression of intent between the ED, HHS, and DOI to work together and encourage programs and projects to include instruction in and preservation of Native languages.

II. BACKGROUND

A. Overarching Legal Authority.

The Native American Languages Act, 25 U.S.C. §§2901-2906 (1990) declares that it is the policy of the United States government to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages.

Additionally, each party to this agreement has express legislative authority to provide funding, technical assistance, and/or research in the area of Native American language preservation, maintenance, or instruction. See the Native American Languages Act, 42 U.S.C. §2991b-3, Section 6005 of Public Law 114-95, the Every Student Succeeds Act of 2016, REPORT ON NATIVE AMERICAN LANGUAGE MEDIUM EDUCATION, the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, Title VI, Part A, subpart 1, and section 6133, 20 U.S.C. § 7453, and section 3127 of Subpart 2 of Part A of Title III 20 U.S.C. 6848 and Title 25 Part 39 Subpart B §39.130-137 “Indian School Equalization Program, Language Development Programs.”

B. Tribal Consultation.

Federal Agencies have heard through tribal consultations, listening and learning sessions, and grantee feedback that successful implementation of Native language programs, across the continuum of language learning settings from birth to college, face the following barriers:

1. Lack of instructional materials and curricula in the Native language(s) of the communities being served;
2. Limited numbers of certified teachers fluent in Native languages;
3. Lack of support by school leadership, including time to work with students, and professional development opportunities.

Additionally, tribal consultation participants identified:

4. Challenges in coordinating programs within a community, such as when Native languages are not taught throughout the education continuum or are not of significant duration and intensity to produce fluent speakers.

Federal Agencies have also heard concerns regarding the:

5. Lack of wide-scale scientifically valid research that informs institutions serving American Indian and Alaska Native on how best to structure and implement programs for maximum effectiveness and efficiency.

C. ED.

The ED's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access to a high-quality education. The ED administers several key formula and discretionary grant programs focused on building the capacity of state and local educational agencies, tribes, and schools to create high-quality language programs that promote the preservation of Native languages. The primary programs are housed within the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA); and the Office of Elementary and Secondary Education's Office of Indian Education (OIE).

Executive Order No. 13592 established the White House Initiative on American Indian and Alaska Native Education, and it is charged with helping to expand educational opportunities and improve educational outcomes for all American Indian and Alaska Native students, including opportunities to learn their Native languages, cultures, and histories, and receive a high-quality education that prepares them for college, careers, and productive and satisfying lives.

D. HHS.

The Administration for Children and Families (ACF) within HHS is responsible for Federal programs that promote the economic and social well-being of families, children, individuals, and

communities. Several offices provide grants directly to tribes or tribal organizations, such as the Office of Child Care (OCC), the Office of Head Start (OHS), and the Administration for Native Americans (ANA).

The OCC supports low-income working families through child care financial assistance and promotes children's learning by improving the quality of early care and education and after-school programs. OCC partners with tribes to administer the Child Care and Development Fund, which provides funding to 260 tribal grantees, serving 539 tribes and tribal organizations. Tribes have the flexibility to incorporate culturally significant elements into their child care programs.

Head Start is a national program that promotes school readiness by enhancing the social and cognitive development of children through the provision of educational, health, nutritional, social, and other services to enrolled children and families. Region XI awards direct grants to 156 American Indian and Alaska Native agencies to provide Head Start and Early Head Start services to over 24,000 children across 26 states, an almost equal number of children identified as American Indian and Alaska Native are served in non-tribal programs. OHS provides technical assistance support to grantees in the form of direct funding to American Indian and Alaska Native programs to secure training and technical assistance in their local communities in addition to OHS funding of a contract for the Region XI Training and Technical Assistance Center and cooperative agreements to six National Centers for the purpose of providing research-based information, practices, and strategies in support of identified grantee needs.

The goal of ANA is to promote the social and economic self-sufficiency of American Indians, Alaska Natives, Native Hawaiians, and other Native American Pacific Islanders by providing community-based project funding to improve the lives of Native American children and families. Part of ANA's mission is to promote, and provide funding for, language preservation and maintenance and language immersion activities.

E. DOI and the Bureau of Indian Education (BIE).

The DOI, through its BIE, directly operates, or provides grants to tribes to operate, an extensive primary, secondary, and college-level school system for American Indian and Alaska Native children and young adults. The BIE's mission is to provide high quality education opportunities from early childhood through adulthood in accordance with a tribe's needs for cultural and economic well-being, and in keeping with the wide diversity of Indian tribes as distinct cultural and governmental entities.

Further, the BIE is to manifest consideration of the whole person by taking into account the spiritual, mental, physical, and cultural aspects of an individual within his or her family and tribal context. The BIE also has particular expertise in Indian education and specific experience with federally funded education programs. In addition, the BIE plays a key part in fulfilling the government's trust responsibility to Indian tribes regarding education.

The BIE also operates the Family and Child Education (FACE) program, an integrated model for American Indian early childhood education and parental involvement. Operating in 49 BIE-funded schools, the FACE program primarily serves families with children prenatal to 5

years of age by providing early childhood education, adult education, and parenting services. Overall, the BIE provides services for about eight percent of American Indian and Alaska Native children nationwide.

III. PURPOSE AND GOALS

A. Purpose.

In response to input obtained through tribal consultations, and in furtherance of their statutory missions, the Federal Agencies enter into this MOA for the purposes of:

1. Acknowledging that the Federal Agencies share a mutual interest in preserving, protecting, and promoting the rights and freedom of Native Americans to use, practice, and develop Native American languages;
2. Establishing that the Federal Agencies intend to promote this mutual interest by coordinating efforts of existing interagency working groups and tribal leaders to implement this MOA and further the goals of the Native American Languages Act;
3. Identifying barriers, levers, and best practices that will help the Federal Agencies further the goals described in paragraph (B); and work to identify ways that these findings can be used by the Federal Agencies to replicate successful programs, implement quality improvement efforts, and disseminate information and provide technical assistance to Federal, State, and tribal governments; schools; or other entities carrying out Native language activities; and
4. Planning to co-sponsor a summit on the preservation and acquisition of Native languages, sharing expertise and advice, and collaborating on such other projects as may be mutually agreed upon by the Federal Agencies, recognizing that their combined efforts, knowledge, and resources can better help the Federal Agencies achieve their common goals.

B. Goals.

This MOA sets forth the following mutual goals:

1. Identify statutory or regulatory barriers that impede collaboration and result in duplication of efforts and/or minimize the impact of efforts on the part of Federal, state, or tribal governments, or schools, or other entities to effectively implement Native language activities;
2. Identify research that explores educational attainment and Native language retention and/or revitalization;
3. Explore ways to gather data about effective and/or exemplary Native language instruction both in terms of the administration of funds and programs, as well as

program impact on educational achievement; disseminate information on best practices across Federal Agencies regarding program and instructional design, and institutional support for Native language instruction for American Indian and Alaska Native populations;

4. Review Federal funding mechanisms, explore means for coordinating funding opportunities to remove barriers, and simplify the process for potential grantees seeking to integrate Native language instruction and activities in educational settings;
5. Review current training and technical assistance provided by HHS, BIE, and ED related to Native language preservation and maintenance efforts; assess needs and identify means for enhancing the quality of this training and technical assistance, both to assist existing grantees and potential grantees; and identify opportunities to provide joint technical assistance;
6. Ensure, to the extent practicable, that programs funded by the Federal Agencies to provide Native language instruction are coordinated, evidence-based, demonstrate accountability through assessments of student achievement, and further the goals of the Native American Languages Act;
7. Identify additional departments and agencies interested in or important to the implementation of the goals of this MOA, including the goals of the Native American Languages Act;
8. Cohost an annual language summit, as funds allow, and encourage all federally funded language programs to participate; and
9. Develop an action plan based on the above goals for review and approval by the chairs of the Native Language Workgroup.

C. Native Language Workgroup (NLW).

To further the goals of this MOA, a Native Language Workgroup (NLW) will be established and will be comprised of senior officials from the ED, HHS, and the BIE. The Executive Director of the White House Initiative on American Indian and Alaska Native Education, the Commissioner of the Administration for Native Americans, and the Director of the Bureau of Indian Education, shall serve as chairs of the NLW. The NLW will meet on a semi-annual basis to further the goals of this MOA.

IV. ANNUAL REVIEW OF AGREEMENT

The ED, HHS, and DOI BIE will review this MOA and any subsequent MOAs annually to determine whether terms and provisions are appropriate and current.

V. FINANCIAL RESPONSIBILITY

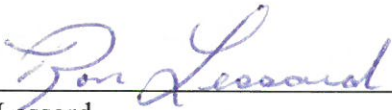
No exchange of funds will occur under this MOA.

VI. TERMINATION

This MOA can be terminated by any party upon issuance of written notice to the other parties not less than 30 days before the proposed termination date. The 30 days' notice may be waived by mutual written consent of all parties involved in this MOA.

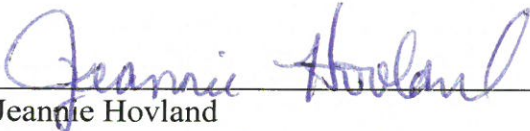
The individuals whose signatures appear below attest to having the right, power, and authority to enter into this MOA on behalf of each Federal Agency and agree that this MOA shall become effective upon the date of the last signature.

VII. SIGNATORIES OF PARTICIPATING AGENCIES ON THE MOA ON NATIVE LANGUAGES.



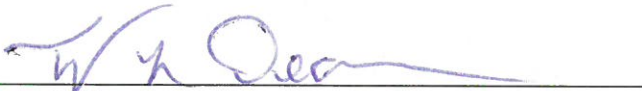
Ron Lessard
Acting Executive Director White House
Initiative on American Indian and Alaska Native Education
U.S. Department of Education

Date: 9-13-18



Jeannie Hovland
Deputy Assistant Secretary for Native American Affairs
Administration for Children and Families
U.S. Health and Human Services

Date: 09/13/18



Tony L. Dearman
Director, Bureau of Indian Education
U.S. Department of the Interior

Date: 9-13-18