



Legislation Text

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AN ACT AMENDING TITLE 31 OF THE CHEROKEE NATION CODE ANNOTATED - THE DURBIN FEELING LANGUAGE PRESERVATION ACT - 2024 PERMANENT REAUTHORIZATION

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This legislative Act shall be codified in Title 31, Chapter 5 of the Cherokee Nation Code and be known as the amendment of Legislative Act 04-24 Durbin Feeling Language Preservation Act - 2024 Permanent Reauthorization and alternatively know as the “Durbin Feeling Language Act of 2019, as amended.”

Section 2. Findings

The Council of the Cherokee Nation finds that a crisis exists within the Cherokee Nation with respect to language preservation. The Council finds that the Durbin Feeling Language Preservation Act of 2019 (LA 19-19) resulted in historic investments into efforts to address this crisis and yielded substantial progress towards language revitalization. The Council finds that the Durbin Feeling Language Preservation Act, funding authorizations under which expire on September 30, 2024, should be permanently reauthorized and expanded to set forth the basic policy and programs of the Cherokee Nation as it relates to Cherokee language revitalization, set a minimum funding authorization, encouraging budget increases over time, measure results and increase program accountability and to enhance the oversight of the Council on these subjects.

In the 2026 amendments, the Council further finds that, in order to continue the substantial progress yielded by the historic investments authorized under the Durbin Feeling Language Act and the Durbin Feeling Language Act - 2024 Permanent Reauthorization, the capability of the Cherokee Nation to measure the effectiveness of authorized programs and to increase program accountability should be expanded. The Council finds that such expansion, as it relates to all Language Immersion Education Programs, should include the establishment of a third-party review with an annual report to the Council of the Cherokee Nation, as well as the creation of a Cherokee Nation Immersion Education Advisory Board to enhance oversight and ensure the continued advancement of language revitalization efforts. On that basis the Council finds it warranted to repeal previous legislation authorizing a public school charter with the State of Oklahoma for the operation of Tsunadeloquasdi Language Immersion School, on the basis that said charter school has or will be terminated by non-renewal by Cherokee Nation under the Principal Chief’s authority effective July 1, 2026, rendering.

Section 3. Purpose

The purpose of this Act is to permanently reauthorize the Durbin Feeling Language Preservation Act of 2019 (LA 19-19) to the extent consistent with this Act, to establish authorization for the operation of certain core program areas dedicated to language revitalization, to authorize certain capital investments, to set a funding

authorization floor below which Language Department programs authorized herein shall not fall below; require reports on the effectiveness of Language Program; authorize the Principal Chief to terminate or amend the Language Immersion state charter; authorize certain capital projects and other related purposes.

As amended, the further purpose of this Act is establish a new sub-section 7 of Section 4 of the Act, which obligates the Principal Chief to solicit one or more third party entities to evaluate the curriculum, performance and facilities of all Language Immersion Education programs, transitions the acting Board of Education for the ᏅᏍᏓᏅᏍᏗ Tsunadeloquasdi Language Immersion School to the Interim Cherokee Nation Immersion Education Advisory Board, and establishes a new Cherokee Nation Immersion Education Advisory Board, to be in effect no later than December 31, 2026.

Section 4. Legislative History

Legislative Act 12-26 <<https://cherokee.legistar.com/LegislationDetail.aspx?ID=7861076&GUID=43597C21-2C30-4BBE-8C9E-AAD83E0A3B7E&Options=ID|Text|&Search=naming+middle+school>>

Legislative Act 04-24 <<https://cherokee.legistar.com/LegislationDetail.aspx?ID=6469833&GUID=95B09D38-0B52-40EB-9075-60339C9658D5&Options=ID|Text|&Search=durbin+feeling>>

Legislative Act 19-19 <<https://cherokee.legistar.com/LegislationDetail.aspx?ID=4133891&GUID=713C28CF-C2FA-4BF5-A423-5E51A17CCC8F&Options=ID|Text|&Search=19-19>>

Resolution 52-11 <<https://cherokee.legistar.com/LegislationDetail.aspx?ID=905743&GUID=09CD6BD2-2C62-46B3-9B67-4C6067BAAC24&Options=ID|Text|&Search=52-11>>

Resolution 54-25 <<https://cherokee.legistar.com/LegislationDetail.aspx?ID=7451986&GUID=093AFB96-A9CC-41A2-A2B6-C41087F3EE2A&Options=ID|Text|&Search=54-25>>

Resolution 59-16 <<https://cherokee.legistar.com/LegislationDetail.aspx?ID=2762993&GUID=3C333DCA-3522-4DF3-B651-2D985DC043C1&Options=ID|Text|&Search=59-16>>

Resolution 21-22 <<https://cherokee.legistar.com/LegislationDetail.aspx?ID=5648120&GUID=753E0417-C60C-4935-88E3-5A25DF9BB090&Options=ID|Text|&Search=21-22>>

Section 5. Substantive Provisions

§ 1. Repeal and Replacement of LA 19-19 Authorizations; Capital Projects Authorized; Base Annual Operating Funds Authorized

A. Section 4 § 1 of the Durbin Feeling Language Preservation Act of 2019 (LA 19-19) is hereby repealed and replaced with Section 4 § 1 of this Act.

B. Capital funding is authorized for the following capital projects, totaling \$35 million, to be completed by September 30, 2027, all of which are formally designated herein within the meaning of the Comprehensive Building Name Act of 2021 <[1. Language Immersion Middle School \[REDACTED\] \[REDACTED\] \[REDACTED\] \(Tsunadeloquasdi Galiyugodi Niduyugodv\), School of Seven Directions: Construction, not to exceed \\$30 million, of the Cherokee Language Immersion Middle School \[REDACTED\] \[REDACTED\] \[REDACTED\] \(Tsunadeloquasdi Galiyugodi Niduyugodv\), School of Seven Directions, located in Tahlequah, Oklahoma, within the Durbin Feeling Language Campus, a more precise location to be determined by the Principal Chief description contained in Exhibit A to this Act.](https://cherokee.legistar.com/LegislationDetail.aspx?ID=5204276&GUID=F074A489-A0EF-4A11-BF9F-</u></p></div><div data-bbox=)

2. **Kenwood Language and Culture Reserve:** Future Kenwood Language Campus: Development, not to exceed \$250,000, of the Cherokee Nation Kenwood Language and Culture Reserve, located on more than 1,400 acres at approximately 48546 County Road 504, Salina, OK 74365 in the community of Kenwood, a more precise description contained in **Exhibit A** to this Act, which shall be a protected Reserve within the meaning of the Cherokee Nation Park, Wildlands, Fishing and Hunting Preserve Act of 2021, except to the extent that the disturbance of the property is deemed warranted by the Principal Chief to construct a Cherokee Nation Language Department Kenwood Campus by future authorization of the Council or to achieve any other purpose or policy of this Act or to continue any existing leases of said property through the end of fiscal year 2024.

3. **Kenwood Language Office:** Various repairs, modifications and improvements, not to exceed \$1.75 million, to, the Cherokee Nation Community Building and Cherokee Nation Head Start buildings, located at approximately 1100 County Road 486, Salina, OK 74365, in the community of Kenwood, as the Cherokee Nation Language Department Kenwood Offices, at such time those buildings are vacated and their present functions are relocated to the Woody Hair Community Center and until such time as the Cherokee Nation Language Department Kenwood Campus is deemed by the Principal Chief to be sufficiently complete for relocation of said language offices, after which the Principal Chief is authorized to designate those buildings for other uses in the Nation's interests.

4. **ᏍᏍᏁᏍᏁᏍᏁ Tsunadeloquasdi Language Immersion School, Greasy Campus Improvements** : Improvements, not to exceed \$3 million, to the ᏍᏍᏁᏍᏁᏍᏁ Tsunadeloquasdi Language Immersion School, Greasy Campus, located at 92009 S. 4676 Road, Bunch, OK 74931, in the community of Greasy, hereby so named and designated as the Cherokee Nation Language Department Greasy Campus, with respect to the classroom expansion, outdoor playground, physical exercise infrastructure and / or drainage improvements.

C. Commencing with Fiscal Year 2024, annual operating funds for all programs authorized under this Act shall be no less than \$18 million, which is the approximate equivalent of the average appropriation for such programs for fiscal years 2022 and 2023, provided:

1. For fiscal years 2025 through 2031, submission by the Principal Chief of a proposed Comprehensive Operating Budget Act must, to the extent that it does not include a proposed increase to Language Program operating funding of a least five percent (5%) over the preceding fiscal year must include a written justification from the Principal Chief to the Speaker of the Council that the proposed Language Budget operating budget is consistent with the purpose and policies of this Act.

D. The funding source for capital projects and operations is authorized by this Act includes any available source, including but not limited to grants, dividends other payments from entities in which Cherokee Nation is the sole or majority stakeholder and that are organized under Cherokee law as well as federal funds including but not limited to funds available under the [Cherokee Nation Respond, Recover and Rebuilding Plan, R-33-23](https://cherokee.legistar.com/LegislationDetail.aspx?ID=6348822&GUID=516B5913-FB58-400C-8E62-E81E258A1B87&Options=ID|Text|&Search=33-) <<https://cherokee.legistar.com/LegislationDetail.aspx?ID=6348822&GUID=516B5913-FB58-400C-8E62-E81E258A1B87&Options=ID|Text|&Search=33->, and any amendments thereto, funded by the federal American Rescue Plan Act.

- E. The Principal Chief is authorized to execute such memoranda of agreement with Cherokee Nation Businesses to effectuate the funding requirements of this Act.
- F. Noting herein supplants the Council’s oversight or appropriations authority, including but not limited to such additional appropriations or authorizations the Council may make for language programs and capital projects from time to time.

§ 2. **Programs and Services Authorized**

A. The Council of the Cherokee Nation authorizes the following programs and services under this Act:

1. **Cherokee Language Immersion Education:** Education and childcare programs in immersive Cherokee language environment, including early childhood education through high school, the sites for which include:
 - a. ~~(a)~~ [REDACTED] *tsunadeloquasdi* Language Immersion School located within the Durbin Feeling Center in Tahlequah, OK
 - b. ~~(b)~~ Tahlequah Language Immersion Middle School [REDACTED] [REDACTED] [REDACTED] (Tsunadeloquasdi Galiquogi Niduyugodv), School of Seven Directions
 - c. [REDACTED] *tsunadeloquasdi* Language Immersion School, Greasy Campus
 - d. ~~(e)~~ Such other sites as shall be formally designated by the Principal Chief, subject to appropriation of capital or operating funds by the Council.
2. **Cherokee Nation Master Apprentice Language Program:** Education programs to train language apprentices with master instructors through a course of study to place the apprentice on a path towards fluency and to secure post-apprentice employment using the Cherokee language.
3. **Cherokee Language Translation and Documentation Programs:** Programs and services, including fee-based services, for the translation of documents and records from English to Cherokee or Cherokee to English.
4. **Cherokee Language Creative Arts and Information Technology:** The utilization of creativity and information technology to put Cherokee language learning and usage within greater reach of Cherokee citizens, students and the general public and to record Cherokee language speakers for future study and for posterity.
5. **Cherokee Language Community Outreach and Enrichment:** Programs of outreach and enrichment for fluent Cherokee speakers and for the general Cherokee citizenry to gain exposure to basic Cherokee language learning.
6. **Cherokee Speaker Villages:** Housing services for Cherokee language speakers designed to address both the housing needs of fluent Cherokee speakers and the strategic creation of Cherokee speaking communities to effectuate the purposes and policies of this Act and as set forth in the [Housing, Jobs and Sustainable Communities Act of 2022 <https://cherokee.legistar.com/LegislationDetail.aspx?ID=5526636&GUID=D7A6D4FC-D26F-4840-8CB0-](https://cherokee.legistar.com/LegislationDetail.aspx?ID=5526636&GUID=D7A6D4FC-D26F-4840-8CB0-), and any amendments thereto, including:

to be within the best interest of the Cherokee Nation to terminate or amend said Charter and provided the Principal Chief provides the Council written notice of this decision no less than 30 days prior to terminating the charter.

§ 4. **Secretary of Language & Culture**

The Durbin Feeling Language Preservation Act of 2019's (LA 19-19, Section 4, §3) authorization of a "Secretary of Language, Culture and Community" is hereby renamed "Secretary of Language and Culture," and is authorized at the discretion of the Principal Chief at a term coextensive with the Principal Chief, but is otherwise carried forward in this Act in full force and effect.

§ 5. **Durbin Feeling Language Campus**

The Durbin Feeling Language Center, located at approximately 16489 US Highway 69 Tahlequah, OK 74464, so designated in Legislative Act 19-19, and all property, buildings and other structures used to effectuate the purposes and policies of this Act within a approximately a two-mile radius of that facility, as more precisely designated by action of the Principal Chief consistent with this Section of the Act and by written advisory to the Council, may be referred to formally, and within the meaning of the Comprehensive Building Naming Act of 2021, as the "Durbin Feeling Language Campus."

§ 6. **Biennial Report on the State of Cherokee Language; Report Immersion Education;**

A. Biennial Report on the State of Cherokee Language: The Principal Chief, through his or her designee, shall prepare a biennial report to the Council, with an initial report to be submitted between October 1, 2024 and December 31, 2024, setting forth, at a minimum

1. A basic strategic plan for Cherokee language revitalization,
2. Progress towards language revitalization, including basic statistics relating to language revitalization.
3. Observations and data as to the efficacy of various Language Department programs and identifying opportunities and obstacles towards further revitalization.
4. Progress, unless and until completed, on various capital improvements authorized by this Act, including but not limited to development of the Cherokee Nation Language Department Kenwood Campus.
5. Review of existing federal funding sources, identify new grants since previous report, identifying potential future federal funding sources.
6. Statistics as to services provided by the Speaker Services program.
7. Recommendations as to operation and capital budget adjustments.

B. Immersion School Addendum to First Biennial Report: The initial Biennial Report on the State of the Cherokee Language, pursuant to §6A of this Act, shall include as an addendum a "Report on the Effectiveness of Cherokee Nation Language Immersion Education: 2011 to 2023," co-authored by the Executive Directors of Language and the Executive Director of Education, utilizing available the data obtained through and surveys commission unique to this report, examining:

1. Effectiveness of Cherokee Nation immersion in Cherokee language learning
2. Academic, Cherokee language retention and career success of immersion students

3. Recommendations for program changes or enhancements to increase the efficacy of immersion education programs.

C. **Extension of Time:** A deadline extension for the inaugural reports required under this section of the Act, not to exceed March 1, 2025, will be granted by the Speaker of the Council upon written request of the Principal Chief.

D. **Public Disclosure:** All reports described in this section of the Act shall be made available for public review, including but not limited to, on Cherokee Nation's official website.

§ 7. Cherokee Nation Language Immersion Education Performance Accreditation and Advisory Oversight

A. Third Party Credentialing: No later than fiscal year 2027, the Principal Chief shall engage one or more third party entities to evaluate the curriculum, performance and facilities of all Language Immersion Education programs within the meaning of this Act, such entities demonstrating recognized qualifications to issue accreditation or comparable validation of the sufficiency of said programs, provided:

1. The Principal Chief provides the Council with an annual report summarizing the Third Party Evaluator's activities pursuant to this sub-section.

B. Interim Cherokee Nation Immersion Education Advisory Board: Upon enactment of §7 of this Act the Board of Education in effect as of June 1, 2026 for ᏍᏏᏉᏍᏏ *tsunadeloquasdi* Language Immersion School shall continue in effect as the Interim Cherokee Nation Immersion Education Advisory Board, until such time no later than December 31, 2026, the Interim Cherokee Nation Immersion Education Advisory Board (Interim Board) shall be seated pursuant to sub-section C of this Section, with such Interim Board authorized generally to provide advisory oversight, notwithstanding the non-existence of a public school education charter with the State of Oklahoma, and consisting of all incumbent board members who shall remain seated on such Interim Board, provided:

1. **Repeal of Charter School Authorization:** Resolutions 52-11, 54-25, 59-16 and 21-22 are hereby repealed to the extent the resolutions authorize a public school charter for Immersion Education with the State of Oklahoma.

C. Cherokee Nation Immersion Education Advisory Board: No later than December 31, 2026, a new public body of the Cherokee Nation shall begin operation, replacing the Interim Board authorized in sub-section B of this Section, authorized generally to provide advisory oversight of all Immersion Education programs, provided said Advisory Board shall:

1. Be appointed by the Principal Chief and confirmed by the Council
2. Be citizens of the Cherokee Nation, over the age of 18
3. Consists of no more than five members, for terms of four years, except as provided below for the purpose of staggering said seats:
 - a. Seat 1: Term ending September 30, 2027
 - b. Seat 2: Term ending September 30, 2028
 - c. Seat 3: Term ending September 30, 2029

- d. Seat 4: Term ending September 30, 2030
 - e. Seat 5: Term ending September 30, 2031
4. Include a minimum of:
 - a. Two members who are fluent Cherokee speakers.
 - b. Two members who have a minimum of five years' experience as professionally licensed common education classroom teacher or professionally licensed common education school administrator, or any combination thereof.
 5. Elect, for annual terms ending at the end of the fiscal year in which said election shall occur, a chair to preside over meetings and a co-chair to assist or substitute for the chair in the chair's absence.
 6. Recognize the Principal Chief, Deputy Principal Chief and Speaker of the Council of the Cherokee Nation as board members *ex-officio*.
 7. Shall comply with the Cherokee Nation Freedom of Information Act with respect to the conduct of meetings, except that the Advisory Board may enter into executive session for any purpose.
 8. Adopt and publish a tentative annual schedule of monthly meetings each fiscal year, subject to the approval of the Executive Director of Language Programs
 9. Review and comment upon curriculum and policies of Immersion Education programs upon adoption or amendment
 10. Produce annual written reviews of the performance of Immersion Education programs, at minimum evaluating and making recommendations with respect to:
 - a. Cherokee language learning,
 - b. Academics,
 - c. Post-high school career or college readiness,
 - d. Extracurricular activities,
 - e. Student health, nutrition and safety,
 - f. Budget,
 - g. Staffing, excluding evaluations and recommendations relating to individual employees.
 11. Be provided with sufficient support staff resources as the Principal Chief determines is necessary for said Advisory Board to effectuate its duties under this Act
 12. Issue said annual written reviews to the Principal Chief and the Speaker of the Council, after which the Principal Chief shall cause said reports to be made available for public inspection
 13. Not possess any authority other than that expressly provided for in this Act, such limitation including that it possesses no authority with respect to the terms and conditions of employment of any employees nor any authority with respect to prescribing, approving or rejecting curriculum or policies
 14. Adopt policies and procedures for the conduct of meetings
 15. Be a successor for all purposes of the *tsunadeloquasdi* Language Immersion School Board of Education in effect as of June 1, 2026, and shall maintain all records of such board
 16. Receive compensation of \$1,000 per month, provided any board member may waive all, or any

portion of, compensation upon written request to the Principal Chief.

17. Receive reimbursement for reasonable expenses and approved training, consistent with prevailing executive branch policies and practices.

Section 6. Council Appropriations and Oversight

Nothing herein supplants the Council's constitutional and statutory role in budget appropriations or oversight.

Section 7. Provisions as Cumulative

The provisions of this Act shall be cumulative to existing law.

Section 8. Severability

The provisions of this Act are severable and if any part of provision hereof shall be deemed void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

Section 9. Effective Date: Emergency Declared

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect immediately upon its approval and signatures.