



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

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Sponsors:	Candessa Tehee, Mike Shambaugh, Dora Patzkowski, Victoria Vazquez, Codey Poindexter, Joshua Sam, Melvina Shotpouch, Sasha Blackfox-Qualls, Danny Callison, Julia Coates, Joe Deere, Mike Dobbins, Kevin Easley Jr., Lisa Hall, Johnny Kidwell, Daryl Legg, E. O. "JR." Smith				
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1/22/2024	2	TRIBAL COUNCIL	Approved	Pass
1/22/2024	1	RULES COMMITTEE	Approved and Forwarded to Council	Pass

THE DURBIN FEELING LANGUAGE PRESERVATION ACT - 2024 PERMENANT REAUTHORIZATION

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This legislative act shall be titled and codified in Title 31, Chapter 5 of the Cherokee Nation Code Annotated as the **“Durbin Feeling Cherokee Language Preservation Act - 2024 Permanent Reauthorization.”**

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 \(LA 19-19\)](https://cherokee.legistar.com/View.ashx?M=F&ID=7826176&GUID=7288BBE7-8453-49E8-95AD-EB5771EBEDC6) <<https://cherokee.legistar.com/View.ashx?M=F&ID=7826176&GUID=7288BBE7-8453-49E8-95AD-EB5771EBEDC6>> 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.

Section 3. Purpose

The purpose of this Act is to permanently reauthorize the [Durbin Feeling Language Preservation Act of 2019 \(LA 19-19\)](https://cherokee.legistar.com/View.ashx?M=F&ID=7826176&GUID=7288BBE7-8453-49E8-95AD-EB5771EBEDC6) <<https://cherokee.legistar.com/View.ashx?M=F&ID=7826176&GUID=7288BBE7-8453-49E8-95AD-EB5771EBEDC6>> 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.

Section 4. 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 Naming Act of 2021](https://cherokee.legistar.com/View.ashx?M=F&ID=10233419&GUID=A8F762BE-9F13-4BC6-A979-C1DAD990E3B0) <<https://cherokee.legistar.com/View.ashx?M=F&ID=10233419&GUID=A8F762BE-9F13-4BC6-A979-C1DAD990E3B0>>.

1. **Language Immersion Middle School:** Construction, not to exceed \$30 million, of the Cherokee Language Immersion Middle School, located in Tahlequah, Oklahoma, within the Durbin Feeling Language Campus a more precise location to be determined by the Principal Chief.
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 ~~approximately 1,268.4~~ **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](https://cherokee.legistar.com/View.ashx?M=F&ID=7826176&GUID=7288BBE7-8453-49E8-95AD-EB5771EBEDC6), <<https://cherokee.legistar.com/View.ashx?M=F&ID=7826176&GUID=7288BBE7-8453-49E8-95AD-EB5771EBEDC6>> 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 as those building 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 interest.

4. ᎠᏚᏍᏗᏚᏰ ᎠᏚᏍᏗᏚᏰ Language Immersion School, Greasy Campus Improvements:

Improvements, not to exceed \$3 million, to the ᎠᏚᏍᏗᏚᏰ ᎠᏚᏍᏗᏚᏰ 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 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 at 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 purposes and policies of this Act.

D. The funding source for capital projects and operations 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 shareholder 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 Rebuild Plan, R-33-23 <https://cherokee.legistar.com/View.ashx?M=F&ID=12338973&GUID=9DB80BEE-4085-4D09-9FC8-56F3C4E051BE>](https://cherokee.legistar.com/View.ashx?M=F&ID=12338973&GUID=9DB80BEE-4085-4D09-9FC8-56F3C4E051BE), 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. Nothing 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 an immersive Cherokee language environment, including early childhood education through high school, the sites for which include:

- (a) ᎠᏚᏍᏗᏚᏰ ᎠᏚᏍᏗᏚᏰ Language Immersion School located within the Durbin Feeling Language Center in Tahlequah, OK
- (b) Tahlequah Language Immersion Middle School
- (c) ᎠᏚᏍᏗᏚᏰ ᎠᏚᏍᏗᏚᏰ Language Immersion School, Greasy Campus
- (d) Such other sites as shall be formally designated by the Principal Chief, subject to

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April 17, 2019, for posterity of language records and for reference in determining eligibility, where relevant, for programs and services authorized by this act, provided the Principal Chief provide the Principal Chief, by his or her designee, develop and implement relevant policies and procedures pursuant to Section 5 of this Act.

- B. Nothing in this Act prohibits the Council from creating language revitalization programs or services or prohibits the Principal Chief from executing language revitalization programs or services otherwise authorized by law.

§ 3. Report on Language Education Self-Governance; Authorization to Withdraw Language Immersion School from State of Oklahoma Charter

- A. The Council supports the exercise of self-governance in the area of Cherokee Language education and, on that basis, directs and authorizes as follows:

1. The Principal Chief, by his or her designee, shall submit to the Council a report on the subject of self-governance opportunities in Cherokee language education, including but not limited to identifying opportunities to self-certify Cherokee language curriculum, instructors and such other professional staff as is necessary to operate language education programs free from restrictions or mandates from other governments, with said report due to the Council by June 1, 2024.
2. The Principal Chief is authorized, at any time on or after June 1, 2024, to withdraw or terminate the charter granted by the State of Oklahoma for the operation of the Cherokee Language Immersion school under the Oklahoma Charter School law, notwithstanding any previous authorization of such charter, including the authority granted under [R-52-11 <https://cherokee.legistar.com/View.ashx?M=F&ID=1410546&GUID=94E9B45B-B155-4157-8EB9-E45782233309>](https://cherokee.legistar.com/View.ashx?M=F&ID=1410546&GUID=94E9B45B-B155-4157-8EB9-E45782233309) or [R-59-16 <https://cherokee.legistar.com/View.ashx?M=F&ID=4521563&GUID=5EA3CB88-2900-4669-](https://cherokee.legistar.com/View.ashx?M=F&ID=4521563&GUID=5EA3CB88-2900-4669-), and without any further action by the Council of the Cherokee Nation, if the Principal Chief deems it 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 <https://cherokee.legistar.com/View.ashx?M=F&ID=7826176&GUID=7288BBE7-8453-49E8-95AD-EB5771EBEDC6>](https://cherokee.legistar.com/View.ashx?M=F&ID=7826176&GUID=7288BBE7-8453-49E8-95AD-EB5771EBEDC6)'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 <https://cherokee.legistar.com/View.ashx?M=F&ID=10233419&GUID=A8F762BE-9F13-4BC6-A979-](https://cherokee.legistar.com/View.ashx?M=F&ID=10233419&GUID=A8F762BE-9F13-4BC6-A979-)

[C1DAD990E3B0>](#), 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 data and data obtained through 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 made available for public review, including but not limited to, on Cherokee Nation’s official website.

Section 5. Policies, Procedures and Regulations; Notice to Council

The Principal Chief is authorized to prescribe or approve rules, policies and procedures to effectuate the purposes and polices of this Act, provided the Principal Chief advises the Council of said action within thirty days, in addition to any other disclosure requirements required by law.

Section 6. Designation of Programs and Services under Act

Any programs, services or capital projects authorized under this Act shall be designated as “authorized by” or

“funded by” “the Durbin Feeling Language Preservation Act.”

Section 7. Provisions as cumulative

Section 8. Effective Date

Enacted by the Council of the Cherokee Nation on the 22nd day of January, 2024