

**TITLE 6 – TRIBAL ASSISTANCE PROGRAMS
PART IV – EDUCATION ASSISTANCE
CHAPTER 4-1 – LANGUAGE & CULTURE**

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Section 10 Policy (6 PYTC § 4-1-10)

- (A) The Yaqui language is a gift from Itom Achai, the Creator to our people and, therefore, shall be treated with respect.
- (B) Our ancient language is the foundation of our cultural and spiritual heritage without which we could not exist in the manner that our Creator intended.
- (C) Education is the transmission of culture and values; therefore, we declare that Yaqui education shall be the means for the transmission of the Yaqui language and spiritual and cultural heritage. We further declare that all aspects of the educational process shall reflect the beauty of our Yaqui language, culture and values.
- (D) It shall be the policy of the Pascua Yaqui Tribe that no member of the Tribe shall be coerced by any outside non-Yaqui Tribe authority or system to deny or debase the Yaqui language.
- (E) We declare that the Yaqui language policies shall manifest consideration of the whole person incorporating high academic achievement with the spiritual, mental, physical and cultural aspects of the individual within the Yaqui family and the Pascua Yaqui Tribe. This shall be the Yaqui standard for excellence in education.
- (F) We declare that the Yaqui people must have genuine freedom of access to excellence in education and that we shall carry out our obligation to uphold the Yaqui code of ethics which will enable our present and future generation to survive.
- (G) In keeping with Article 27 of the International Covenant on Civil and Political Rights of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations, we, the government of the Pascua Yaqui Nation declare that all persons within our borders belonging to non-Yaqui ethnic, religious or linguistic minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.
- (H) We, therefore, set forth the following language policy statements to reaffirm our commitment to the promotion, protection, preservation and enhancement of our Yaqui language, culture and tradition.

Section 20 Authority (6 PYTC § 4-1-20)

- (A) The authority to establish these language policies that shall pertain to all tribal members and to language and cultural education programs of the Pascua Yaqui Tribe is derived from international and Federal Indian Law and the inherent sovereign power of the Yaqui Nation to determine educational policies and which is reinforced in the doctrine established in *Worcester v. Georgia* 31 U.S. (6 Pet.) 515.
- (B) United States constitutional law concerning Indian Tribes is unique and separate from the rest of American jurisprudence. Indian law encompasses Western European international law, specific

provisions of the U.S. Constitution, pre-colonial treaties, numerous treaties of the United States with Indian Tribes, a body of Congressionally enacted Public Laws, an entire volume of the United States Code and numerous decisions of the U. S. Supreme Court and lower Federal Courts.

- (C) While states do not have inherent power (jurisdiction) within Indian reservations (*United States v. Kagama*, 11 U. S. 375, 384 (1866) and *Bryan v. Itasca County*, 426 U. S. 373 (1976)), the Pascua Yaqui Nation shall, on a government-to-government basis, work cooperatively with any state.
- (D) The authority of the Pascua Yaqui Nation to establish language and culture policies is further derived from the following:
 - (1) The Constitution and Bylaws of the Pascua Yaqui Tribe and its Corporate Charter; the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638; 88 Stat. 2203 25 U.S.C. 450 and 450a); the American Indian Religious Freedom Act (Pub. L. 95-431 92 Stat. 469 42 U.S.C. 1966); the Indian Child Welfare Act of 1978 (Pub. L. 95-608 92 Stat. 3064 25 U.S.C. 1901); the Education Amendments of 1978 Act (Pub. L. 95-561 25 U.S.C. 2013 esp. sees. 32.1, 32.3, 32.4(a), (e), (f), (g), (ii), (j), (t), (u)); the Archeological Resources Protection Act of 1979; and all other Supreme Court decisions, Federal Statutes and Executive Orders recognizing the sovereign powers of the Pascua Yaqui Tribe.
- (E) In our Policy Declaration we have stated adherence to the doctrine in Article 27 of the International Covenant of Civil and Political Rights and we have accorded the right of all peoples within our boundaries to enjoy their own culture, to profess and practice their own religion and to use their own language(s). The United States government, along with other United Nations members, adopted this Covenant within the Universal Declaration of Human Rights. Thus, we rely on the reciprocal adherence to this doctrine by the member states of the United States specifically as it pertains to the right of language use. We also rely on the United States Code that guarantees that the Assistant Secretary of the United States Department of the Interior “shall provide for comprehensive multicultural and multilingual education programs including the production and use of instructional materials, culturally appropriate methodologies and teaching and learning strategies that will reinforce, preserve and maintain Indian and Alaska Native languages, cultures and histories.” (25 CFR 32.4 (h)). We also rely on the protection of the United States Congress which body has “the power and duty of exercising a fostering care and protection whether within or without the limits of a state.” (*United States v. Sandoval*, 231 U.S. 28 (1913) and the legal guarantees for advocacy in 25 CFR 32.4 (r), (1), (2), and (3) on behalf of the Federally Recognized Tribes which guarantees that the Assistant Secretary of the United States Department of the Interior “shall serve as an advocate for Indian Tribes and Alaska Native entities in education matters before the Federal, State and Local governments”; “shall assume an assertive role in coordinating comprehensive support for Indian and Alaska Native students internally and from other agencies in education... and other related Federal, State and Local programs and services”; and, “shall serve as an advocate and carry out responsibilities for Indian and Alaska Native students in public and other non-Bureau operated schools consistent with the wishes of the appropriate Indian Tribes and Alaska Native entities, particularly in regard to Impact Aid (Pub. L. 81-874), Johnson O’Malley and all Elementary and Secondary Education Act Programs.”
- (F) In light of these doctrines, Supreme Court decisions and laws, the reciprocities inherent in the government-to-government relationships and the good will and integrity of the State of Arizona and other states, we declare that these language policies of the Pascua Yaqui Education Code shall apply to all Pascua Yaqui tribal members wherever they may reside.
- (G) We further declare that the Pascua Yaqui Tribe shall fully exercise self-determination and control in all aspects of the education process pertaining to planning, priority setting, development, management, operation, staffing and evaluation as guaranteed in secs. 1130 and 1133 of Title XI of the Education Amendments of 1978, Stat. 2143, 2321 and 2325, Pub. L. 95-561 25 USC 2011 and 2013.

Section 30 Status of the Yaqui Language (6 PYTC § 4-1-30)

- (A) The Yaqui language is the indigenous language of the Pascua Yaqui Nation. Since time immemorial, Yaqui has been, and will continue to be, our mother or native tongue which is the natural instrument of thought and communication.
- (B) The Yaqui language is the national language of the Pascua Yaqui Nation in a political, social and cultural sense.
- (C) The Yaqui language is the official language of the Pascua Yaqui Nation and may be used in the business of government-legislative, executive and judicial, although in deference to, and out of respect to speakers of Spanish and English, both Spanish and English may be utilized in official matters of government.
- (D) We declare that the Yaqui language is a living, and vital language that has the ability to match any other in the world for expressiveness and beauty. Our language is capable of lexical expansion into modern conceptual fields such as the field of politics, economics, mathematics and science.
- (E) Be it known that the Yaqui language shall be recognized as our first language, the Spanish language shall be recognized as our second language and the English language shall be recognized as our third language. We also recognize that some of our people may utilize a Yaqui/Spanish dialect for communication.
- (F) We assert that our Yaqui students are fully capable of fluency in the Yaqui language, the Spanish language and the English language and we further assert that a high level of Yaqui language mastery results in higher levels of English and Spanish skills.

Section 40 Parent and Organizational Involvement (6 PYTC § 4-1-40)

It shall be the policy of the Pascua Yaqui Tribe to encourage parents to teach their children to become proficient in Yaqui, Spanish and English. It shall further be the policy of the Pascua Yaqui Tribe to involve parents and representatives of Pascua Pueblo, Old Pascua Village, Yoem Pueblo, Barrio Libre, Guadalupe and all other Yaqui communities to the greatest extent possible in the promotion, protection, maintenance and instruction of the Yaqui language. In order to carry out this policy for parent and organizational involvement, there shall be established the Pascua Yaqui Language and Culture Commission and the Pascua Yaqui Tribal Education Directorate under the aegis of the Pascua Yaqui Tribal Council.

Section 50 Eminent Persons/Elders (6 PYTC § 4-1-50)

We recognize that among our Yaqui people there are certain traditional persons who possess knowledge above and beyond that attained by academics with degrees. These people of knowledge are recognized by the general tribal membership as eminent persons. It shall be the policy of the Pascua Yaqui Tribe to encourage the utilization of tribal elders/eminent persons to the greatest extent possible in providing Yaqui language and cultural instruction to our children. This policy includes instruction in other cultural areas such as: the Yaqui social system, our values and code of ethics, belief system, certain ceremonies, oral histories, political history, the arts, crafts, dance, music, etc. The utilization of tribal elders/eminent persons in program planning, program development and evaluation shall be encouraged. Such eminent persons shall receive compensation equal to that which is paid as consultant fees to non-Indian academics of equivalent status.

Section 60 Yaqui Language an Integral Part of All School Curricula (6 PYTC § 4-1-60)

- (A) Pertinent to the laws cited in Section 20 of this chapter, it shall be the policy of the Pascua Yaqui Tribe to vigorously advocate for Yaqui language instruction for Pascua Yaqui students in off-reservation schools and as facilities become available, to require such instruction at the villages

and pueblos in all grade levels beginning in pre-school through the 12th grade. Yaqui language instruction shall be optional at implementation of Yaqui language instruction and Yaqui cultural instruction as an integral part of the regular and required curriculum in all schools serving a minimum of 10% of Indian children of the total enrolled grades K-12. This policy shall include all early childhood education programs.

- (C) In order to carry out the intent of this policy, there shall be established a Yaqui Language Institute under the auspices of the Pascua Yaqui Tribal Education Department located on the Pascua Pueblo which will provide programs for the extra-curricular Yaqui language requirements of Pascua Yaqui Tribal members living on and outside of the pueblos. Such programs shall include Yaqui language immersion workshops and other activities and programs as recommended by the Tribal Education Directorate and the Tribal Language and Culture Commission which are approved by the Pascua Yaqui Tribal Council.

Section 70 External Research and Studies Require Tribal Approval (6 PYTC § 4-1-70)

With regard to external research, scientific investigations and study requests by any non-tribal individuals, groups, organizations, colleges and universities, about or pertaining to the Pascua Yaqui Tribe and its membership in general, it shall be the policy of the Pascua Yaqui Tribe to require official sanction and approval of all proposed research, modern communications media productions and studies by the Tribal Council.

(A) Request Format and Procedure

All requests to conduct research or data gathering on the Tribal Villages and Pueblos as referred to above, must be documented and submitted to the Yaqui Language and Culture Commission on behalf of the Tribal Council.

The research or study proposal document must include the following:

- (1) Statement of intent (goals and objectives)
- (2) Procedures and activities (research schedule/plan)
- (3) Techniques or methodology
- (4) Funding source
- (5) Publishing and copyright intent
- (6) Royalty agreement plan
- (7) Human subjects protection clause
- (8) Professional fees of Yaqui eminent persons

(B) Public Hearing

If an external research or study proposal is of a controversial nature or would have a profound effect upon the lives of many Yaqui Tribal members, the Yaqui Language and Culture Commission may elect to conduct a public hearing to obtain public comment. Such a hearing will be conducted within 30 days of the date when it was determined that such a hearing was deemed necessary.

(C) Tribal Council Sanction

In matters of a serious nature the Yaqui Language and Culture Commission shall submit its recommendation to the Tribal Council for official sanction and approval by resolution. Upon receipt of a certified tribal resolution which indicates approval of the project, the applicant may initiate such activities as authorized, with the understanding that the final product shall be subject to review and approval by the Council before publication and that sufficient copies shall be made available for use by Yaqui students and the Council.

**Section 80 Copyright of Publications and Reproductions of Ceremonial Artifacts
(6 PYTC § 4-1-80)**

- (A) Regarding external publications, all publication rights shall reside with the Pascua Yaqui Tribe as copyright owner. All such rights are reserved under International and Pan-American copyright conventions. Regarding external publication royalties, the Yaqui Language and Culture Commission shall negotiate on a case by case basis prior to submitting its recommendations to the Tribal Council.
- (B) The following categories are pertinent to this section and to previous sections;
- (1) Publications and Documents: books, photographs, photo collections, oral history collections, orthographies, languages and grammar guides, other teacher guides, curriculum materials and texts and Master's and Doctoral theses about the Yaqui of the Pascua Yaqui Tribe.
 - (2) Film, video, audio and photography productions.
 - (3) Artifact: Yaqui or other Indian material objects, tools, apparel, ornaments, arts or craftworks, etc. dating from aboriginal times to the present.
 - (4) Sacred Objects and Ancestral Remains.
- (C) Regarding tribally financed publications and productions, be it known that the Pascua Yaqui Tribe requires that a statement be included as follows: "This project/publication has been financed in whole or in part by the Pascua Yaqui Tribe."
- (D) Pascua Yaqui tribal members as individuals shall enjoy full freedom of speech and publication rights including the right to negotiate and retain royalties, except that the individual shall consult with the Language and Culture Commission regarding publication and productions of religious ceremonies.

Section 90 Sanction of Pascua Yaqui Orthography (6 PYTC § 4-1-90)

- (A) No single system of orthography shall be presented as an official writing system until the Yaqui Language and Culture Commission and the Tribal Council have reviewed and evaluated the system and have sanctioned the system as official.
- (B) No language program shall operate or imply by its operation that it is official until this sanctioning has occurred.

Section 100 Teacher Training (6 PYTC § 4-1-100)

- (A) Pre-service Teacher Training

The Tribal Department of Education Director shall encourage all schools of education at nearby colleges and universities to provide pre-service training in Yaqui Language Theory and

Methodology for Yaqui children. Schools of education shall be encouraged to provide an appropriate pre-service training toward the understanding and appreciation of Yaqui language, culture and traditions so that teachers can knowledgeably prepare appropriate curricula. The Yaqui Language and Culture Commission shall provide training guidelines and consultation to cooperating institutions regarding Yaqui learning styles, appropriate teaching strategies, Yaqui protocol, values, ethics and world view, as well as, other linguistic and pertinent cultural matters that will prepare the potential teacher of Yaqui children with competencies to teach. Teacher competency guidelines shall become a part of the Pascua Yaqui Education Code.

(B) In-service Teacher Training

All in-service teacher education training shall be coordinated with the Director of the Yaqui Tribal Education Department who will work with the Yaqui Language and Culture Commission to develop and update appropriate cross-cultural teacher training materials. All such training shall be in compliance with the Supreme Court Lau decision.

Section 110 Funding for Language Policy Implementation (6 PYTC § 4-1-110)

The Pascua Yaqui Tribal Council recognizes that the Department of the Interior has the responsibility to provide funds for such priority tribal education programs as the Pascua Yaqui Language Policy Program under the authority of the Snyder Act, Public Law 93-638 and Public Law 95-561 and to request sufficient appropriations from the Congress.

From time to time, the Tribal Council shall submit budget requests for language policy implementation to the Bureau of Indian Affairs-Department of Interior and to other federal agencies such as the U. S. Education Department which share in the federal trust responsibility to provide education services in perpetuity to the Federally Recognized Tribes.

DISPOSITION TABLE

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