



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
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DR. VERONICA C. GARCÍA
SECRETARY OF EDUCATION

BILL RICHARDSON
Governor

MEMORANDUM OF AGREEMENT

THIS AGREEMENT is made and entered into by the New Mexico State Public Education Department, hereinafter referred to as the "NMPED" and the Pueblo of Acoma, hereinafter referred to as the Pueblo of Acoma.

WHEREAS, the NMPED recognizes the unique role and sovereignty of the Pueblo of Acoma in establishing standards and criteria for, and determining competency of, persons seeking certification in Native American Language and Culture, K-12;

NOW, THEREFORE, the NMPED and the Pueblo of Acoma do hereby agree as follows:

I. SCOPE OF AGREEMENT

The NMPED and the Pueblo of Acoma desire to effectuate an agreement whereby the Pueblo of Acoma establishes standards and criteria for determining and verifying competencies that lead to the issuance by the NMPED of Native American Language and Culture certification pursuant to its rule governing *Certification in Native American Language and Culture, K-12*.

II. EFFECTIVE DATE AND TERM

This Agreement shall become effective commencing upon the most recent date of signature by both parties and shall terminate upon written notice by either party in accordance with Paragraph V.

III. AMENDMENT

This Agreement shall not be altered, changed, or amended except by an instrument in writing executed by the parties hereto.

IV. ADMINISTRATION OF AGREEMENT

- A. The NMPED and the Pueblo of Acoma will each designate and notify the other of a liaison to work cooperatively to implement the terms of this Agreement. The liaison for the NMPED shall be Ms. Penny Bird, Assistant Secretary of Education for Indian Education.
- B. The Pueblo of Acoma acknowledges that its verification pursuant to this Agreement does not ensure that an individual will be certified pursuant to the NMPED rule governing Certification in Native American Language and Culture, K-12. In addition to the verification by the Pueblo of Acoma, applicants must comply with all provisions of 6.60.7 NMAC (*Educator Licensure Application Fee*), 6.60.8 NMAC (*Background Checks*), and 6.60.9 NMAC (*Code of Professional Responsibility of the Education Profession, Standards of Professional Conduct*).
- C. The Pueblo of Acoma will perform the following activities pursuant to this Agreement:
 - 1. The Pueblo of Acoma shall develop and maintain standards and criteria for determining competency to teach the language and culture of the Pueblo of Acoma. These standards, criteria and competencies shall not be subject to review and approval by the NMPED.
 - 2. The Pueblo of Acoma shall develop a process to determine a candidate's competency in the initial or continuing certification in Native American Language and Culture. Such process shall not be subject to review and approval by the NMPED.
 - 3. The Pueblo of Acoma shall evaluate individuals seeking certification in Native American Language and Culture, and will provide in writing to the Professional Licensure Unit of the NMPED, either verification that the applicant meets the standards and criteria developed by the Pueblo of Acoma, or a denial of verification and the reason(s) for the denial. The verification or denial will be based solely on the applicant's meeting the standards and criteria established by the Pueblo of Acoma, or failure to meet those standards and criteria. The verification or denial of verification by the Pueblo of Acoma shall be final and not subject to appeal to or review by the NMPED.
 - 4. Upon receipt of written verification from the Pueblo of Acoma that an individual has met the standards of competence and language proficiency required for certification, the NMPED shall issue a Level 1, 3-year certification in Native American Language and Culture to that individual; provided that, no other grounds or cause exist, as set forth in Paragraph IV-D below, for denying issuance of the certification.
 - 5. The Pueblo of Acoma shall develop an appeal procedure for individuals whose verification of meeting the Pueblo of Acoma's standards and criteria

has been denied. The decision of the Pueblo of Acoma shall be final and not subject to further appeal to or review by the NMPED.

6. Within 30 days of the effective date of this MOA, the Pueblo of Acoma shall file with the NMPED either a detailed summary of its appeal procedure, an outline of the procedure, or a copy of the actual written procedure.

D. The NMPED will perform the following activities pursuant to this Agreement:

1. The NMPED shall permit an individual whose application for initial or renewed certification has been denied pursuant to Paragraphs IV-D, 2 and 3 below, to request a hearing before the NMPED. The NMPED shall not entertain any appeals based upon the Pueblo of Acoma's determination that the applicant has failed to meet standards and criteria for language and culture.
2. The scope of any hearing held by NMPED shall be limited to:
 - (a) the Pueblo of Acoma's use or failure to use its own appeal procedure in denying initial or renewed verification that a person has met the Pueblo of Acoma's standards and criteria. Any determination that the Pueblo of Acoma's appeal procedures were not followed properly shall result solely in a remand to the Pueblo of Acoma for reconsideration in compliance with its own procedures.
 - (b) nonpayment of the NMPED's application fee pursuant to 6.60.7 NMAC (*Educator Licensure Application Fee*),
 - (c) failure to submit to or clear a background check pursuant to 6.60.8 NMAC (*Background Checks*),
 - (d) engaging in behavior that violates 6.60.9 NMAC (*Code of Professional Responsibility of the Education Profession, Standards of Professional Conduct*),
 - (e) engaging in behavior that violates 6.68.3 NMAC (*Suspension or Revocation of a License Held by a Licensed School Individual*), and
 - (f) engaging in behavior that violates 6.68.2 NMAC (*Denial of Applications for Licenses for School Personnel*).
3. Any hearing held before the NMPED under this MOA shall be conducted pursuant to the *Uniform Licensing Act* [Sections 61-1-1 through 61-1-31, NMSA 1978].

V. RENEWAL OF CERTIFICATE

The Pueblo of Acoma shall develop and maintain standards and criteria for determining a person's eligibility to receive issuance of renewed certification to teach the language and culture of the Pueblo of Acoma. These standards, criteria and competencies for renewed certification shall not be subject to review and approval by the NMPED. The Pueblo of Acoma shall follow the same process for reviewing a person's eligibility to receive issuance of renewed certification as is described in Paragraph IV-C above. The NMPED shall perform the same functions as set forth in paragraph IV-D above. Any renewed certification issued by the NMPED shall be at Level 2 and be for a period of nine (9) years.

VI. TECHNICAL ASSISTANCE

The NMPED will work cooperatively with the Pueblo of Acoma to provide technical assistance regarding standards and criteria for certification. Technical assistance will be provided according to the availability of NMPED resources.

VII. TERMINATION OF AGREEMENT

Either party hereto, upon thirty (30) days written notice to the other party, may terminate this Agreement. By such termination, neither party may nullify obligations incurred prior to the effective date of the termination. Termination of the agreement shall not operate to negate certification issued pursuant to the Agreement.

VIII. INTEGRATION OF AGREEMENT

This Agreement incorporates all of the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No prior agreements or understandings, verbal or otherwise, of the parties or their agents shall become valid or enforceable unless contained in this Agreement.

IX. MAINTENANCE OF RECORDS

The Pueblo of Acoma agree to maintain, store, protect and safeguard records setting forth the Pueblo of Acoma's standards and criteria for verifying competencies described in Paragraph IV-C above. The Pueblo of Acoma agrees to permit inspection of these standards and criteria by the Secretary of Education or her/his designee.

IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS Agreement as of the most recent date of both signatures appearing below.


THE PUEBLO OF ACOMA



GOVERNOR, PUEBLO OF ACOMA

9-12-2005
DATE

**STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT**



DR. VERONICA C. GARCÍA
SECRETARY OF EDUCATION

September 12, 2005
DATE

**Language Certification Process for Acoma Language Teachers
Level I Certification
(3 year Certificate)**

Part I: This section consists of an oral interview with the applicant, conducted entirely in Acoma by the Acoma Certification Team. The applicant will be asked to address three questions: 1) What is the importance of Acoma language use in the community? 2) What are some reasons for teaching the Acoma language in the community? 3) What is the general Acoma Tribal policy regarding the teaching of the Acoma language in the school setting? The oral interview will be rated by the Certification Team.

Part II: This section consists of a videotaped demonstration of Acoma language teaching (20-30 minutes). An observation checklist of 15 items will be observed and rated by the Acoma Certification Team. Videotapes will remain with the Acoma Language Retention Program office.

Part III: This section requires the applicant to create and submit a written language lesson plan that accompanies the applicant's video-taped teaching demonstration. The language lesson plan will be evaluated and rated by the Acoma Certification Team.

Part IV: This section consists of two (no longer than one (1) minute) recordings of impromptu language tasks: a) the applicant speaks to an adult audience; and b) the applicant speaks to children. Each recording will be evaluated by the Acoma Certification Team and given individual rating scores.

Evaluation:

Rating scores for each section will be based on a simple scale of 1-5 points.

(1) Unacceptable (2) Poorly Done (3) Adequate (4) Good (5) Outstanding

A Total Summative Rating Score will consist of all of the evaluated sections added together. Rating Scale scores will be based on the following:

(1) Unacceptable (2) Poorly Done (3) Adequate (4) Good (5) Outstanding

Accompanying Documentation To Be Submitted By The Applicant

The applicant must submit a summary log of training and/or internship completed with the Acoma Language Retention Program.

Appeal Procedure:

All sections of this process need to be satisfactorily completed to be recommended for certification. This means that each section must have a Total Summative Rating Score of at least 15 points or more.

If any one section is not satisfactorily completed that section may be retaken by the applicant after one month's time. If a 2nd attempt results in a unsatisfactory completion, a 3rd attempt can take place after a 4-6 month waiting period. If a 3rd try is still not satisfactory, the applicant must wait a year to reapply.

The interim waiting periods are meant to provide the applicant sufficient time to receive additional training in the needed areas. Any appeals after this must be submitted in writing to the Acoma Certification Team and their decision final.

Language Certification Process for Acoma Language Teachers
Level II Certification
(Applicant must hold Level I certification for at least 3 years)

Part I: This section consists of a videotaped demonstration of Acoma language teaching (20-30 minutes). An observation checklist of 15 items will be observed and rated by the Acoma Certification Team. Videotapes will remain with the Acoma Language Retention Program office.

Part II: This section requires the applicant to create and submit a written language lesson plan that accompanies the applicant's video-taped teaching demonstration. The language lesson plan will be evaluated and rated by the Acoma Certification Team.

Evaluation:

Part I and II will be evaluated and rated by the Acoma Certification Team using the same scale as used in the Level I application. All sections of this process need to be satisfactorily completed to be recommended for certification.

Accompanying Documentation To Be Submitted By The Applicant

Submittal of a "portfolio" that documents the following:

- Yearly summary of applicant's language teaching experience. The log will show the schools, the grade levels and the schedule of teaching where Acoma language instruction has taken place each year. Language lessons plans can also be included.
- Yearly summary of any other language teaching experiences that the applicant has been involved in such as: summer language immersion programs, adult language classes, parent language classes, or other examples that show additional involvement in teaching the Acoma language in the schools or in the community.
- Summary of yearly evaluations of the applicant's language class(es) gathered from students and parents.
- Yearly log of any training workshops attended, language conferences attended or presentations made.



P.O. BOX 309
ACOMA, NEW MEXICO 87034

PUEBLO OF ACOMA
OFFICE OF THE GOVERNOR

TELEPHONE 505/552-6604
FAX: 505/552-7204

RESOLUTION NO. TC-AUG-02-05-VIIA

APPROVAL BY THE ACOMA TRIBAL COUNCIL FOR THE MEMORANDUM OF AGREEMENT (MOA) WITH THE NEW MEXICO PUBLIC EDUCATION DEPARTMENT REGARDING ACOMA LANGUAGE TEACHER CERTIFICATION

At a duly called meeting of the Tribal Council of the Pueblo of Acoma held on this 2nd day of August, 2005, the following resolution was adopted:

WHEREAS:

- Section No.1 The Pueblo of Acoma is a sovereign Indian nation, recognized as such by the Federal government of the United States of America and in the exercise of its tribal sovereignty remains organized in accordance with Pueblo tradition; and
- Section No. 2 The Pueblo of Acoma accepted the terms of the Indian Reorganization Act (Congressional Act of June 18, 1934, Chapter 576, Codified at 25 United States Code 461-479 (IRA)). However, the Pueblo is not organized under the IRA and has no written constitution; and
- Section No. 3 The Tribal Council is the legislative authority for the Pueblo of Acoma. This resolution is passed in exercising the responsibilities and authorities of the Tribal Council for and in the best interest of the Pueblo of Acoma; and
- Section No. 4 The Pueblo of Acoma and the New Mexico Public Education Department (NMPED) negotiated a MOA recognizing the Pueblo to certify people competent to teach Native American Language and Culture of the Pueblo in the Cibola County Public Schools; and
- Section No. 5 The Pueblo of Acoma Language Retention Program has (a) developed criteria, (b) recommended a certification team, and (c) developed an appeal procedure for the certification process within the Pueblo; and

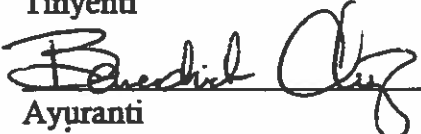
- Section No. 6 The 2005 Tribal Administration recommended that the Pueblo name the Acoma Language Retention Program Director and the Program Curriculum Consultant, as co-liaisons for purposes of implementing the MOA; and
- Section No. 7 The Tribal Council has accepted the Standards and Criteria, and appeal procedure for the certification process and finds the MOA is in the best interests of the Pueblo of Acoma

NOW, THEREFORE BE IT RESOLVED THAT:

- Section No. 1 The MOA between the Pueblo of Acoma and NMPED regarding the teacher certification process for Acoma Native Language and Culture teachers in the public schools, attached to this Resolution is hereby approved.
- Section No. 2 The Pueblo Governor is authorized and directed to sign the MOA on behalf of the Pueblo.
- Section No. 3 The Tribal Interpreter and Tribal Operations Manager shall oversee implementation of the MOA, as the official representatives for the Tribal Administration.
- Section No. 4 The Acoma Language Retention Program Director and The Program Curriculum Consultant, are hereby designated co-liaisons for the Pueblo of Acoma as required by Section IV-A of the MOA.
- Section No. 5 Seven (7) Acoma community members shall serve as the certification team to implement the MOA and shall be appointed under the direction of the Acoma Language Retention Program Director.




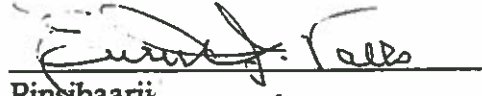
Daabupu, Pueblo of Acoma

Tinyenti


Ayuranti


My'yu Pinsibaari



Pinsibaarii


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Pinsibaarii #1

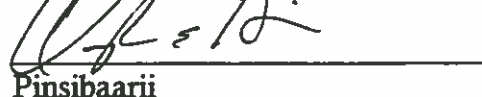

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ATTEST:


Kudyaat'na, Pueblo of Acoma

CERTIFICATION

I, the undersigned as Governor of the Pueblo of Acoma, "Sky City", hereby certify that the Tribal Council of the Pueblo of Acoma, at a duly called meeting, held on the 2nd day of August, 2005 at the Pueblo of Acoma, New Mexico approved this resolution, a quorum being present and that 9 voted for 0 opposed and 0 abstained.



Daabupu, Pueblo of Acoma

ATTEST:





Kudyaat'ita, Pueblo of Acoma