MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator Shelley Hughes, Vice Chair
Senator John Coghill
Senator Mia Costello

MEMBERS ABSENT

Senator Tom Begich

OTHER LEGISLATORS PRESENT

COMMITTEE CALENDAR

SENATE BILL NO. 136
"An Act providing for the establishment of public schools through state-tribal compacts."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 136
SHORT TITLE: STATE-TRIBAL EDUCATION COMPACT SCHOOLS
SPONSOR(s): SENATOR(s) STEVENS

01/21/20 (S) PREFILE RELEASED 1/10/20
01/21/20 (S) READ THE FIRST TIME - REFERRALS
01/21/20 (S) EDC, JUD
01/30/20 (S) EDC AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

TIM LAMKIN, Staff
Senator Gary Stevens
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SB 136 on behalf of the sponsor.
MICHAEL JOHNSON, Ph.D., Commissioner  
Department of Education and Early Development (DEED)  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of SB 136.

RICHARD J. PETERSON, President  
Central Council  
Tlingit & Haida Indian Tribes of Alaska  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of SB 136.

NATASHA SINGH, General Counsel  
Tanana Chiefs Conference  
Fairbanks, Alaska  
**POSITION STATEMENT:** Testified in support of SB 136.

MEERA CAOUETTE, Legislative Counsel  
Legislative Legal Services  
Legislative Affairs Agency  
Juneau, Alaska  
**POSITION STATEMENT:** Answered questions about SB 136.

HEIDI TESHNER, Director  
Finance and Support Services  
Department of Education and Early Development (DEED)  
Juneau, Alaska  
**POSITION STATEMENT:** Answered questions about SB 136.

**ACTION NARRATIVE**

9:00:16 AM  
**CHAIR GARY STEVENS** called the Senate Education Standing Committee meeting to order at 9:00 a.m. Present at the call to order were Senators Costello, Coghill, Hughes, and Chair Stevens.

**SB 136-STATE-TRIBAL EDUCATION COMPACT SCHOOLS**

9:00:41 AM  
**CHAIR STEVENS** announced the consideration of SB 136 and his intent to focus on the concepts in the bill, get the conversation on the table, and hold the bill for further review. He called Mr. Lamkin to the table.
TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, Juneau, Alaska, said that SB 136 is a significant legislation that has some impact regarding the state's relationship to federally recognized tribes in Alaska. He expected that the sectional would trigger a number of questions about the bill, but this is a draft. It will take some work to put together the nuts and bolts.

MR. LAMKIN presented the sectional of SB 136.

Section 1:
AS 14.07.165(a) relating to the duties of the State Board of Education, is amended to include the Board adopting regulations associated with state-tribal compact schools.

MR. LAMKIN said Section 2 is the core of bill. It sets up the program itself and indicates the commissioner can enter into compacts with federally recognized tribes through an application process that is explained in some detail. That process begins with a resolution passed by the governing body of a federally recognized tribe. Section 2 includes general provisions relevant to standard contracting language. It includes a new subsection, AS 14.16.310, that specifies a state-tribal education compact (STEC) school will be considered a school. That the school is to be considered a school district is a key component of the bill. That puts some restrictions on compacts, consistent with other restrictions for school districts, such as defining days in session and holidays. These are consistent with existing statutes and requirements for existing school districts, such as following state board regulations.

Section 2:
AS 14.16.300, is established, State-Tribal Education Compact Schools (STEC).

(a) The Commissioner of Education may enter into compacts with federally recognized tribes (FRT), through an application process.
(b) The application process must include a resolution passed by the locally governing board of a FRT, and include provisions for specific grade levels to be taught, compliance, dispute resolution, recordkeeping and similar standard terms of contracting.

AS 14.16.310: Specifies that a STEC school will be considered a school district (SD) and must follow existing statutory requirements as other SD’s do for:
1. District Operations:
   (a) defining the school term, days in session, and school holidays;
   (b) miscellaneous provisions for SD’s;
   (c) follow state board regulations, unless the board specifically exempts STECs from a regulation;
   (d) authorizing school districts to establish and participate in the services of a regional resource center;
   (e) requiring an annual audit;
   (f) authorizing cooperation with other school districts;
   (g) prohibits employment of a relative of the chief school administrator;
   (h) prohibits discrimination based on sex or race in public education.

2. Public School Funding and receipt and expenditure of that funding:
   (a) relating to student count estimates;
   (b) relating to school operating fund balances;
   (c) setting out the procedure for payment of public school funding and imposing general requirements and limits on money paid.

3. Teacher employment and retirement
   (a) relating to sick leave;
   (b) relating to the employment and tenure of teachers;
   (c) relating to the salaries of teachers;
   (d) relating to sabbatical leave provisions for teachers;
   (e) authorizing collective bargaining by certificated employees, except with regard to teachers who are administrators and except that the board may delegate some or all of its responsibilities under those statutes;
   (f) regarding the teachers' retirement system.

4. Students and educational programs
   (a) relating to educational services for children with disabilities;
   (b) establishing health education program standards;
   (c) relating to bilingual and bicultural education.

9:05:10 AM
MR. LAMKIN said that AS 14.16.320 has an interesting inclusion regarding discrimination. Schools may not discriminate and must be open to everyone, but if school has more students than it can
enroll, at that point, the school can prioritize enrollment of students from the federally recognized tribe.

AS 14.16.320 specifies that a STEC school may not charge tuition, with some exceptions for over school age persons and extracurricular activities, and that school admissions may not discriminate against race, school age, or grade level. If a STEC school has applicants that exceed their capacity, they may prioritize enrollment of tribal members;

AS 14.16.330 establishes financial provisions for STEC schools consistent with existing foundation formula funding for a school district and for purposes of applying for federal funding.

AS 14.16.340 regards employees of the STEC as being state employees and provides for employment preferences for those who are member of a FRT.

Section 3:
AS 14.17.300(a), relating to the public education fund, is amended to allow for appropriations to be made to STEC schools.

Section 4:
AS 14.17.400(b) in the instance of a shortage of funds for public education, the department of education is directed reduce school district funding on a pro rata basis, amended to include a similar pro rata reduction for STEC schools.

Section 5:
14.17.445 adds a new subsection to include funding for STEC schools inside the foundation formula for purposes of calculating its basic need.

Section 6:
14.18.110(b) relating to anti-discrimination laws, adds a new subsection to allow, in the event a STEC school has applicants in excess of its capacity, to prioritize employment and student enrollment firstly to members of the FRT under the compact.

Section 7:
14.30.010(b), relating to compulsory school-age attendance, and which has a number of exemptions from compulsory
attendance, is amended to include an exemption for student enrolled in a STEC school.

Mr. LAMKIN noted that these sections by and large are conforming amendments to existing statutes.

Section 8:
14.30.186(a), relating to special education services, is amended to include STEC schools being required to provide such services to for children with disabilities enrolled in the STEC school.

Sections 9-12:
AS 14.30.350(8), 14.43.849(5), 14.43.915(f)(2), AS 21.96.070(g)(1), are conforming definition references, being amended to include STEC schools as being considered a “school district.”

Sections 13-14:
AS 23.40.200(c), relating to provisions under which a union may strike, is amended to include a STEC school.

9:09:04 AM
Sections 15-16:
AS 39.35.160(c) & (d), relating to the retirement system, is a conforming amendment to include both the employees of a STEC school, and the STEC school as the employer, being required to contribute to the retirement system.

Sections 17-19:
AS 39.35.300(c), AS 39.35.310(c), and AS 39.35.330(d), relating to the retirement system, are conforming amendments to include STEC school employees as state employees and contributing time served under the retirement program.

Sections 20-21:
AS 43.20.014(g)(3) and AS 47.07.063(D)(3), relating to Medicaid eligibility and education tax credits, are conforming definition references, being amended to include STEC schools as being considered a “school district.”

Section 22:
Gives regulatory authority to the Dept. of Education and Early Development (DEED) to help implement the STEC program, and includes transition language to give DEED one year to implement following its enactment.
CHAIR STEVENS said this is a significant bill in many ways. It is a major change to education.

9:10:24 AM
SENATOR HUGHES said she wanted to hear from the commissioner to understand what he thinks about this and if and how it might help students.

CHAIR STEVENS observed that the commissioner is pointed out many places in this bill and has a lot of responsibilities. He called Education Commissioner Johnson to the table.

9:11:17 AM
MICHAEL JOHNSON, Ph.D., Commissioner, Department of Education and Early Development (DEED), Juneau, Alaska, noted that the Alaska Education Challenge started several years ago. Five priorities came out of that challenge. One is tribal compacting. That conversation has been happening in the legislature, in the state board, and in school districts across the state. He thanked Senator Stevens for introducing the bill to initiate the conversation. As Mr. Lamkin said when he started the analysis, this is a significant piece of legislation and a significant change in how the state delivers public education. It is an exciting conversation. It's not a simple issue, but what is simple is that Native people are ready, willing, and able to provide an education to their children. That can be possible through tribal compacting. He is looking forward to the conversation and hearing from tribal leaders, school districts, families, and communities about how this can help them have ownership of the education they deliver to their children.

CHAIR STEVENS asked what the difference is between a tribal school and a charter school.

COMMISSIONER JOHNSON replied that tribal leaders will be able to answer more fully. Tribal compacting is a government-to-government negotiation for how educational services will be delivered.

SENATOR HUGHES asked why he believes this is necessary and better than what the state has now and does the governor support this concept.

9:13:52 AM
COMMISSIONER JOHNSON answered that the governor does support tribal compacting and has been having his own conversations
exploring the issue. At the Alaska Federation of Natives meeting the governor stated he supported tribal compacting. The commissioner said there is a need because of the tragic achievement gap in the state. The outcomes for many Native students are not what many want. There is a capacity, a will, and an inspiration in the Native community to provide educational services to their children. That is a great thing. People often talk about parent involvement, so this is what the state has always said is needed in the system. Tribal leaders have stood up and said, "We're ready, we're willing. Help us to do this."

SENATOR HUGHES asked whether, in addition to the general concept of involvement, engagement, willingness, and ownership, there is anything specific in the legislation to ensure legislators that the achievement gap will shrink. She has a heart for those children. She lived in rural communities and was troubled by what she saw. When she first became chair of the Education Committee, she got up to speed with what was happening in the state. She knew it wasn’t good. Things hadn't improved since the 20 plus years since her children had been in some of the rural schools. She is looking for reassurance that outside of these general feel-good concepts, there is something to assure legislators that the achievement gap will shrink. She asked if there is an accountability feature because the state doesn't want to transition to a system that will be worst for students, not better.

9:16:19 AM
COMMISSIONER JOHNSON replied that as much as he would like to guarantee that the public education system will work for every student, he cannot, whether with tribal compacting or the current system. He can commit to working with the legislature, school districts, and families to establish policies that have proven to be effective and to provide and set the conditions that are necessary for kids to learn. With tribal compacting, he starts with the assumption that although he cares deeply about every student, he does not care more deeply than their families and tribes. The people closest to them, their families and tribes, will care most about the success of those students. That makes him excited about this conversation, to hear from them specific ideas to implement in a tribally compacted school, such as ideas for curriculum and teachers and setting. If they want to enter into a compact, what are their ideas for conditions that will most likely lead to student success.
SENATOR HUGHES asked if there is evidence from any other states, perhaps reservations, that show this is working better for students.

COMMISSIONER JOHNSON responded that he doesn't have any specific examples. He knows that Washington state, through Bureau of Indian Affairs schools, has done tribal compacting. Mr. Lamkin is indicating seven schools. Someone from the department and the tribes can give specific examples of tribally compacting schools that have worked. He would point to the work tribes have done with the health care system in the state to improve health outcomes.

SENATOR HUGHES asked if a Native corporation wanted to pitch in financially to a school, does this arrangement accommodate that better.

COMMISSIONER JOHNSON answered that he doesn't know. He does know that tribes have access to funding that other entities may not have.

SENATOR HUGHES shared that she is concerned about the preference piece. She had young children in villages. She loves when the urban areas have teachers from different backgrounds. She wondered if that would be covered in a Judiciary Committee hearing.

CHAIR STEVENS noted that the state should see how it is working in Washington state since Washington is a few years ahead in implementation. He added that as he understands it, tribal compacting would be entirely voluntary.

SENATOR COGHILL thanked the commissioner and tribal groups for their efforts on the bill. The idea came up in the Alaska Education Challenge. As he recalls, there were not many details but a lot of the conversation was about how to get local input and buy-in into education. "Some of the tribal groups were willing to say, 'Look, I think we can do this,'" he said. "It does run into some structural issues, though." Some questions would be how does a tribal group work as a school in a school district and what are the impacts of making some people state employees. Legislators will have to watch that closely. The benefit that most people expect is that it will be organic, it will come from home and yet dovetail with the goal of excellence in education. He was in some of the Alaska Education Challenge
groups and remembers some of the discussions. He asked if the Alaska Education Challenge was the genesis.

COMMISSIONER JOHNSON replied absolutely and that Senator Coghill characterized it well. As Senator Hughes said, a lot of statements about tribal compacting are feel-good statements, such as being excited about the conversation, but as Mr. Lamkin noted, it will be a complex conversation. Just because it is exciting, and something he thinks will be great for all kids in the state, it is not going to be simple. It will change the current system. "If we have this conversation in a healthy and robust way, it has a chance to improve outcomes, which we all desperately want," he said.

9:23:50 AM
SENATOR COGHILL said everyone, including himself, has struggled with how to deal with governance structures in Alaska. Tribal governance has been a growing body of law. There are still some open questions. As the legislature moves forward with this bill, they may settle some of these questions. The fact that tribes are willing to step up and say they can take on some of the responsibility for education is important. This bill has huge requirements; some of those may not work well. Legislators will have to hear how a tribal group might look at them. Legislators look at education through the view of districts. Tribe members consider their tribal group. How that intersects will be difficult. Making people state employees for the purposes of retirement may be a reach too far. The responsibilities and requirements may get too far afield for tribal groups. The bill would create something new between tribes and states. It is a worthy effort, but it is brand new. The state has argued about whether Alaska has tribes. Then funds started flowing for federally recognized tribes to the benefit of Alaska in huge ways, as noted with health care. His focus will be how to lift children the best way the state can and how to grow a healthier community with a better education. With tribal groups "willing to say, 'I'm in,' I'm willing to figure out a way to make it work," he said.

CHAIR STEVENS said there was no intention of making tribal schools anything less than what the state has in all other schools. No fewer demands or requirements. He encountered someone who expressed love for this bill because tribal schools will not have to have certificated teachers or take all the tests the federal government requires. That is not true at all. He asked Commissioner Johnson to confirm that there will be
certificated teachers and there will be testing in order to get federal funds.

COMMISSIONER JOHNSON replied that that is his understanding of bill through Mr. Lamkin's sectional analysis. This bill treats tribally compacted schools as a school within a school district, under the same policies.

CHAIR STEVENS said, "It's an enormous responsibility that tribes will be taking on and if I were them, I'd be very, very cautious because it's not easy. It's going to be a tough lift, but I think we have to give them that opportunity if we can."

SENATOR HUGHES commented that she always goes back to the student. She asked what checks would be in place if compacting was not working and scores went down. She asked what the oversight from the district would be if it were failing.

9:28:14 AM

COMMISSIONER JOHNSON responded that in this bill, and Mr. Lamkin is more of an expert on the bill, if tribally compacted schools are schools that function within a school district, the accountability would not be different from what the state currently has. The consequences for not having good outcomes would be the same.

CHAIR STEVENS added that there is virtually a contract between the commissioner and the tribal entity that has a closure date. Things have to improve within that time element; otherwise there would be a return to the old system. But everyone would be given a fair opportunity to see if it would work.

SENATOR HUGHES clarified that the school would return to what it was before. The state has had schools that have been failing for a while, which is why the committee is having this discussion. It is concerning if the state just shifts back to what is not holding schools accountable now. As the Education Committee, they ought to be thinking about accountability for all schools. If a school is failing and just returns to the current system with a large achievement gap, that is not reassuring to her. SB 6 will help to some degree. She is passionate about students mastering the objectives at each grade level. That could be something to assure success. Just to say schools would return to the present system is not the reassurance she wants.

CHAIR STEVENS asked if the commissioner could relate tribally compacted schools to Mt. Edgcumbe High School. It is not a
tribal school, but it is successful. His observation is that many Native leaders today came from that program. While not exactly what the committee is talking about, it is an example of a school taking on responsibility and being successful. He noted that Mt. Edgecumbe is also the commissioner's responsibility.

9:31:27 AM
COMMISSIONER JOHNSON replied that Mt. Edgecumbe is not a tribally compacted school, but it is a choice. That is what the two would have in common. Families, tribes, would have an option about where to send children. Mt. Edgecumbe represents a choice for families throughout the state if a school in the community is not meeting their needs or they want a different experience for their students. Tribally compacted schools would represent a choice for parents.

SENATOR HUGHES asked if the commissioner had a sense of how many tribes are interested.

COMMISSIONER JOHNSON replied that he had no specific numbers, but the interest has been growing. Yupiit School District has held some meetings on this, and the legislature has had some hearings. There is a lot of interest and a lot of questions and complexities that will have to be addressed. To refer to her previous question, one significant issue for the legislature is what to do with schools that are not performing. SB 6 is one step in that direction, where DEED provides the additional resources of people in schools. But one complex question not just for tribal compacting but the entire system is what to do when a school is not working. Mt. Edgecumbe has been one answer. Tribally compacted schools could also be one.

9:33:53 AM
SENATOR COGHILL noted the important issue is that the legislature is looking for opportunities for everyone to help students learn. The choices are important. The legislature has bumped into the constitution many times with school choice. This is another way of laying out a menu and making it available to people willing to put a shoulder to it. For many years, legislators have heard that the Native community is bringing their values and culture to the table. It is a worthy thing to do, to lay out a table that they can work off of. There are structural issues. He has worked on those issues many times. Sometimes he got a black eye out of it. The issue is how to bring the most noble, the best efforts, to give as many choices as possible for kids to lift everyone up.
SENATOR COGHILL said, "I'm game on that one, when a community is willing to step up. The thing we struggle with, quite frankly, is different tribal groups define themselves differently. And, so, that's why a compact probably is the best way to go." Alaska has a couple of reservation-types, but generally it is a community issue, not a land-based issue. Working within a school district, there will be conflicting issues of authority. The bill describes how to have a series of requirements so that everyone is working from the same sheet of paper. He hasn't studied the bill in detail, but he could see right off the bat a couple of places the legislature will struggle with. But it's worth the struggle. Sometimes he has been the "antidude" for a variety of reasons, but he is willing to open his mind up to how a community can bring its best to bear. If this doesn't happen in Alaska, the kids are going to suffer. He is willing to look at this in detail. When he raises questions about those details, it may look like he is against something when he is not. He is just trying to figure out how to make it work.

9:36:35 AM
COMMISSIONER JOHNSON pointed out that tribal compacting is not just a reaction to failure of the current system. Even if all schools were performing wonderfully, tribes would still be interested in tribally compacted schools. That inspires him. He is eager for the committee to hear from tribes. Although the state does have an achievement gap and some issues, it also has schools that perform well and that doesn't change the desire of tribes to enter into these tribal compacts.

CHAIR STEVENS clarified that funding would be the same as now, through the foundation formula, and there would be no additional large amounts of money to make this work.

COMMISSIONER JOHNSON answered that it wouldn't be an increase in the amount of money the legislature spends on education. It would just be spending that money differently.

CHAIR STEVENS called Richard J. Peterson, President of Tlingit and Haida Central Council, to the table.

9:38:16 AM
RICHARD J. PETERSON, President, Central Council, Tlingit & Haida Indian Tribes of Alaska, Juneau, Alaska, thanked Senator Stevens for the courage to put this bill forward and to have this conversation. Listening to the questions of the committee members inspired many thoughts. He told Senator Coghill that he has never viewed him as antitribes and that he has raised very
good questions and points in different discussions and debates over the years that brought about a healthy dialogue. Mr. Peterson said, "I am about conversation. I think it starts with having these conversations, having the courage to ask those tough questions, having the courage to not want to sound offensive by asking hard questions, but if we don't ask those, if we don't address those, we won't make the important strides that we need to make."

MR. PETERSON shared that Tlingit-Haida is the largest tribe out of 229 in Alaska and probably among the 10 to 15 largest in the nation. If all the Tlingits and Haidas who lived in Washington state were counted, they would be the largest tribe in Washington. Tlingit-Haida has 32,000 tribal citizens with over 6,000 in Juneau.

MR. PETERSON said, "To say that we are vested in this is quite the understatement. We don't want mediocrity, and right now mediocrity might be an improvement. We're here. We want to raise the bar. We want our students to be the highest achieving students that they can be. And we also don't operate in a bubble. So, when we talk about our students, we really want all students to rise up together and to be the best versions of themselves and have the best opportunities for that."

MR. PETERSON said that he come from one of the smallest communities in Southeast Alaska, Kasaan on Prince of Wales Island. He was on the Southeast Island School District Board of Education for over 10 years and was chair for six years. The school district had what were labeled Native and non-Native schools. "That always chafed me a little, to be honest because I thought our interest was all schools," he said.

MR. PETERSON observed that the tribal government, which brought in more money and operated more services in his community than other governmental entities, sometimes did things predominantly for its citizens, but it tried to do things that lifted everybody. His mantra is "healthy tribes make healthy communities." Alaska has some of highest achieving tribes in the nation. They are cutting edge and provide complex services to a wide array of people. They operate Head Start, which is not a race-based program. It is open to everyone, based on income. Head Start has some of most stringent requirements of any program. This demonstrates that tribes can do this work. Their data shows that children who go through Head Start are the highest achieving students throughout their academic careers. Tlingit-Haida has that foundation to build upon.
MR. PETERSON observed that compacting is a government-to-government agreement to administer programs. It is a trust-based relationship repeatedly upheld by the Supreme Court. Trust is a key word. He said, "When you talk about the things, Senator Coghill and Senator Hughes, that I heard you mention, we're going to have to have a trusting relationship. We're going to have to enter this with our eyes very wide open, and we need to put all those issues on the table. And I can promise you very little offends me. We have to ask the hard questions and not hide behind not wanting to offend anybody. It does become like Native, non-Native. I don't operate in that way. Recognition of tribe's inherent authority to serve our citizens. That's what our tribal sovereignty stands on. . . Our sovereignty doesn't threaten state sovereignty or municipal sovereignty. Sovereignty, to me, tells me that we have the inherent right to work together, to govern."

9:43:46 AM
MR. PETERSON noted that he was pleased to hear Senator Coghill's comments about land-based issues. Jurisdictional issues can be divisive, but conversations and agreements about compacting will solve those. Tlingit and Haida already executes federal compacts with the Bureau of Indian Affairs on behalf of several communities in Southeast, administering sophisticated programs, such as TANF (Temporary Assistance for Needy Families), employment and training, childcare, natural resources, and economic development. Tlingit-Haida is unique in Alaska because it is not an Indian Reorganization Act tribe. Tlingit-Haida is enacted by an act of Congress. That sets them apart in a unique way. It is also a regional tribe and the only actual regional tribe in Alaska. There are regional tribal nonprofits that operate by authority of village tribes, whereas Tlingit-Haida is a tribe and does not need any other tribe's authorization. Because of its regional nature, it does serve several tribes in its communities as a compact tribe. It is the same thing that Tlingit-Haida is proposing here, to operate and administer funds on behalf of other tribes. It is a very important responsibility, one of trust, which Tlingit-Haida has demonstrated it can do.

MR. PETERSON pointed out that Tlingit-Haida already delivers early care and learning services through Head Start. While Head Start is not delivered through compacting, it is an education program delivered in coordination with the state and federal government. This is an example of how Tlingit-Haida might partner to deliver education programming. The state of Alaska
supports local control. Tribal compacting is the epitome of this. Tribes would exert that local control. When he hears elected leaders in Alaska debate issues, one of the topics is always local control. It doesn't get any more local than the tribes with 10,000 years of history.

MR. PETERSON said that tribal compacting has the potential to enhance educational delivery. He brought up Kasaan as a community that was split as far as Native/non-Nonnative, but the tribe served the school. At times his tribe donated $30,000 to keep the school open for every child, not just Native children, but for Kasaan children. That is what tribes have demonstrated.

The Indian Health Service compact with the tribes in Alaska is held up as the most successful health compact in the nation. In their communities, tribal groups are often the only health service. They do not segregate or turn people away. "That's the model. I think that's demonstrated time and again that we're going to hold up our communities. We want to raise the bar," he said.

9:47:59 AM
MR. PETERSON said everyone looks to children and families to do all that can be done to enhance education. He is not satisfied with what he sees. The commissioner's comments hit home. Tlingit-Haida is not interested because the system is failing. They at Tlingit-Haida would be interested either way. They want to raise the bar. Their communities, for various reasons, are not performing where they need to be. That includes health, public safety, and many issues. The tribes have stepped to be part of the solution. They have a responsibility to be part of the solution. That is something they can do and they stand ready to do that. They have demonstrated that again and again through the complex programs that they run now. They are really about the health and vitality of communities. His saying that healthy tribes makes healthy communities means it makes healthy Alaskans. On a personal note, he added that he is a proud graduate of Mt. Edgecumbe, class of 1994. Many of his classmates are leaders in the state, which was instilled in them at Mt. Edgecumbe.

CHAIR STEVENS noted he appreciated Mr. Peterson's comments and leadership and hoped he would be involved as the legislature moved ahead with the bill.

9:50:07 AM
SENATOR HUGHES thanked Mr. Peterson for his powerful testimony and commitment to Native and non-Native students. She believed
that now all health centers are classified as community health centers and don't turn anyone away, but when she and her husband first arrived at one rural community where her husband ran the health clinic, they understood that some people would have to fly to the city to receive care. Her husband graciously decided that he would let anyone come to avoid flying out for care. At the time, the Native entity running the clinic was very accommodating and gracious. Those open arms and welcome transitioned to where, she believes, all clinics accept everyone in the village, which is the right thing to do. Mr. Peterson's testimony points to schools having the same open arms. She believes everyone is enriched by having experiences with people from different backgrounds.

CHAIR STEVENS commented the he appreciated Mr. Peterson's and the commissioner's comments that they are not just interested because schools are failing but just in helping the system to move ahead, to incorporate what tribes think should be included in schools. It is an important issue. He called Ms. Singh to testify.

9:52:37 AM

NATASHA SINGH, General Counsel, Tanana Chiefs Conference, Fairbanks, Alaska, explained that tribal compacting is when the government and the tribe enter into a legal agreement, whereby the tribe takes over the duty of the government to provide a specific service. Compacting with tribes is not new to Alaska. For 26 years, Alaska tribes and tribal organizations have compacted with the federal Indian Health Service. Tanana Chiefs Conference (TCC) is a cosigner to the Alaska compact with the Indian Health Service and a cosigner with the Bureau of Indian Affairs compact. Through these compacts, TCC delivers services related to natural resources, realty, transportation, and medical and dental health care to tribal members and villages in the most appropriate, cost-effective and community-responsive way.

MS. SINGH asserted that tribal health organizations have demonstrated success in health care, specifically by reversing health care disparities at a higher rate than the Indian Health Service. Tribal health organizations own their own data, study it, and work with communities to address issues, whether it be patient travel, provider visits, facility maintenance, and most importantly, prevention of disease. They demand quality for their people. In Fairbanks, the Chief Andrew Isaac Health Center is able to recruit and retain the best providers in Fairbanks. They train their providers in culturally appropriate care and
communication. They have learned that despite the best medical education, medical care is not effective if not done in a way Native people are responsive to.

MS. SINGH related that federal law in the past prohibited tribal health entities from delivering health services to non-Natives. Tribes saw this as a hindrance to delivering community health and advocated in Washington, D.C., to change this. Now they are able to see nonbeneficiaries in tribal clinics. In Tok, the clinic sees more nonbeneficiaries, non-Natives, than Natives. The comments from non-Natives have been eye opening. They show how effective tribal entities are in providing health care services. TCC also provides services to non-Native veterans. TCC understands that the standard health care model must be tailor-made for each community.

9:56:46 AM
MS. SINGH added that tribal compacting for education has this same potential. As tribes have enhanced health service delivery, tribes have the potential enhance education delivery. As with so many other programs, the underlying legal authority for the implementation and the details of how it will work have everything to do with its potential for success. Federal compacting relies on the federal statute, the Indian Self-Determination and Education Assistance Act, which provides the authority and mandate for legal agreement between the two parties. TCC strongly recommends that the state legislature pass a similar state statute to dictate state-tribal compacting.

9:57:51 AM
MS. SINGH said that long-term outcomes with Alaskan Native children, indeed with all children, are vastly improved when they are raised in the embrace of family and community. Partnering with tribes to deliver education can re-establish a sense of ownership and pride in the public education system with the potential to improve educational outcomes. Through tribal compacts of education, tribes intend to retain teachers, implement Native languages, reduce costs through administrative services and community planning, engage students, and reverse education disparities for rural and Native students. Some schools are in a state of constant flux because of outside school districts managing affairs. Having local management of schools, local feedback, tribes can better integrate and train teachers for local conditions, to utilize local opportunities in concert with the tribe. Tribes can also develop teacher training programs for people from their communities, like they have with health aide and tribal administrator programs. Tribal compacting
and management of schools can help local education be more responsive to the state of Alaska Native language emergency declaration by directing resources and having a long-term vision. Native languages are proven to engage students in all realms of curriculum.

MS. SINGH pointed out that tribes and tribal health organizations already have accounting, human resources, IT, and legal staff. Savings will come from not duplicating services at school administrative centers and the savings will be passed on to classrooms. If the tribes are in charge of the schools, the community and school plans will become one. They can implement a more holistic and comprehensive planning for such things as capital improvement and social determinants of education. Communities will have a greater sense of ownership of the schools, their activities and successes. Under tribal compacting model, students will own the schools and can be taught to take care of the institution in new ways. Under the current model, a far-off school district or state entity owns the schools. Schools can be responsive to other models of success. Tribes stand ready to work with the state and legislature to design systems that will allow them to work as partners and improve education outcomes for children.

10:01:09 AM
CHAIR STEVENS said Ms. Singh caught his attention when she spoke about current programs to train health aides and tribal leaders. He asked whether compacting would create opportunities for students in villages to become teachers in their communities.

10:01:42 AM
MS. SINGH replied, "Absolutely. We believe that this will be key to success. And really, it's likely a reason why our rural schools and schools across Alaska have struggled. It's because we lack Native teachers." Historically, when the University of Alaska has had programs that have focused on training Native students to become teachers, students achieved this if given a chance. As tribes implement tribal compacting of schools, they must implement a training program alongside the University of Alaska to ensure a diverse faculty for tribal schools. The state needs Native teachers.

CHAIR STEVENS observed that it's an important issue. The state is facing a shortage of teachers throughout the state and bringing in teachers from all over the country. Often they are not satisfied because they aren't familiar with Alaska and not used to conditions in Alaska. Anything she can do to help would
be appreciated. He understands that could be an added impetus for this program.

SENATOR HUGHES shared that she was thinking of the innovation in the Native medical community not only with the health aide program, but also with the dental therapist program. That is looked at as a model. She sees the flexibility and nimbleness of the tribes to try innovative things to help students as a positive. She is not sure people are aware of the dental therapy program. It has been a game changer for dental care at Native health clinics. That gives her hope that tribal compact schools might try something that could be helpful to their students.

CHAIR STEVENS asked Ms. Caouette from Legislative Legal to comment about the question of discrimination.

10:05:48 AM
MEERA CAOUETTE, Legislative Counsel, Legislative Legal Services, Legislative Affairs Agency, Juneau, Alaska, said most of this bill is based on the statutes from Washington state for tribal compacting. That is where those provisions come from. They exist in the Washington statutes, so they were put in this bill as well.

CHAIR STEVENS asked what those factors are.

MS. CAOUETTE answered that the provisions amend existing law and allow the tribal compact schools to prioritize employment from the federally recognized tribes and if the school's capacity is insufficient to enroll all students that apply, the school could prioritize students form those tribes. It is not required. It is just allowed.

CHAIR STEVENS said that would be an issue that the Judiciary Committee will deal with. He asked if there any questions for Ms. Teshner.

SENATOR HUGHES observed that costs such as the Base Student Allocation would be the same for tribally compacted schools, but she asked whether DEED would need any extra staffing or just use its current resources.

10:07:52 AM
HEIDI TESHNER, Director, Finance and Support Services, Department of Education and Early Development (DEED), Juneau, Alaska, responded that because the number of tribes that might opt to do this is not known, the cost for DEED is indeterminate.
SENATOR HUGHES said the initial set up of a compact is work for the department, but once it up and running, speculated that the requirements would be the same [as for other schools]. She asked whether more staffing would be needed for setting up the compacts or for the long term.

MS. TESHNER replied that, based on her understanding of the bill, these would be state-run schools, similar to Mt. Edgecumbe, and that DEED would need staffing, but DEED cannot project costs without knowing the size of the school and the number of kids and schools.

SENATOR HUGHES said that other than getting the compact figured out, she doesn't understand what the extra work is for the department. She suggested that Ms. Teshner could talk to her offline about that.

MS. TESHNER answered that she would be happy to talk offline about the issue.

SENATOR COGHILL said he had a question to consider as legislators work on the bill. As he understood federal compacting in the health care system, the people contracted with are not federal employees. Under this bill, they would be considered state employees. That is something for the legislators to talk about. That is from his first cursory reading. He does not mind compacting, but it is not a charter school relationship. That could be something difficult to manage. He doesn't have the answer to that question and doesn't know if that is the correct question at this point. He also wonders whether the state's role is only to have expectations about outcomes or will it be involved in management of the schools.

10:12:23 AM
CHAIR STEVENS noted that the committee would look at the three indeterminate fiscal notes at a later date. He asked if anyone in the room wanted to testify and ascertained that there was no interest. [He held SB 136 in committee.]

10:13:14 AM
There being no further business to come before the committee, Chair Stevens adjourned the Senate Education Standing Committee at 10:13 a.m.