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Senator Gary Stevens

SECTIONAL ANALYSIS

SENATE BILL 34 (version A)

State-Tribal Education Compacting

Sec. 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.

Sec. 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 School terms, days in session;
- (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.

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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.

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.

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

Sec. 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.

Sec. 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

Sec. 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.

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- Sec. 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.
- Sec. 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.
- Sec. 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.”
- Sec. 13-14: AS 23.40.200(c), relating to provisions under which a union may strike, is amended to include a STEC school.
- Sec. 15: AS 39.35.160(c), 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.
- Sec. 16: AS 39.35.160(d), relating to the retirement system, is a conforming amendment to include a STEC employer paying a member’s PERS contribution in the event the member is assaulted while on the job and subsequently on unpaid leave.
- Sec. 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.
- Sec. 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.”
- Sec. 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.