

Compacting Glossary: Working Draft

Alaska's Education Challenge – How we will meet the educational challenges in Alaska.

- 1) Call to action: Shared Commitments
- 2) A focus of efforts: Measurable Goals
- 3) Prioritization of change: Targeted Strategies (State Tribal Education Compacting is one of these strategic priorities)

Alaska Native/American Indian (AN/AI) – There are two Federal definitions for AN/AI that come from the following two laws **Alaska Native Claims Settlement Act** 43 U.S. Code § 1602. Definitions and the **Federally Recognized Indian Tribe List Act of 1994** (25 USC 479 (a) –recoded to 25 USC 5130)_25 U.S. code § 5130. Definitions

(b)

“Native” means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlaktla [1] Indian Community) Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group. Any decision of the Secretary regarding eligibility for enrollment shall be final;

Alaska Native Health Board (ANHB) - Established in 1968, ANHB has a 26-member board. Its objectives are People, Policy Analysis, Collaboration and Coordination, and Advocacy as they pertain to statewide Alaska Native Tribal health issues.

Alaska Native Tribal Health Consortium (ANTHC) – ANTHC is a nonprofit Tribal health organization founded in 1997. It is the second largest employer in Alaska. ANTHC and the South Central Foundation (SCF) operate the Alaska Native Medical Center (ANMC).

ANCSA Regional Corporation - There are 12 regional corporations established as part of the Federal Alaska Native Claims Settlement Act (ANCSA) in lieu of reservations. They are: Ahtna Incorporated, Aleut Corporation, Alaska Slope Regional Corporation, Bristol Bay Native Corporation, Bearing Straits Native Corporation, Calista Corporation, Chugach Alaska Corporation, CIRI (Cook Inlet Region Incorporated), Doyon Limited, Koniag, NANA, Sealaska. ANCSA Regional Corporations own surface and subsurface rights.

Application of Intent to Compact – This application outlines the scope of what the school, outlines reporting and assessment agreement, building requirements, etc. This serves as the initial signal from a Tribe that it is officially pursuing compacting.

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Average Daily Membership (ADM) – Average Daily Membership is the school student enrollment numbers used in the funding formula and throughout statute and regulation in reference to student enrollment numbers.

Bi-lingual School – Bi-lingual schools offer instruction in two languages. The different languages may be used for instruction in dedicated subjects, there can be a blend of languages used in the same subject along with a range of percentage of time spent in each language. For example: some grades might have a 90:10 split starting in kindergarten and by 4th grade be at 50:50 split for time spent in each language during the day. Each school can set its own language proficiency goals for students in relation to each grade.

Chartering – Chartering offers more flexibility for schools determining curriculum, instruction, and specialization of a schools focus while still being subject to local district approval and processes.

Compacting – Compacting is a government-to-government agreement. By partnering together an agreement is formed based on mutually upon established shared goals. This provides for flexibility while ensuring quality. The agreement defines the expectations, parameters, and quality controls for outcomes and within these parameters it is up to the compactor to make it happen. The compact negotiation collaboratively forms what the agreement contains. Compacting is a flexible, dynamic, and active process.

Contracting – Contracting is prescriptive in that a local educational agency (LEA) or state educational agency (SEA) determines what needs to be carried out and selects how it will be carried out through a proposal process.

Co-signers/Authorized Compactors – Tribes have the authority to sign or to designate on their behalf the entity that would carry out the compact. The State of Alaska would identify the signer for the State of Alaska.

Culturally Relevant Assessment – These assessments demonstrate how the students and teachers are meeting the required educational standards using the local environment as the context for the assessment content.

Example of **non-relevant assessment question**: Which item is not food? *Answer: whales*

- A) Apple
- B) Lettuce
- C) Cows
- D) Whales

Example of **culturally relevant assessment question**: What food items can you not find on the tundra? *Answer: Seals*

- A) Eggs

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- B) Seals
- C) Birds
- D) Berries

Demonstration Project – A focused endeavor that provides scaled operation to take place in a manner that addresses key questions, tests hypothesizes, produces data, and has a start and end date.

District - Chapter 12. Organization and Government of School System.

Sec. 14.12.010. Districts of state public school system.

The districts of the state public school system are as follows:

- (1) each home rule and first class city in the unorganized borough is a city school district;
- (2) each organized borough is a borough school district;
- (3) the area outside organized boroughs and outside home rule and first class cities is divided into regional educational attendance areas.

Facilities List – An ongoing list of all the facilities that are used by Co-Signers in which programs are carried out and provided for under the funding agreement.

Fiscal Accountability – Ensuring that funds are expended in the agreed upon manner.

Fiscal Agreement – As part of the compact agreement, the fiscal agreement lays out the fiscal amount, accountability, and liability. Essentially how the money will be used and how it cannot be used. Also, any penalties or recertification if mishandling of fund occurs. Fiscal Agreements are open to all Co-Signers for review.

Fiscal Liability – The risk factor of expending or accepting money along with the agreed upon consequences for noncompliant fiscal management.

Funding Mechanism – The method for determining funding levels, and the disbursement of funds.

Immersion School – This model surrounded the student with the target language completely in all aspects of their environment. Immersion programs can exist on a graduated scale. There can be full immersion where the entire school is operated only in the target language or partial immersion where sectors of the school or classrooms are exclusively conducted in the target language.

Indian Health Service (IHS) Compacting – This is the flagship model of what kind of transformation can take place through compacting. In 1994 there was a transition from contracting to compacting and it allowed more local control to determine how to use which monies to meet the health needs of Alaska Natives participating in the IHS system. One example of how this success is measured is that Alaska Native people are living longer.

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Indigenous Education Models – These include master apprentice, observational learning, place-based learning, student evaluations based on the student’s observed behavior like doing things without being asked or properly observing protocols at events, learning to observe and decode what is happen in the surround environment on a deep and interconnected level.

Master Agreement – The master agreement lays out all terms of the compact in conjunction with the Fiscal Agreement.

Medium School –Like art media such as oil, watercolor, or acrylic paints are all different mediums that can be used to create a painting, language and/or culture can be the medium for creating, structuring, and delivering education at and through a school.

NAEP – National Assessment of Educational Progress (Reading, Math)

Negotiators¹ - Co-Lead, Tribal – Two (2) Co-Signers (one Tribal and one Technical) Tribally appointed to lead the negotiations. They may call on other experts in the room as needed.

Negotiation² - Consensus – Agreed upon formal consensus process to conduct business during the negotiations.

Negotiation³ - Facilitator – Impartial facilitator whose main priority is to handle the technical components of a meeting. Co-developing the agenda, maintaining records, point of contact for the state or federal agencies.

Negotiations⁴ - Pre – Two (2) days of initial information exchange to identify the scope of the compact agreement and any potential issues before the Final Negotiations.

Negotiation⁵ - Tribal Caucus – The Tribal Caucus can be called by either side at any time to discuss matters. Caucus’ can be called and held outside of negotiations hours.

Negotiations⁶ - Work Group – During compacting negotiations, a work group can be called by the caucus for approved topics such as legal or language topics as needed. They are open to all Tribal representatives who wish to attend and the recommendations. Must be approved by the Tribal Caucus before adopted.

Negotiations⁷ - Common – The common negotiation takes place during the first half of the Final Negotiations week. These are the basic terms, including fiscal, that all Co-Signers agree to or that would affect all Co-Signers. All parties agree to speak through the two (2) Co-Lead negotiators.

Negotiations⁸ - Final – Two (2) months after the pre-negotiations the final negotiation is held for five (5) days. The first part of the week all the common issues and funding agreements are worked out. The second part of the week individual agreements are negotiated by individual Co-Signers.

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Negotiations⁹ - Individual – During the second half of the Final Negotiation week individual Co-Signers negotiate with the State to determine their individual compact. This is built on and in addition to the Commonly Negotiated terms.

Negotiations¹⁰ - Open Items List – This is a maintained list of each item under discussion during the negotiation and the status of each item. When the item is closed in the final negotiation, the closer is noted. Any unresolved item is retained and left open for monitoring or discussing in the subsequent year.

Negotiation¹¹ - Contentious Issue Resolution – When a contentious issue arises a working group made up of both State and Tribal representation is formed to work out the solution within a set time frame. This does not stop the negotiations but can take place in a separate space in congruently.

Non-Sectarian – non-religious or non-private school

OCS – Office of Child Services, part of the State of Alaska.

Partner – An entity or individual who is at the table as a co-equal not in a hierarchical manner.

PEAKS – Performance Evaluation for Alaska's Schools and Alaska Science Assessment (Reading Math and Science)

Pilot – A new endeavor that is provided funding, space, time, and flexibility to work out kinks, test, and with agility respond to adjustments that need to be made before implementing the new system on a wider scale.

Political Subdivision – Internal Revenue Service definition: “any division of any State or local government unit which is a municipal corporation, or which has been delegate the right to exercise part of the sovereign power of the unit.”

Residual – The resources required to perform inherent state functions, these are functions that cannot be legally delegated to an Indian Tribe.

Sovereign Immunity (*De jure*) – Not being able to be sued without consent.

Sovereignty – Self-determination, the right to govern oneself, citizens, and lands.

Stakeholder – An entity or person who has interest in the endeavor or objective. Stakeholders are affected indirectly by the decisions made by the decision makers. Stakeholders are not required to be at the table to draft or create plans for how the work will be carried out, they simply provide the input for others to process, but have the expectations that their concerns need to be met.

State Board of Education Tribal Compacting Committee – This is a committee made of three State Board of Education members, one of which chairs the Committee. The committee is a

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way for the State Board of Education to learn about what State Tribal Education Compacting might look like in Alaska and address regulatory additions or changes that would be needed for compacting to take place.

Tort claims (FTCA, Federal Tort Claims Act) – Physical injury resulting from intentional (ex: *assault, defamation*), neglectful (ex: *slip and fall accidents, malpractice*), or strict liability (ex: *abnormal dangerous activities, dog bite*).

Tribal College – Tribal Colleges are fully accredited by regional accrediting agencies, are established by Tribal governments, or Alaska Native/American Indian (AN/AI) community, are governed by all AN/AI Board of Directors, primarily serve AN/AI communities, have a majority of AN/AI students, and fulfill the purpose for why the college was established.

Tribal Employment Rights Ordinance/Office/Officer (TERO) – TERO is legal way for ensuring Tribal hire by giving preference to qualified Indians in all aspects of employment, contracting, and other business activities. It sets conditions, establishes authority, and provides due process of law for legal fairness to all parties involved. The legal foundation is based on the Indian Self Determination and Education Act.

Tribe-Federally Recognized Tribe – There are 229 federally recognized Tribes in the state of Alaska. The list of federally recognized Tribes is maintained through the Bureau of Indian Affairs (BIA). These Tribes are federally recognized via the Federally Recognized Indian Tribe List Act 1994 with authority outlined in the Indian Self-Determination and Education Assistance Act, P.L. 93-638, allows Tribes, as sovereign nations, to take program funds and manage them to best fit the needs of their citizens and Tribal communities.

Village Corporation – As part of the ANCSA settlement addressing land use rights, Village Corporations can own surface rights but not subsurface rights. Generally, these are the lands that surround a village. There are approximately 220 Alaska Village corporations. Note that not all villages have an associated Village Corporation.

Sources:

Alaska Tribal Compact Handbook

http://www.akleg.gov/basis/get_documents.asp?session=31&docid=58619

ANCSA <https://ancsaregional.com/>

Alaska's Education Challenge <https://education.alaska.gov/akedchallenge>

TERO <http://www.llojibwe.org/td/terodocs/TERO%20QuickRefGuide.pdf>

Tribal College http://www.aihec.org/who-we-are/docs/Establish_TCU_Guide.pdf