

HOUSE BILL NO. 59

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/22/25

Referred: House Special Committee on Tribal Affairs, Education

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to demonstration state-tribal education compacts; relating to**
2 **demonstration state-tribal education compact schools; and providing for an effective**
3 **date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE INTENT. It is the intent of the legislature that the legislature
8 reevaluate the establishment of demonstration state-tribal education compacts, as provided
9 under this Act, in seven years.

10 * **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to
11 read:

12 AUTHORIZATION OF DEMONSTRATION STATE-TRIBAL EDUCATION
13 COMPACTS. (a) The commissioner of education and early development is authorized to
14 enter into demonstration state-tribal education compacts with participating tribes.

(b) A demonstration state-tribal education compact must follow a template that contains substantially similar or equivalent terms applicable to each participating tribe and must include provisions regarding

- (1) the five-year term of the compact;
- (2) roles and responsibilities of the parties;
- (3) legal, funding, and accounting compliance requirements;
- (4) recordkeeping and auditing;
- (5) notices of violation;
- (6) compact termination;
- (7) dispute resolution;
- (8) express limited waiver of tribal sovereign immunity for the services provided under the compact;
- (9) limitation of liability;
- (10) insurance; and
- (11) mandatory participation in the teachers' retirement system (AS 14.25), the public employees' retirement system (AS 39.35), or both.

(c) A demonstration state-tribal education compact authorized by this section must take effect on or before June 30, 2028.

(d) In this section, "participating tribe" means the federally recognized tribes and tribal organizations that participated in negotiations under sec. 1, ch. 43, SLA 2022.

* **Sec. 3.** The uncoded law of the State of Alaska is amended by adding a new section to read:

OPERATION OF DEMONSTRATION STATE-TRIBAL EDUCATION COMPACT SCHOOLS. (a) A demonstration state-tribal education compact school must operate in accordance with the terms of its compact executed under sec. 2 of this Act.

(b) A demonstration state-tribal education compact school is exempt from all state statutes and regulations applicable to school districts and school district boards of directors, except those statutes and regulations made applicable under this Act, in a demonstration state-tribal education compact executed under sec. 2 of this Act, or in legislation enacted or regulations adopted after the effective date of this Act.

(c) The following provisions apply to the operation and management of a

1 demonstration state-tribal education compact school as if the school were a school district:

2 (1) requirements relating to school district operations:

3 (A) AS 14.03.016 - 14.03.050 (regarding parental rights and
4 compulsory attendance, and defining the school term, day in session, and school
5 holidays);

6 (B) AS 14.03.072 (regarding literacy and early reading information);

7 (C) AS 14.03.083, 14.03.090 - 14.03.127, 14.03.135, and 14.03.140
8 (miscellaneous provisions applicable to school district operations);

9 (D) AS 14.09.010 - 14.09.030 (relating to transportation of students);

10 (E) AS 14.14.050 (imposing the requirement of an annual audit);

11 (F) AS 14.14.110 (authorizing cooperation with other school districts);

12 (G) AS 14.18 (prohibiting discrimination based on sex in public
13 education);

14 (H) AS 14.33.010 - 14.33.250 (relating to school safety and
15 discipline);

16 (I) regulations adopted by the state Board of Education and Early
17 Development to implement this paragraph that are applicable to school districts and
18 their schools;

19 (2) requirements relating to the public school funding program and the receipt
20 and expenditure of that funding: AS 14.17.500 - 14.17.910 (relating to student count
21 estimates, relating to school operating fund balances, and setting out the procedure for
22 payment of public school funding and imposing general requirements and limits on money
23 paid);

24 (3) requirements relating to teacher employment and retirement:

25 (A) AS 14.14.105 and 14.14.107 (relating to sick leave);

26 (B) AS 14.20.010 - 14.20.040 (relating to teacher certification), except
27 as provided in (d) of this section;

28 (C) AS 14.20.095 - 14.20.215 (relating to the employment and tenure
29 of teachers);

30 (D) AS 14.25 (provisions regarding the teachers' retirement system);

31 (E) AS 23.40.070 - 23.40.260 (authorizing collective bargaining by

certificated employees), except with regard to teachers who are administrators;

(4) requirements relating to students and educational programs:

(A) AS 14.30.180 - 14.30.350 (relating to educational services for children with disabilities);

(B) AS 14.30.355 and 14.30.356 (relating to sexual abuse and sexual assault awareness and prevention);

(C) AS 14.30.360 - 14.30.370 (establishing health education program standards);

(D) AS 14.30.400 (relating to bilingual-bicultural education).

(d) Upon receipt of a request from a representative of a demonstration state-tribal education compact school in which an applicant for a teacher certificate will be teaching,

(1) the state Board of Education and Early Development may waive the requirements of AS 14.20.020(b) or 14.20.022(b) to allow an individual with specialized knowledge relevant to the tribe to obtain a teacher certificate or subject-matter expert limited teacher certificate; and

(2) the Department of Education and Early Development may issue a teacher certificate to a person qualified under AS 14.20.023(b) or 14.20.025; a teacher certificate issued under this paragraph does not require a request from the school board of the district or regional educational attendance area in which a demonstration state-tribal education compact school is located.

(e) A demonstration state-tribal education compact school may not

(1) engage in sectarian practices in the school's educational program, admissions, employment policies, or operations;

(2) charge tuition; or

(3) restrict enrollment or school choice options available under state law.

(f) Unless a demonstration state-tribal education compact school is established as a correspondence school, the physical location of the school must be within the boundary of a school district that the state Board of Education and Early Development consulted with under sec. 1(c), ch. 43, SLA 2022.

(g) For purposes of AS 14.25 and participation in the teachers' retirement system,

(1) a demonstration state-tribal education compact school is an "employer" as

1 defined in AS 14.25.220 and 14.25.590; and

2 (2) a certificated teacher employed by a demonstration state-tribal education
3 compact school is a member of the plan.

4 (h) Unless the context requires otherwise, the provisions of AS 14 made applicable to
5 a federally recognized tribe or tribal organization under this Act or a demonstration state-
6 tribal education compact school apply to

7 (1) the tribe or tribal organization as a "school district" as defined in
8 AS 14.30.350;

9 (2) a governing body established by the tribe or tribal organization to operate a
10 demonstration state-tribal education compact school as a "governing body" or "school board"
11 as defined in AS 14.60.010; and

12 (3) a demonstration state-tribal education compact school as a "public school"
13 or "public educational institution" as used in AS 14 and art. VII, sec. 1, Constitution of the
14 State of Alaska.

15 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 FACILITIES. A facility of a demonstration state-tribal education compact school must
18 conform to applicable law concerning public facility access, health, safety, and fire code
19 requirements.

20 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 FUNDING. (a) The legislature may appropriate funds in any manner permitted under
23 AS 14 to a demonstration state-tribal education compact school as if the school were a
24 regional educational attendance area.

25 (b) Subject to appropriation, the Department of Education and Early Development
26 may provide state aid and grant funding in any manner permitted under AS 14 to a
27 demonstration state-tribal education compact school as if the school were a regional
28 educational attendance area.

29 (c) For purposes of application for and receipt of federal aid to education, a
30 demonstration state-tribal education compact school constitutes a local educational agency.

31 (d) The Department of Education and Early Development may withhold funds from a

1 demonstration state-tribal education compact school for violation of

2 (1) state law made applicable by this Act; or

3 (2) a provision of the school's compact executed under sec. 2 of this Act.

4 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 REPORTING. (a) During the duration of a demonstration state-tribal education
7 compact, a participating federally recognized tribe or tribal organization shall report to the
8 commissioner of education and early development

9 (1) student data and enrollment using the same definitions and procedures
10 required under AS 14.17.600; and

11 (2) by November 15 of the year after the data is collected, school performance
12 data and the performance of the school's students under AS 14.03.120(d).

13 (b) The Department of Education and Early Development shall include data obtained
14 under (a) of this section in the department's report to the legislature under AS 14.03.078.

15 (c) On or before January 31, 2033, the Department of Education and Early
16 Development shall provide a written report to the legislature concerning demonstration state-
17 tribal education compacts. The department shall deliver the report to the senate secretary and
18 the chief clerk of the house of representatives and notify the legislature that the report is
19 available. The report must include a summary of the data compiled for each demonstration
20 state-tribal education compact school from the reports made under (a) of this section from the
21 effective date of this Act through November 15, 2032.

22 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 REGULATIONS. The Department of Education and Early Development and the state
25 Board of Education and Early Development may adopt regulations necessary to implement
26 the changes made by this Act.

27 * **Sec. 8.** Sections 2 - 7 of this Act are repealed July 1, 2036.

28 * **Sec. 9.** This Act takes effect immediately under AS 01.10.070(c).