



HB 59 – State-Tribal Education Compacts

Sectional Analysis Version 33-GH1518\A

“An Act relating to demonstration state-tribal education compacts; relating to demonstration state-tribal education compact schools; and providing for an effective date.”

Section 1: Amends uncodified law by adding a new section outlining legislative intent. The section indicates that the intent is to have the legislature re-evaluate the establishment of demonstration state-tribal education compacts (STEC) outlined in this act in seven years.

Section 2: Amends uncodified law by adding a new section outlining the authorization of STEC compacts. Subsection (a) grants the Commissioner authority to negotiate and execute compacts with the federally recognized Tribes in Alaska that participated in negotiation under the authority of ch. 43, SLA2022.

Subsection (b) outlines the required components of a demonstration state-tribal education compact. Each participating tribe must follow a template that contains similar or equivalent terms outlined in the required 11 provisions.

Subsection (c) states a demonstration state-tribal education compact must be in effect by June 30, 2028.

Subsection (d) defines “participating tribe” as a federal recognized tribe and tribal organization that participated in negotiations under sec.1, ch. 43, SLA 2022.

Section 3: Amends uncodified law by adding a new section outlining the operation of STEC schools. Subsection (a) requires that a STEC school must operate in accordance with the terms of the compact executed in sec. 2.

Subsection (b) states that a STEC school is exempt from all state statutes and regulations applicable to school boards except for statutes and regulation made applicable in sec. 2 of this Act, or in legislation enacted or regulations adopted after the effective date.

Subsection (c) outlines provisions to the operation and management of a STEC school as if the school were a district. This subsection outlines the requirements relating to school operations (1)

that include parental rights, compulsory attendance, the school term, day in session and school holidays; literacy and early reading information; miscellaneous provisions applicable to school district operations; transportation of students; requirements for annual fiscal audit; authorizing cooperation with other school districts; prohibiting discrimination based on sex in public education; school safety and discipline; regulations adopted by the state board of education and early development to implement this paragraph that are applicable to school districts and their schools. Additional requirements (2) include state aid to public schools including special needs, vocational and technical instruction, and intensive services; and procedures for payment of public-school funding imposing general requirements and limits on money paid. Requirements relating to teacher employment and retirement (3) include sick leave; teacher certification; employment and retention of teachers; the teachers' retirement system; and authorizing collective bargaining by certified employees. Finally, it outlines requirement for students and education programs (4) that include educational services for children with disabilities; sexual abuse and sexual assault awareness and prevention; establishing health education program standards, and bilingual-bicultural education.

Subsection (d) allows the state board of education and early development to, upon request of the STEC school (1) waive requirements of AS 14.20.020(b) or 14.20.022(b) allowing an individual with specialized knowledge the tribe feels relevant in order to obtain a teacher certificate or subject-matter expert limited teacher-certification; and (2) the department may issue a teacher certificate to a person qualified under AS 14.20.020(b) or 14.20.022(b) Certificates issued in the section do not require a request from the school board of the district or regional educational attendance area in which the STEC school is located.

Subsection (e) outlines that a STEC school may not engage in secular activities, charge tuition, or restrict enrollment.

Subsection (f) requires STEC schools have a physical location only in school districts where the board of the department has consulted with under sec. 1(c), ch. 43, SLA 2022 unless the STEC school is a correspondence school.

Subsection (g) requires that the STEC act as the "employer" for teachers in the school for the purposes of participation in the teachers' retirement system and that a teacher employed by the STEC school is a member of the plan.

Subsection (h) designates the federally recognized tribe or tribal organization under this act as a "school district" and the STEC as a "public school" for the purpose of providing an appropriate public education for each child with a disability. As such, a "governing board" or "school board" is established by the tribe or tribal organization.

Section 4: Amends uncoded law by adding a new section for facilities. Facilities of a STEC must conform to applicable laws concerning public access, health, safety, and fire code.

Section 5: Amends uncoded law by adding a new section regarding funding. The legislature may appropriate funds to a STEC in the same manner as a regional educational attendance area. This includes state aid and grant funding. For the purposes of federal aid, a STEC school is known as a local education agency.

Section 6: Amends uncodified law by adding a new section regarding reporting. Each STEC school shall report to the commissioner data required for all federal and state funding sources including attendance, assessment data, and all data reported in the state and federal report cards to the public as well as the Annual Report to the Legislature.

Section 7: Authorizes the department and the board of education to adopt implementing regulations.

Section 8: Sunsets the authorization of the demonstration STEC program on July 1, 2036.

Section 9: Provides for an immediate effective date.