

1. What is the current biggest barrier to implementing tribal compacting for education?

- The barrier and opportunity are that tribal education compacting requires a legislative change. Attempting to implement the tribal education compact administratively does not provide the stability needed to operate a school. Establishing the pilots through law provides stability and ensures the pilots demonstrate how to successfully integrate with existing laws in Title 14.
- The current bills are in the early stages of the legislative committee process. HB 59 passed out of the House Tribal Affairs Committee and has been introduced to the House Education Committee. There is urgency to get this bill across the finish line this legislative session. The bill needs to be scheduled for more hearings to finish working its way through the committee process so it can move forward to floor votes.
- Rumors and misinformation that tribal compacting will weaken public education have become a barrier. Coupled with a lack of understanding of how tribal governments function, challenges to their legal status have been a barrier. HB 59 simply establishes the framework for the state to carry out government-to-government education agreements, which are available only to tribal governments and must comply with the state constitution, ensuring that the pilot schools are public schools. Tribes are written into the U.S. Constitution. They are recognized as any other government in the world. The premise of sovereignty in education is well-established in federal law (e.g., ISDEAA 1975, Tribal Education Departments, treaty-based trust responsibility). Hearings are needed to continue to build understanding by the legislature and public to provide accurate sound legal and practical background on tribal education compacting in Alaska.

2. Would the tribe be able to draft their own curriculum based on village life and survival?

- Yes. Tribes would follow state requirements (ie: graduation requirements; content standards), and tribes would function as a school district and could draft and use their own curriculum just like any existing district can.
- Tribes would have the same ability as any other school district to choose their curriculum and implement place-based frameworks that include language, culture, and ways of being. Tribes determine the instructional approach, delivery model, and cultural integration as long as state requirements are met.
- Many schools have already successfully developed similar curricula. We know kids learn best when instruction is meaningful, relevant, and rooted in real experiences and the Alaska Cultural Standards set clear expectations for a culturally responsive curriculum. This gives tribal schools a strong foundation to develop curricula that are focused on meeting standards by teaching through a culturally relevant approach.

3. Could tribal compacting be modeled after health systems?

- Tribal health compacts use government-to-government agreements in which tribes assume responsibility for federal obligations and the funding to provide the services.

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- Tribal compacting in health is a proven model of efficiency, innovation, and improved outcomes. HB 59 will be the mechanism for state education to begin the same transformative process in partnership with tribes.
- HB 59 mirrors this structure: the State and Tribes negotiate Education Service Compact Agreements that define roles, funding, accountability, and services.
- Unlike the Indian Health Service compact, which receives a block of funding based on federal appropriations, education funding follows the State foundation formula using the Base Student Allocation (BSA) calculation to determine the set amount of funding the pilot compact school will receive. The State Tribal Compacted Public Schools would be treated as Regional Education Attendance Areas (REAA) for funding purposes because tribes, like REAAs, lack taxing authority.

4. How do we ensure all of our non-tribal students are represented on the school board if the tribe operates the school?

- HB 59 requires tribal compact schools to be public schools open to all students, with no restricted enrollment.
- Governance is determined in the compact agreement. HB 59 allows for local advisory bodies, parent committees, and shared-governance structures.
- Tribes already operate public-facing programs (ie: Head Start) that serve all families and provide opportunities for all parents to participate in decision-making, not only tribal citizens.

5. How will tribal compacting secure impact aid at the federal level?

- HB 59 designates Tribal compact schools as public schools and treats them as local education agencies (LEA) under state and federal law, thereby preserving their eligibility for Impact Aid and all other federal public school funding options. Tribal-run schools under ISDEAA and the Tribally Controlled Schools Act already receive Impact Aid.
- Tribes operating compact schools would continue to document federally connected students, just as REAAs do now, and will remain eligible as long as they meet federal reporting requirements.

6. How much funding is given to tribal compacting schools? School districts should partner with all local entities tribes, cities and corps.

- Funding for tribal compact schools would be calculated using the same foundation formula laws as REAA schools, with student counts based on adjusted average daily membership, per-pupil funding, and the BSA. HB 59 also includes a one-time startup grant fund opportunity. Tribes would have to follow existing laws and be subject to any new laws passed regarding funding, such as an increased BSA.

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- Tribally Compacted Public Schools function as a school district and may enter shared services agreements with other school districts to ensure efficient use of limited staff and resources.
- Yes, we agree - current school districts should partner with all local entities, tribes, cities, and Alaska Native corporations, and often do. Tribal compact schools would also have the same opportunity to partner, just as any other school in the state can.

7. Have any compacts been created since the legislation? Where does the money come from? Is the compact still dependent on state funding or are the tribes contributing a portion of the money?

- HB 59 is a pilot project, and the final compact agreements will be negotiated after passage. Currently, there are no state-tribal compacted schools in Alaska.
- Funding comes from state education appropriations via the foundation formula calculation, not tribal revenue.
- Tribes' governments may choose to invest additional resources in a school district through existing legal grant-making or MOA processes, which many already do in early learning, language, youth programs, and with existing school districts.
- Tribal education departments often braid federal, state, and tribal funds to enhance services, but public education remains a state responsibility, and the primary funder is the state.
- Tribes continue a trust responsibility relationship with the federal government, and it is possible that tribes could receive federally allocated funds for pre-K-12 education if Congress were to change federal law.

8. How can Tribes compact with school districts and what programs can be included in the compact?

- Tribally compacted schools can partner with any school district to leverage funds and services; however, compacting is a government-to-government agreement between the state and the tribe. Compacts are between sovereign entities in the United States (ie: Federal, State, and Tribes). HB 59 only authorizes state-tribal compacts, not district-tribal compacts, since school districts are political subdivisions of the state.
- HB 59 compact agreement does not restrict Tribes and Districts from entering into shared services agreements for transportation, food service, special education, extracurricular activities, or facilities.
- Examples of programs that can be included in a state-tribal education compact agreement: PK-12 instruction, language immersion, Career Technical Education (CTE), land-based learning, behavioral health supports, attendance programs, family engagement, etc.

9. What is the difference between tribal compacting and school boards with tribal members on the board?

- A tribal member (or tribal citizen) on a school board is an elected or appointed member of a community who serves on the governing body, representing that community.
- A tribal member on a school board may have working knowledge of their local tribal government, but they do not represent the local tribe(s) unless the school board has a designated seat or position for a designated tribal representative that is authorized by the local tribe.
- HB 59 recognizes tribes as governments, not stakeholder groups, and creates a government-to-government agreement rather than advisory participation.
- A tribal compact is possible through the sovereign authority for the local tribal government to operate a tribal public school.

10. Can a municipal government compact with a tribal government?

- HB 59 authorizes compacts only between the State of Alaska and federally recognized tribes.
- Municipalities are political subdivisions of the state, not sovereign governments.
- Tribes may collaborate with municipalities through grants and/or MOUs, but not compacts.

11. Is compacting a back door to vouchers?

- No, HB 59 uses the existing foundation formula funding mechanism in state law that does not include vouchers, and it does not amend or create any new funding mechanisms for public education in Alaska.
- HB 59 explicitly limits education compacts to sovereign governments, not private or sectarian entities.
- Tribally Compacted Public Schools follow the Alaska Constitution. Tribal compacts would be public schools, open to all students, and free from sectarian control.
- The Alaska Constitution and the draft compact agreement explicitly prohibit the use of public funds for private or religious education.