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Senator Gary Stevens

SENATE BILL 34

State-Tribal Education Compacts

SUMMARY of CHANGES

(from version A to version B)

Overall Summary:

Version B of SB34 is intended to simplify the proposed State-Tribal Education Compacting program. This version attempts to be less prescriptive, to set up a pilot program, or demonstration project, with general authority for the state and tribes to negotiate individualized and culturally responsive education compacts, and to periodically review and possibly sunset the program over time.

- A. Sections 1 and 2: Creates within a year of the effective date, and sunsets state-tribal education compacting in 2028.

Rationale: To establish compacting as a pilot program or demonstration project, and to review its efficacy over time.

- B. Section 3, Page 2, line 15: AS 14.16.300(a), Adds that the commissioner may enter into compacts with federally recognized tribes or tribal organizations.

Rationale: To allow for a tribal organization, like a consortium or regional non-profit native organization, which may not itself be a federally recognized tribe, to be empowered by a federally recognized tribe or tribes, to participate in the education compacting program.

- C. Deleted from version A (page 2, lines 8-20): strikes the requirement of a detailed application process for initiating a compact.

Rationale: consistent with the overall intent of Version B, to simplify the program and direct such processes to be determined by regulation.

- D. Page 2, line 19: changed that compacts may, rather than shall, include provisions for compliance, notices of violation, dispute resolution, record keeping, auditing, and other common terms of a contract.

Rationale: to make the program more simple and flexible.

- E. Deleted from version A (page 3, lines 5-8): regarding AS 14.03.030-050 and AS 14.03.083-400, removed the requirement for compacts to specify provisions pertaining to setting school term, days in sessions, school holidays, contracting, procurement, advocacy of partisan, sectarian or denominational doctrines, part-time school attendance, use of school facilities, search of school lockers, administering survey and questionnaires, the AK Performance Scholarship eligibility, parental access to school records, annual reporting and participation in the “School District Report Card,” the Improving School Performance scholarship program, funding for internet services, display of U.S. flag and Pledge of Allegiance, and conducting emergency drills.

Rationale: to simplify the program; to keep the program flexible, improve autonomy, and be culturally responsive. Removing the requirement does not necessarily mean such terms cannot or will not be manifested either in a compact or by tribal policy.

- F. Page 3, line 20, relating to AS 14.14.140(b), employment of a superintendent’s family, adds “except by written approval of the commissioner.”

Rationale: primarily a conforming change, aligned with the existing statute, but substituting commissioner in lieu of local governing school board.

- G. Deleted from version A (page 3, line 30 to page 4, lines 1-12):

Struck requirements relating to teacher employment, retirement, sick leave, tenure, salaries, sabbatical leave, collective bargaining.

Rationale: to simplify the program; to keep the program flexible, improve autonomy, and be culturally responsive. Removing the requirement does not necessarily mean such terms cannot or will not be manifested either in a compact or by tribal policy.

- H. Deleted from version A (page 4, lines 13-19):

Struck requirements relating to student educational programs, services for students with disabilities, health education standards, and bilingual and bicultural programs.

Rationale: to simplify the program; to keep the program flexible, improve autonomy, and culturally responsive. Removing the requirement does not necessarily mean such terms cannot or will not be manifested either in a compact or by tribal policy.

- I. Page 4, lines 15-18, relating to financial provisions, added:

(e). “A compact school may accept federal funds through federal programs. Nothing in this section prohibits the department from receiving federal funds for state-based functions that support the provisions of AS 14.16.300-350.” [state-tribal education compact schools].

Rationale: to hold any existing state-federal-tribal funding harmless.

- J. Deleted from version A (page 5, lines 11-12):

“The employee of a state-tribal education compact school are state employees.”

Rationale: to conform with other provisions of the program relating to teacher employment and retirement, and to avoid likely loopholes created by not striking this reference.

- K. Page 4, line 21, relating to Employment, adding that a compact may provide employment preference to members of a federally recognized tribe or tribal organizations.

Rationale: Conforming with the change described in B above, to allow for a tribal organization, like a consortium or regional non-profit native organization, which may itself not be a federally recognized tribe, to be empowered by a federally recognized tribe or tribes, to participate in the education compacting program, and be able to apply an employment preference accordingly.

- L. Page 4, lines 22 to Page 5, lines 1-7, adds a new subsection [AS 14.16.350] establishing a reporting requirement. The report is to be submitted to the Legislature annually and include information such as the number of participating compact schools, attendance levels, assessments and student performance.

- M. Sections 4 and 5: At the effective date, includes state-tribal compact schools as eligible recipients of school funding appropriated from the Public Education Fund, and sunsets their eligibility along with the whole program in 2028.

Rationale: To establish compacting as a pilot program or demonstration project, and to review its efficacy over time.

- N. Sections 6 and 7: Conforming amendment, includes state-tribal compact school funding being prorated in the event of the Public Education Fund being underfunded, and sunsets this provision along with the whole program in 2028.

Rationale: To establish compacting as a pilot program or demonstration project, and to review its efficacy over time.

- O. Sections 10 and 11: Conforming amendment relating to compulsory school age, exempts students of state-tribal education compact schools, and sunsets the exemption along with the whole program in 2028.

Rationale: To establish compacting as a pilot program or demonstration project, and to review its efficacy over time.

- P. Sections 12-18: Conforming amendment relating to the definition of “school district” generally, so as to include state-tribal education compact schools as a “school district” except for those policy areas described under R, below, and sunsets the definition along with the whole program in 2028.

- Q. Deleted from version A (page 8, lines 1-16):

Strikes requirements related to special education and related services for children with disabilities.

Rationale: to conform with other provisions of the program relating to student services, to avoid likely loopholes created by not striking this reference. Removing the requirement does not necessarily mean such terms cannot or will not be manifested either in a compact or by tribal policy.

R. Deleted from version A – Sections 12-21

Strikes reference to a state-tribal education compact school for purposes of:

1. the insurance education tax credit program (AS 21.96.070);
2. arbitration for employees under collective bargaining agreements (AS 23.40.200);
3. contributions to and service in the Public Employee Retirement System (AS 39.35);
4. Corporate Income Tax Credit for educational program investments (AS 43.20.014);
5. Relating to school district reimbursement for certain medical services furnished to students with disabilities (AS 47.07.063).

Rationale: To establish compacting as a pilot program or demonstration project, and to review its efficacy over time. These considerations may already be captured by tribal entities using alternative approaches, and may also be revisited either as we go through the legislative process or when the program is reviewed in the future.

- S. The State-Tribal Education Compacting program is repealed June 30, 2028.