

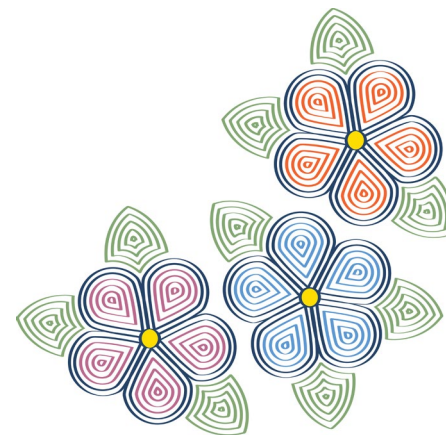


STATE TRIBAL EDUCATION COMPACT UPDATE

Alaska Department of Education and Early Development

Łiq'a yes, Joel Isaak, Director of Tribal Affairs

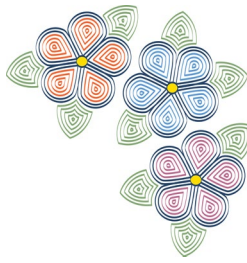
11/6/2023



Mission, Vision, and Purpose

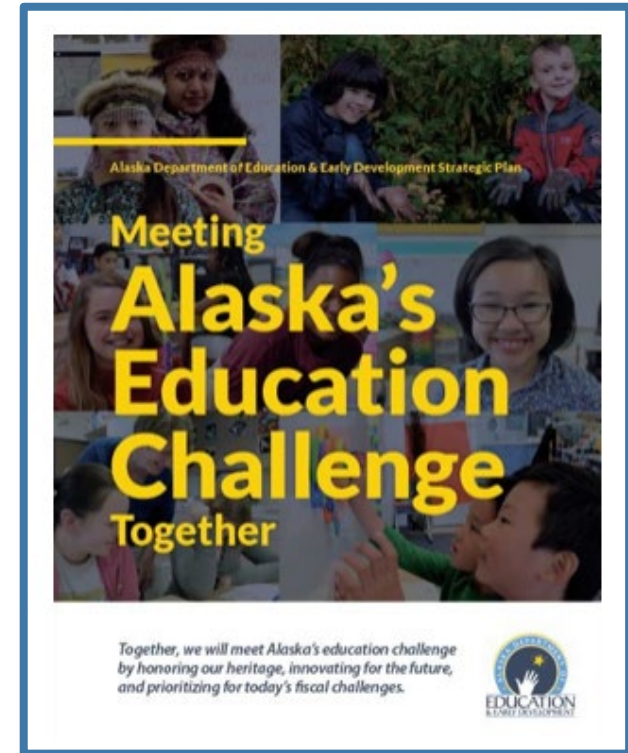
Mission	Vision	Purpose
An excellent education for every student every day.	All students will succeed in their education and work, shape worthwhile and satisfying lives for themselves, exemplify the best values of society, and be effective in improving the character and quality of the world about them. - Alaska Statute 14.03.015	DEED exists to provide information, resources, and leadership to support an excellent education for every student every day.

Strategic Priorities: Alaska's Education Challenge



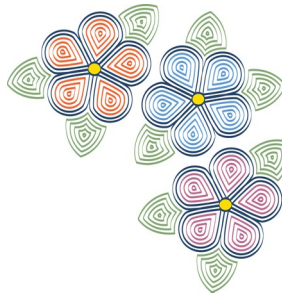
Five Shared Priorities:

1. Support all students to read at grade level by the end of third grade.
2. Increase career, technical, and culturally relevant education to meet student and workforce needs.
3. Close the achievement gap by ensuring equitable educational rigor and resources.
4. Prepare, attract, and retain effective education professionals.
5. Improve the safety and well-being of students through school partnerships with families, communities, and tribes.



education.alaska.gov/akedchallenge

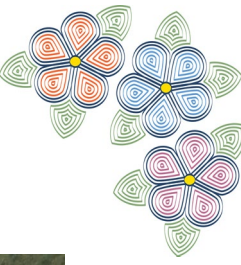
Agenda



- Senate Bill (SB) 34 (Chapter 43, SLA 2022)
- Timeline
- Legislative Report overview
- Working topics overview
- State Tribal Education Compact (STEC) agreement outline
- Transformation in action: bill concept overview
- Alaska Federation of Natives (AFN) resources
- Cook Inlet Tribal Council (CITC) resources

SB 34: Compacting in Education

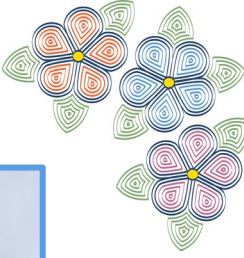
- State-Tribe negotiations
- State Board of Education
- District consultations
- Teacher union consultations
- Legislative Report



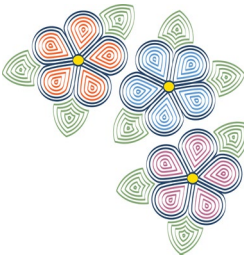
SB 34: Compacting in Education

What is Compacting?

- Government-to-Government Agreement
- Tribes as political subdivisions
- Self-Determination
 - Indian Self Determination and Education Assistance Act



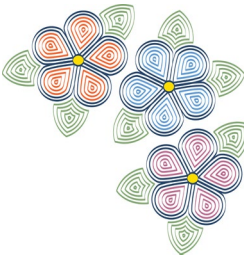
SB 34: Compacting in Education



How is compacting different in Education than Indian Health Service Federal-Tribal or Child Welfare Service State-Tribal Compact?

- Whole-system approach, not selected services
- Funding mechanism as a formula, not a block of funding

SB 34: Compacting in Education



What does compacting look like in education?

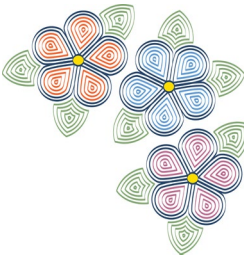
State Role:

- Funding
- Establish and maintain a system of public education
- Due process
- State Board of Education

Tribe Role:

- Educate students
- Operation of STEC schools
- Employing staff
- Curriculum
- Local governance
- Training staff

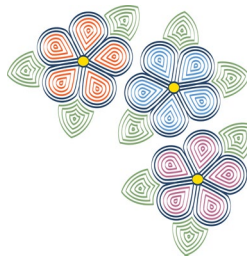
SB 34: Tribal Partners



Grant: Request for Applications Selection Criteria

- 1. Centering Tribal voice**
- 2. Tribal community and Tribal administrative support**
- 3. Transformational design**
- 4. Demonstrates capacity to carry out the work**

SB 34: Tribal Partners



Grant: Request for Applications Selection Criteria

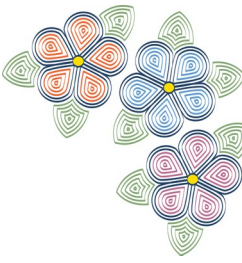
5. Presents strong expertise and understanding of what is necessary to carry out educational services within the PreK-12 arena, including:

- Program design
- Leaderships/governance
- Administration

6. Diverse representation priority

- Geographic diversity
- Methodology
- School size
- Community size

SB 34: Tribal Partners



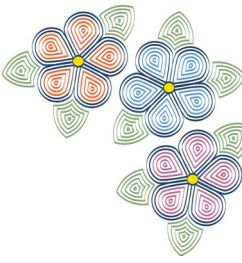
Five Tribal Partners



King Island Native Community



SB 34: Tribal Partners Mission



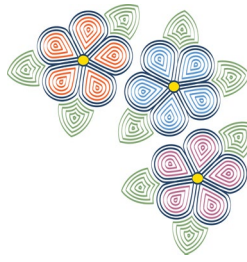
Central Council Tlingit & Haida Tribes of Alaska



Tlingit & Haida seeks to protect and further the Lingít language and way of life through a comprehensive Early Education program that incorporates the Tribe's Lingít immersion language nest Haa Yoo X'atángi Kúdi (HYXK), Little Eagles and Ravens Nest (LEARN), and the Tribe's Juneau Head Start Program. The mission for the proposed Early Education program is to provide integrated language and culture education to tribal children of all ages so that they may carry forward their heritage in their lives and for future generations.

* https://education.alaska.gov/tribalcompacting/Central%20Council%20Tlingit%20Haida_STEC_Application.pdf

SB 34: Tribal Partners Mission



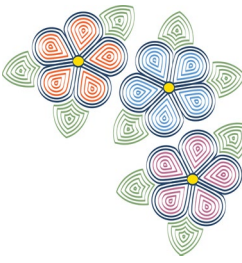
Inupiat Community of the Arctic Slope



To provide access to quality education based in the Inupiaq language and culture that prepares students to lead, thrive, and influence their local communities, the North Slope and broader society.

* [https://education.alaska.gov/tribalcompacting/Inupiat%20Community%20of%20the%20Arctic%20Slope%20\(ICAS\)_STEC_Application.pdf](https://education.alaska.gov/tribalcompacting/Inupiat%20Community%20of%20the%20Arctic%20Slope%20(ICAS)_STEC_Application.pdf)

SB 34: Tribal Partners Mission



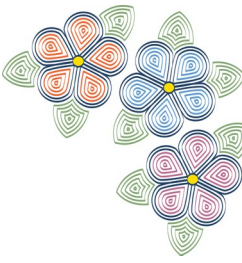
Ketchikan Indian Community



We empower, enhance, and inspire our children's academic success, while honoring our cultural heritage and traditions.

* https://education.alaska.gov/tribalcompacting/Ketchikan%20Indian%20Community_STEC_Application.pdf

SB 34: Tribal Partners Mission



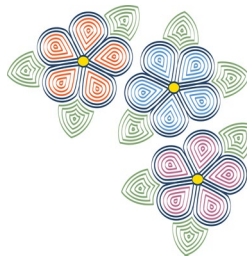
King Island Native Community and the Village of Solomon



Re-normalizing our connection to our Inuit values, embedded in our language, for dynamic language revitalization, empowering cultural renewal to build a stronger community.

* https://education.alaska.gov/tribalcompacting/King%20Island%20Native%20Community_STEC_Application.pdf

SB 34: Tribal Partners Mission



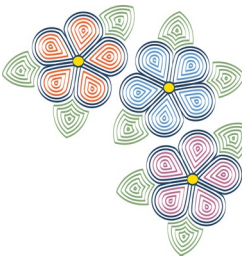
Knik Tribe



Our children and youth receive a world-class education through exceptional Alaska Native culture and values-based learning opportunities preparing them for success in their future endeavors.

* https://education.alaska.gov/tribalcompacting/Knik%20STEC%20demonstation_STEC_Application.pdf

Timeline

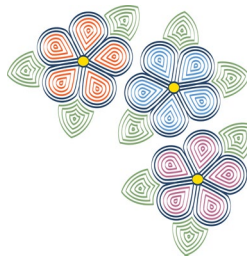


Negotiation Schedule

- **April 28** - virtual kick-off
- **May 1**
- **June 23**
- **August 2**
- **September 12**
- **October 13**
- **November 17**
- **December 5**



Timeline



DISTRICT AND TEACHER UNION CONSULTATION SCHEDULE

October 6 and 9 **DEED – district superintendent and business manager meetings**

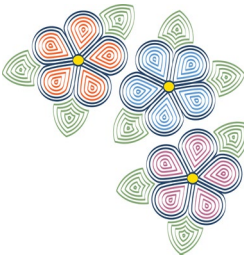
October - November **Tribal Partner – DEED – School Districts**

November **Tribal Partner – DEED – NEA Alaska**

***November 10** **Association of Alaska School Boards Conference**

***December 6** **Alaska Association of School Business Officials Conference**





REPORT DRAFTING TIMELINE

November 22 Submit draft Legislative Report to the State Board of Education

November 30 Circulate updated draft of Legislative Report to Tribal Partners

December 6 Updated Legislative Report to the State Board of Education for review and approval

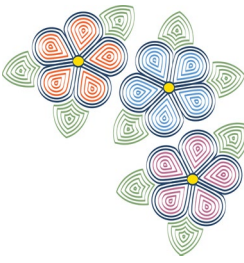
January 17 Final Legislative Report to the State Board of Education for final review and approval

Transforming Education:



**To Inspire Tribal and Community Ownership of
Educational Excellence**

Legislative Report Overview



An Excellent Education for Every Student Every Day

Senate Bill 34 Legislative Report: State Tribal Education Compact Schools Demonstration



Cover Art: Z. J. Williams Memorial School



Table of Contents

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Section 3: Statutory Framework

Section 4: Findings

Section 5: Conclusion

References

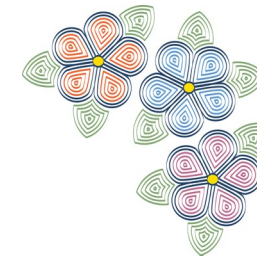
Report Summary

Glossary of Terms

Appendices



Report Section 1: Introduction



Transformation

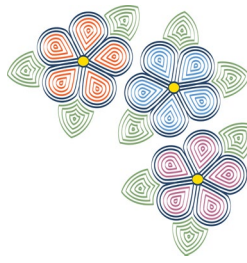
"...if love or respect or mutual understanding or other values are valuable parts of our learning, which should somehow be a part of the educational process, it is the educational institutions which decide what will be in the educational process. If we want that as part of education, we must bring about that through institutional change."

*Dennis Demmert, Gunkasíxht
Southeastern Conference on Native Education, 1983*



Weaving by students of
Jennie Thlunaut and Clarissa
Rizal

Report Section 2: STEC Agreement Outline



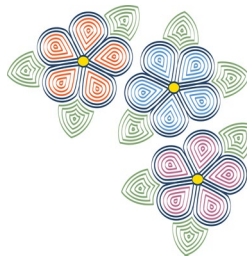
RECITALS

- I. Title**
- II. Authority**
- III. Appendices**
- IV. Term of Compact**
- V. School's Roles and Responsibilities**
 - A. Educational Program**
 - 1. Content Standards**
 - 2. Curriculum**
 - 3. Graduation Requirements for High Schools**
 - 4. Staff Qualifications**
 - 5. Staff Training**
 - 6. Student Assessment**
 - 7. English Language Learners**
 - 8. Students with Disabilities**
 - 9. Supplemental Programs**
 - 10. Student Conduct and Discipline**

B. School Operations

- 1. Public School Status**
- 2. Student Data and Enrollment Reporting**
- 3. Evaluation and Effectiveness Review**
- 4. Nonsectarian Status**
- 5. Non-discrimination**
- 6. Recordkeeping and Auditing**
- 7. Right of Inspection**
- 8. Student Welfare and Safety**
- 9. Transportation**
- 10. Cooperation**
- 11. School Calendar**
- 12. Admission and Enrollment**
- 13. School Facilities**
- 14. Accountability for School Performance**
- 15. Ethics**

Report Section 2: STEC Agreement Outline (con't)



C. School Finance

- 1. Legal and Accounting Compliance**
- 2. Audits**
- 3. Non-Commingling**
- 4. Assets**
- 5. School Funds**
- 6. Location and Access**

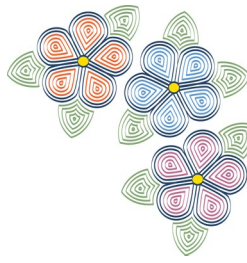
VII. Compliance

- A. Compliance**
- B. Breach by the School**
 - 1. Violations**
 - 2. Corrective Action Plan**

VI. Commissioner's Rights And Responsibilities

- A. Funding**
- B. Oversight and Enforcement**
 - 1. Consultation**
 - 2. Oversight and Enforcement**
 - 3. Inquiries and Investigations**
 - 4. Notification of Perceived Concerns**
 - 5. Other Legal Obligations**

Report Section 2: STEC Agreement Outline (con't)



VIII. Nonrenewal and Termination

A. Nonrenewal

- 1. Notice**
- 2. Timing of Notice**

B. Termination

- 1. Notice**
- 2. Response**

C. Dispute Resolution

- 1. Direct Discussions**
- 2. Unsuccessful Direct**
- 3. Discussions/Mediation**
- Choice of Law**

D. Effects of Nonrenewal or Termination

IX. Waivers and Liability

A. Limitation of Liability

B. Sovereign Immunity of the State

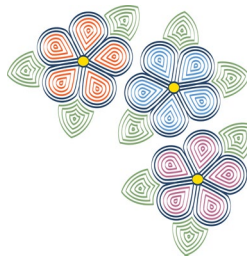
C. Confidentiality Remedy

D. IDEA and ADA

E. Liability Under Compact

- 1. Federal Tort Claims Act**
- 2. Insurance**
- 3. Limited Waivers**
- 4. Cooperation and Counterclaims**
- 5. Interpretation**
- 6. Legal Costs and Fees**
- 7. Third –Party Rights**
- 8. Non-Assignment**
- 9. Order of Precedence**

Report Section 2: STEC Agreement Outline (con't)



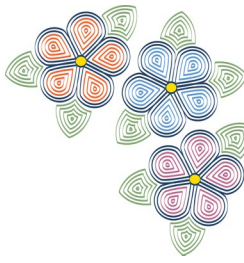
X. General

- 1. Merger**
- 2. Amendments**
- 3. Governing Law and Enforceability**
- 4. Severability**
- 5. Waiver**
- 6. No Employee or Agency Relationship**
- 7. Limitation of Liability**
- 8. Non-Assignment**
- 9. FERPA and the PPRA**
- 10. Order of Precedence**

VIII. Notices

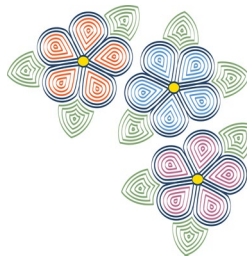
Signatures

Report Section 3: Statutory Framework Topics



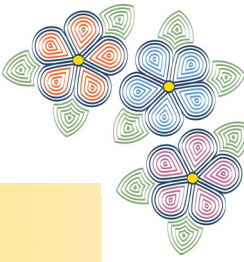
- Identified need for State-Tribal Education Compacts and legislative intent
- Legality of State-Tribal Education Compacts
- Establishment of State-Tribal Education Compacts
- Setting up State-Tribal Education Compacts Schools (STECS)
- Funding mechanisms
- Organization and operation of State-Tribal Education Compacts
- Employment (Tribal Employment Rights Office/Ordinance)
- Oversight/Governance (sovereignty)

Report Section 3: Statutory Framework Topics



- Transportation
- Graduation requirements/education standards
- Assessment requirements
- Reporting requirements
- School Day and instruction
- Teacher certification
- Length and terms of STEC agreement
- Final report and recommendations
- Definitions

Report Section 4: Findings



Topic: Assessment

Conclusion: (summary or position on topic): Federal Assessment Requirements must be met by all public schools in the State of Alaska for the entire State to be eligible for federal education aid, including State Tribal Education Compact Schools.

Tribal:

Tribal partners have asked if they will be required to administer State and Federal assessments, and if so;

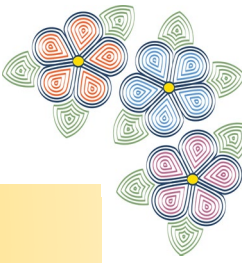
- (a) what, if any, flexibility would they have in developing their own assessments,
- (b) is there a process for seeking a waiver from assessments,
- (c) if federal tests are required, are there state tests that are administered that are not required by federal law that STECs could be exempted from, or choose to opt-in to rather than being forced to take them?

DEED:

DEED wants to ensure that federal funds are still able to flow into the state.

DEED is interested in what innovations might be possible as State Tribal Education Compact Schools demonstrate success in various ways.

Report Section 4: Findings (con't)



Topic: Assessment

Federal Law:

Public School Definition/Premise: The authority for Tribes to enter into compacts is part of the Indian Self Determination and Education Assistance Act (ISDEAA). While these STEC schools would be a Tribal schools they also are considered public schools by federal law:

Federal definition of a public school is:

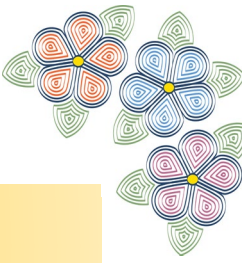
operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.” ESSA

State Law:

Sec. 14.07.175. Development of statewide assessment plan; review of education laws and regulations.

- (a) The department shall require a school district or school to administer a statewide standards-based assessment after July 1, 2016 and before July 1, 2018, if the United States Department of Education provides notice that the United States Department of Education intends to withhold all or a portion of the state’s federal education funding as a results of the department’s compliance with (a)-(c) of this section.

Report Section 4: Findings (con't)



Topic: Assessment

State Regulatory

Regulations addressing English Language Learners, how students are organized outside of grade band. Regulations that require districts to screen, collect profiles, etc.

4 AAC 06.710. Statewide student assessment system. *The commissioner will develop a statewide student assessment system composed of multiple indicators that include*

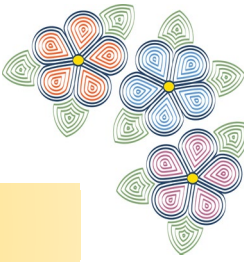
- (1) a standards-based test to measure student attainment of the state's standards as described in 4 AAC 06.737;*
- (2) an alternate assessment under 4 AAC 06.775(b);*
- (3) biennial participation in the national assessment of educational progress in mathematics and reading in grades four and eight; and*
- (4) the assessments included in 4 AAC 34.055 to identify English language proficiency.*

Relevant Case Law:

Moore v State



Report Section 5: Conclusion



Pilot: Transformation in Action

Premise: Public schools that are open to all students and funded through public dollars.

Mechanism: Government-to-Government agreement (State-Tribe) to establish Tribal School Districts for the purposes of Tribal self-governance and a funding mechanism that integrates with the Department of Education and Early Development.

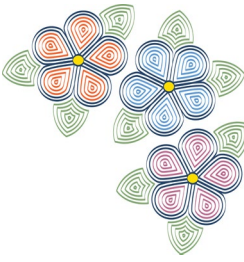
Operation: Teachers that are certified through a Tribal training process that the Department of Education and Early Development verifies to issue state licenses for State Tribal Compact School Teachers.

Accountability: Background checks, audits, and assessments required. Under the State Board of Education for the purposes of state-wide regulation.

Evaluation: Actively negotiating (See Pilot Evaluation Slide 34)



Report: Example Resources



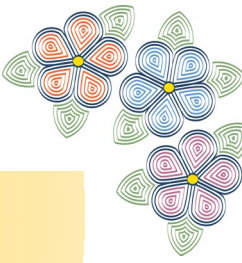
<https://www.nativefederation.org/education/>

- ➔ Alaska Native Education
- ➔ The Value
- ➔ Legal Foundation
- ➔ Future of Tribal Compacting
- ➔ Funding
- ➔ Videos

Resources

- ▶ Webinars + Podcasts
- ▶ Reports + White Papers
- ▶ Legislation
- ▶ Testimony
- ▶ Tools
- ▶ Press

Pilot Evaluation



Cook Inlet Tribal Council Visioning Tribal Education

What if our learning systems were reflective of Our community and culture?

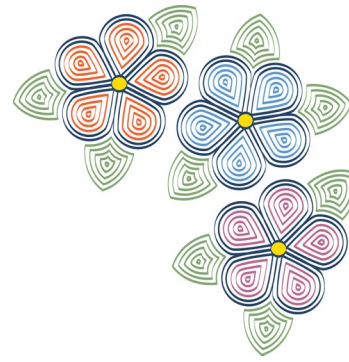
<https://ourfutureancestors.com/>

“Our Future Ancestors: A Story of Education in Alaska”

https://www.youtube.com/watch?si=1fQCo6Njtc8S6_zt&v=9ngN3Sm2FmE&feature=youtu.be



Contact Information



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Dr. Deena Bishop, Commissioner

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907-465-2802

Heidi Teshner, Deputy Commissioner

Heidi.Teshner@alaska.gov

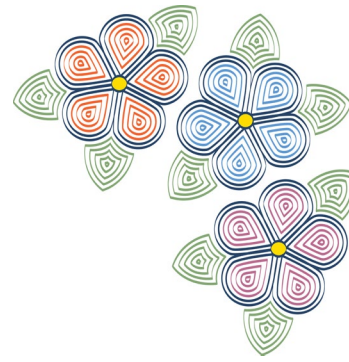
907-465-2875

Laurel Shoop, Legislative Liaison

Laurel.Shoop@alaska.gov

907-465-8703

Stay Connected



Tribal Compacting in Education Newsletter sign up: <https://education.alaska.gov/compacting>



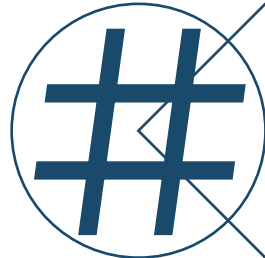
Website

- education.alaska.gov



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- Teacher Certification: (907) 465-2831



Social Media

- @AlaskaDEED

