

**ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE**

January 30, 2020

9:00 a.m.

MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator Shelley Hughes, Vice Chair
Senator John Coghill
Senator Mia Costello

MEMBERS ABSENT

Senator Tom Begich

COMMITTEE CALENDAR

SENATE BILL NO. 136

"An Act providing for the establishment of public schools through state-tribal compacts."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 136

SHORT TITLE: STATE-TRIBAL EDUCATION COMPACT SCHOOLS

SPONSOR(S): SENATOR(S) STEVENS

01/21/20	(S)	PREFILE RELEASED 1/10/20
01/21/20	(S)	READ THE FIRST TIME - REFERRALS
01/21/20	(S)	EDC, JUD
01/30/20	(S)	EDC AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

TIM LAMKIN, Staff
Senator Gary Stevens
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SB 136 on behalf of the sponsor.

MICHAEL JOHNSON, Ph.D., Commissioner
Department of Education and Early Development (DEED)

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 136.

RICHARD J. PETERSON, President
Central Council
Tlingit & Haida Indian Tribes of Alaska
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 136.

NATASHA SINGH, General Counsel
Tanana Chiefs Conference
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 136.

MEERA CAOUILLE, Legislative Counsel
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions about SB 136.

HEIDI TESHNER, Director
Finance and Support Services
Department of Education and Early Development (DEED)
Juneau, Alaska

POSITION STATEMENT: Answered questions about SB 136.

ACTION NARRATIVE

[9:00:16 AM](#)

CHAIR GARY STEVENS called the Senate Education Standing Committee meeting to order at 9:00 a.m. Present at the call to order were Senators Costello, Coghill, Hughes, and Chair Stevens.

SB 136-STATE-TRIBAL EDUCATION COMPACT SCHOOLS

[9:00:41 AM](#)

CHAIR STEVENS announced the consideration of SENATE BILL NO. 136, "An Act providing for the establishment of public schools through state-tribal compacts."

He stated his intent to introduce the bill and hold it for further review. He called Mr. Lamkin to the table.

[9:01:07 AM](#)

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, Juneau, Alaska, said SB 136 is significant legislation that has an impact on the state's relationship to federally recognized tribes in Alaska. He said he expects the sectional to trigger a number of questions about the bill, but this is a draft. It will take some work to put together the nuts and bolts.

[9:02:00 AM](#)

MR. LAMKIN presented the sectional of SB 136.

Section 1:

AS 14.07.165(a) relating to the duties of the State Board of Education, is amended to include the Board adopting regulations associated with state-tribal compact schools.

MR. LAMKIN said Section 2 is the core of bill. It sets up the program and indicates the commissioner can enter into compacts with federally recognized tribes through an application process that is explained in some detail. That process begins with a resolution passed by the governing body of a federally recognized tribe. It has general provisions relevant to standard contracting language and a new subsection, AS 14.16.310, that specifies a state-tribal education compact (STEC) school will be considered a school district. That t is a key component of the bill. It puts some restrictions on compacts, consistent with other restrictions for school districts, such as defining days in session and holidays. These are consistent with existing statutes and requirements for school districts, such as following state board regulations.

Section 2:

AS 14.16.300, is established, State-Tribal Education Compact Schools (STEC).

(a) The Commissioner of Education may enter into compacts with federally recognized tribes (FRT), through an application process.

(b) The application process must include a resolution passed by the locally governing board of a FRT, and include provisions for specific grade levels to be taught, compliance, dispute resolution, recordkeeping and similar standard terms of contracting.

AS 14.16.310: Specifies that a STEC school will be considered a school district (SD) and must follow existing statutory requirements as other SD's do for:

1. District Operations:

- (a) defining the school term, days in session, and school holidays School terms, days in session;
- (b) miscellaneous provisions for SD's;
- (c) follow state board regulations, unless the board specifically exempts STECs from a regulation;
- (d) authorizing school districts to establish and participate in the services of a regional resource center;
- (e) requiring an annual audit;
- (f) authorizing cooperation with other school districts;
- (g) prohibits employment of a relative of the chief school administrator;
- (h) prohibits discrimination based on sex or race in public education.

2. Public School Funding and receipt and expenditure of that funding:

- (a) relating to student count estimates;
- (b) relating to school operating fund balances;
- (c) setting out the procedure for payment of public school funding and imposing general requirements and limits on money paid.

3. Teacher employment and retirement

- (a) relating to sick leave;
- (b) relating to the employment and tenure of teachers;
- (c) relating to the salaries of teachers;
- (d) relating to sabbatical leave provisions for teachers;
- (e) authorizing collective bargaining by certificated employees, except with regard to teachers who are administrators and except that the board may delegate some or all of its responsibilities under those statutes;
- (f) regarding the teachers' retirement system.

4. Students and educational programs

- (a) relating to educational services for children with disabilities;
- (b) establishing health education program standards;
- (c) relating to bilingual and bicultural education.

[9:05:10 AM](#)

MR. LAMKIN highlighted that AS 14.16.320 says that schools may not discriminate and must be open to everyone, but if a school has more students than it can enroll, it can prioritize enrollment federally recognized tribe members.

AS 14.16.320 specifies that a STEC school may not charge tuition, with some exceptions for over school age persons and extracurricular activities, and that school admissions may not discriminate against race, school age, or grade level. If a STEC school has applicants that exceed their capacity, they may prioritize enrollment of tribal members;

AS 14.16.330 establishes financial provisions for STEC schools consistent with existing foundation formula funding for a school district and for purposes of applying for federal funding

AS 14.16.340 regards employees of the STEC as being state employees and provides for employment preferences for those who are member of a FRT.

Section 3:

AS 14.17.300(a), relating to the public education fund, is amended to allow for appropriations to be made to STEC schools.

[9:06:51 AM](#)

Section 4:

AS 14.17.400(b) in the instance of a shortage of funds for public education, the department of education is directed reduce school district funding on a pro rata basis, amended to include a similar pro rata reduction for STEC schools.

Section 5:

14.17.445 adds a new subsection to include funding for STEC schools inside the foundation formula for purposes of calculating its basic need

Section 6:

14.18.110(b) relating to anti-discrimination laws, adds a new subsection to allow, in the event a STEC school has applicants in excess of its capacity, to prioritize employment and student enrollment firstly to members of the FRT under the compact.

Section 7:

14.30.010(b), relating to compulsory school-age attendance, and which has a number of exemptions from compulsory attendance, is amended to include an exemption for student enrolled in a STEC school.

Section 8:

14.30.186(a), relating to special education services, is amended to include STEC schools being required to provide such services to for children with disabilities enrolled in the STEC school.

Sections 9-12:

AS 14.30.350(8), 14.43.849(5), 14.43.915(f)(2), AS 21.96.070(g)(1), are conforming definition references, being amended to include STEC schools as being considered a "school district."

Sections 13-14:

AS 23.40.200(c), relating to provisions under which a union may strike, is amended to include a STEC school.

9:09:04 AM

Sections 15-16:

AS 39.35.160(c) & (d), relating to the retirement system, is a conforming amendment to include both the employees of a STEC school, and the STEC school as the employer, being required to contribute to the retirement system

Sections 17-19:

AS 39.35.300(c), AS 39.35.310(c), and AS 39.35.330(d), relating to the retirement system, are conforming amendments to include STEC school employees as state employees and contributing time served under the retirement program.

Sections 20-21:

AS 43.20.014(g)(3) and AS 47.07.063(D)(3), relating to Medicaid eligibility and education tax credits, are conforming definition references, being amended to include STEC schools as being considered a "school district."

Section 22:

Gives regulatory authority to the Dept. of Education and Early Development (DEED) to help implement the STEC program, and includes transition language to give DEED one year to implement following its enactment.

CHAIR STEVENS said SB 136 is significant in that it represents a major change to education.

9:10:24 AM

SENATOR HUGHES asked to hear the commissioner's perspective and how he thinks this might help students.

CHAIR STEVENS pointed out that the commissioner is mentioned several times and has a lot of responsibilities under the bill. He called Education Commissioner Johnson to the table.

[9:11:17 AM](#)

MICHAEL JOHNSON, Ph.D., Commissioner, Department of Education and Early Development (DEED), Juneau, Alaska, noted that the Alaska Education Challenge that started several years ago established five priorities. One is tribal compacting and that conversation has been happening in the legislature, in the state board, and in school districts across the state. He thanked Senator Stevens for introducing the bill and agreed with Mr. Lamkin that this legislation is a significant change in how the state delivers public education. It is not a simple issue, but what is simple is that Native people are ready, willing, and able to provide an education for their children, possibly through tribal compacting. He said he looks forward to hearing from tribal leaders, school districts, families, and communities about how this can help tribes take ownership of the education for their children.

CHAIR STEVENS asked what the difference is between a tribal school and a charter school.

COMMISSIONER JOHNSON replied tribal leaders will be able to answer more fully but tribal compacting is a government-to-government negotiation for how educational services will be delivered.

SENATOR HUGHES asked why he believes this is necessary and better than what the state has now and whether the governor supports the concept.

[9:13:52 AM](#)

COMMISSIONER JOHNSON answered that the governor has been exploring the issue independently and stated support for tribal compacting during the Alaska Federation of Natives meeting. Commissioner Johnson said the tragic achievement gap in the state indicates that there is a need. Further, there is the capacity, the will, and the inspiration in the Native community to provide educational services to their children. This is what the state has always said is needed in the system and tribal leaders have said they're ready and willing and would like help on this.

SENATOR HUGHES related that when she first became chair of the Education she worked to get up to speed on the issues and was troubled that things had not improved in the 20 plus years since her children attended rural schools. She said she was looking for reassurance that outside of the general feel-good concepts, that the bill had accountability features to ensure that it would shrink the achievement gap.

9:16:19 AM

COMMISSIONER JOHNSON replied he cannot guarantee that either tribal compacting or the current public education system will work for every student, but he can commit to work with the legislature, school districts, and families to establish policies that have proven to be effective and to provide and set the conditions that are necessary for kids to learn. In terms of tribal compacting, he said he starts with the assumption that while he cares deeply about every student, it is the families and tribes that care the most about their success. He expressed excitement about the conversation and the specific ideas about the conditions that will most likely lead to student success in a tribal compact school.

SENATOR HUGHES asked if there was evidence from any other states or reservations that show that a tribal compact school works better for students.

COMMISSIONER JOHNSON replied he does not have any specific examples, but Washington State, through the Bureau of Indian Affairs schools, has done tribal compacting. He noted that Mr. Lamkin indicated seven schools. He said someone from the department and the tribes could give specific examples of tribal compact schools that have worked, but he would point to the work tribes have done with the health care system in the state to improve health outcomes.

SENATOR HUGHES asked if tribal compacting allows a Native corporation to help a school financially.

COMMISSIONER JOHNSON answered that he only knew that tribes have access to funding that other entities may not have.

SENATOR HUGHES shared that she was concerned about the preference piece and wondered if that would be discussed in a Judiciary Committee hearing.

CHAIR STEVENS noted that the state should see how it is working in Washington State since Washington is a few years ahead in implementation. He added that as he understands it, tribal compacting would be entirely voluntary.

9:21:18 AM

SENATOR COGHILL said the idea came up in the Alaska Education Challenge and as he recalls, there were not many details but a lot of the conversation about how to get local input and buy-in into education. He said some of the questions the legislature would watch are how a tribal group works as a school in a school district and what the impacts are to make some people state employees. He said the benefit that most people expect is that it will come from home organically and yet dovetail with the goal of excellence in education.

COMMISSIONER JOHNSON agreed with the characterization. He also agreed with Senator Hughes that a lot of statements about tribal compacting are feel-good statements and with Mr. Lamkin that it will be a complex conversation. Changing the current system will not be simple, but if the conversation is healthy and robust it has a chance to improve outcomes, which everyone desperately wants, he said.

9:23:50 AM

SENATOR COGHILL commented that tribal governance has been a growing body of law but there are still some open questions. He said it's important that tribes are willing to take on some of the responsibility for education. He said legislators will be interested in hearing how a tribal group might look at the requirements in the bill. Legislators look at education through the view of districts. Tribe members consider their tribal group. How that intersects will be difficult. Making people state employees for the purposes of retirement may be a reach too far. The responsibilities and requirements may get too far afield for tribal groups. The bill would create something new between tribes and states. It is a worthy effort, but it is brand new. The state has argued about whether Alaska has tribes. Then funds started flowing for federally recognized tribes to the benefit of Alaska in huge ways, as noted with health care. His focus will be how to lift children the best way the state can and how to grow a healthier community with better education.

CHAIR STEVENS said there was no intention of making tribal schools anything less than what the state has in all other schools. No fewer demands or requirements. He relayed that he encountered someone who expressed love for this bill because

tribal schools will not have to have certificated teachers or take all the tests the federal government requires, but that is not true at all. He asked Commissioner Johnson to confirm that there will be certificated teachers and there will be testing in order to get federal funds.

COMMISSIONER JOHNSON replied that was his understanding of bill through Mr. Lamkin's sectional analysis. SB 136 treats tribal compacted schools as a school within a school district, under the same policies.

CHAIR STEVENS said, "It's an enormous responsibility that tribes will be taking on and if I were them, I'd be very, very cautious because it's not easy. It's going to be a tough lift, but I think we have to give them that opportunity if we can."

SENATOR HUGHES commented that she always goes back to the student. She asked what checks would be in place and what the oversight from the district would be.

[9:28:14 AM](#)

COMMISSIONER JOHNSON responded that if tribal compacted schools are schools that function within a school district, the accountability would not be different from what the state currently has. The consequences for not having good outcomes would be the same.

CHAIR STEVENS added that there is virtually a contract between the commissioner and the tribal entity that has a closure date. If things do not improve within that timeframe, there will be a return to the old system. But everyone would be given a fair opportunity to see if it would work.

SENATOR HUGHES pointed out that the committee is having this discussion because the state has had schools that have been failing for a while. She said SB 6 may help but it is a concern to talk about potentially shifting back to what is not holding schools accountable now. She said that is not the assurance she is looking for.

CHAIR STEVENS asked the commissioner to compare tribal compacted schools to Mt. Edgecumbe High School, which is not a tribal school, but it is successful. His observation is that many Native leaders today came from that program. While not exactly what the committee is talking about, it is an example of a school taking on responsibility and being successful. He noted that Mt. Edgecumbe is also the commissioner's responsibility.

[9:31:27 AM](#)

COMMISSIONER JOHNSON explained that Mt. Edgecumbe is not a tribal compact school, but what they have in common is that it is a choice. Families or tribes would have an option about where to send children. Mt. Edgecumbe represents a choice for families throughout the state if a school in their community is not meeting their needs or the families want a different experience for their students. Tribal compact schools also would represent a choice for parents.

SENATOR HUGHES asked if he had a sense of how many tribes are interested.

COMMISSIONER JOHNSON replied he has no specific numbers, but the interest has been growing. He cited meetings the Yupit School District has held and some legislative hearings, both of which raised questions and highlighted complexities that will have to be addressed. He referenced her statement that SB 6 may help underperforming schools and pointed out that what to do with schools that are not working is a complex question for not just for tribal compacting but the entire system. Mt. Edgecumbe has been one answer. Tribal compact schools could also be one.

[9:33:53 AM](#)

SENATOR COGHILL said the legislature is looking for opportunities for everyone to help students learn so choices are important. He said he's "game on" that the Native community has said it is willing to step up and put a shoulder to this effort and the compact is probably the best approach. He said he can see a couple of places in the bill that the legislature will struggle with, but it will be worth the struggle. He said that when he raises questions about certain details, it is that he is just trying to figure out how to make it work. It's not that he's against the idea.

[9:36:35 AM](#)

COMMISSIONER JOHNSON pointed out that tribal compacting is not just a reaction to an achievement gap or failure of the current system. It's that tribes are interested in tribal compact schools. He said he is inspired and eager for the committee to hear from the tribes.

CHAIR STEVENS asked him to confirm that funding would be through the foundation formula and that no additional large amounts of money would be required to make this work.

COMMISSIONER JOHNSON answered that it would not be an increase in the amount of money the legislature spends on education. It would just be spending that money differently.

CHAIR STEVENS called Richard J. Peterson, President of the Tlingit, and Haida Central Council, to the table.

9:38:16 AM

RICHARD J. PETERSON, President, Central Council, Tlingit & Haida Indian Tribes of Alaska, Juneau, Alaska, thanked Senator Stevens for putting the bill forward and having this conversation and Senator Coghill raising good questions and stimulating healthy dialogue over the years. Mr. Peterson said, "I am about conversation. I think it starts with having these conversations, having the courage to ask those tough questions, having the courage to not want to sound offensive by asking hard questions, but if we don't ask those, if we don't address those, we won't make the important strides that we need to make."

MR. PETERSON shared that Tlingit-Haida is the largest of the 229 tribes in Alaska and probably among the 10 to 15 largest in the nation. If all the Tlingits and Haidas who lived in Washington State were counted, they would be the largest tribe in Washington. Tlingit-Haida has 32,000 tribal citizens with over 6,000 in Juneau.

MR. PETERSON said, "To say that we are vested in this is quite the understatement. We do not want mediocrity, and right now mediocrity might be an improvement. We are here. We want to raise the bar. We want our students to be the highest achieving students that they can be. And we also do not operate in a bubble. So, when we talk about our students, we really want all students to rise up together and to be the best versions of themselves and have the best opportunities for that."

MR. PETERSON said he come from one of the smallest communities in Southeast Alaska, Kasaan on Prince of Wales Island. He was on the Southeast Island School District Board of Education for over 10 years and was chair for six years. The school district had what were labeled Native and non-Native schools. "That always chafed me a little, to be honest because I thought our interest was all schools," he said.

MR. PETERSON observed that the tribal government, which brought in more money and operated more services in his community than other governmental entities, sometimes did things predominantly for its citizens, but it tried to do things that lifted

everybody. His mantra is "healthy tribes make healthy communities." Alaska has some of the highest achieving tribes in the nation. He said these tribes are cutting edge and provide complex services to a wide array of people. They operate Head Start, which is open to everyone, based on income. That program has very stringent requirements, which demonstrates that tribes can do this work. Their data shows that children who go through Head Start are the highest achieving students throughout their academic careers. Tlingit-Haida has that foundation to build upon.

MR. PETERSON observed that compacting is a government-to-government agreement to administer programs. It is a trust-based relationship repeatedly upheld by the Supreme Court. He said "When you talk about the things, Senator Coghill and Senator Hughes, that I heard you mention, we're going to have to have a trusting relationship. We are going to have to enter this with our eyes very wide open, and we need to put all those issues on the table. And I can promise you very little offends me. We have to ask the hard questions and not hide behind not wanting to offend anybody. It does become like Native, non-Native. I do not operate in that way. Recognition of tribe's inherent authority to serve our citizens. That is what our tribal sovereignty stands on. . . . Our sovereignty does not threaten state sovereignty or municipal sovereignty. Sovereignty, to me, tells me that we have the inherent right to work together, to govern."

[9:43:46 AM](#)

MR. PETERSON noted that he was pleased to hear Senator Coghill's comments about land-based issues. Jurisdictional issues can be divisive, but conversations and agreements about compacting will solve those. Tlingit and Haida already executes federal compacts with the Bureau of Indian Affairs on behalf of several communities in Southeast, administering sophisticated programs, such as TANF (Temporary Assistance for Needy Families), employment and training, childcare, natural resources, and economic development. Tlingit-Haida is unique in Alaska because it is not an Indian Reorganization Act tribe. Tlingit-Haida is enacted by an act of Congress. That sets it apart in a unique way. It is also a regional tribe and the only actual regional tribe in Alaska. There are regional tribal nonprofits that operate by authority of village tribes, whereas Tlingit-Haida is a tribe and does not need any other tribe's authorization. Because of its regional nature, it does serve several tribes in its communities as a compact tribe. It is the same thing that Tlingit-Haida is proposing here, to operate and administer funds on behalf of other tribes. It is a very important

responsibility, one of trust, which Tlingit-Haida has demonstrated it can do.

MR. PETERSON pointed out that Tlingit-Haida already delivers early care and learning services through Head Start. While Head Start is not delivered through compacting, it is an education program delivered in coordination with the state and federal government. This is an example of how Tlingit-Haida might partner to deliver education programming. The State of Alaska supports local control. Tribal compacting is the epitome of this. Tribes would exert that local control. When he hears elected leaders in Alaska debate issues, one of the topics is always local control. It does not get any more local than the tribes with 10,000 years of history.

MR. PETERSON said tribal compacting has the potential to enhance educational delivery. He brought up Kasaan as a community that was split as far as Native/non-Native, but the tribe served the school. At times, his tribe donated \$30,000 to keep the school open for every child, not just Native children, but for Kasaan children. That is what tribes have demonstrated. The Indian Health Service compact with the tribes in Alaska has been held up as the most successful health compact in the nation. In their communities, tribal groups are often the only health service and do not segregate or turn people away. "That's the model. I think that's demonstrated time and again that we're going to hold up our communities. We want to raise the bar," he said.

[9:47:59 AM](#)

MR. PETERSON said everyone looks to children and families to do all that can be done to enhance education. He is not satisfied with what he sees. The commissioner's comments hit home. Tlingit-Haida is not interested because the system is failing. Still, Tlingit-Haida would be interested either way since it wants to raise the bar. For various reasons, these communities are not performing at the level they should. That includes health, public safety, and many issues. The tribes have stepped in to be part of the solution and they have a responsibility to do so. That is something they can do and these tribes stand ready to do that. The tribes have demonstrated that again and again through the complex programs that they run now. These tribes reflect the health and vitality of communities. His saying that healthy tribes makes healthy communities means it makes healthy Alaskans. On a personal note, he added that he is a proud graduate of Mt. Edgecumbe, class of 1994. Many of his classmates are leaders in the state, which was instilled in them at Mt. Edgecumbe.

CHAIR STEVENS said he appreciated Mr. Peterson's comments and leadership and hoped he would be involved as the legislature moved ahead with the bill.

[9:50:07 AM](#)

SENATOR HUGHES thanked Mr. Peterson for his powerful testimony and commitment to Native and non-Native students. She said she understood that all health centers are now classified as community health centers and do not turn anyone away. However, when she and her husband, who ran the health clinic, first lived in a rural community, some people had to fly to the city to receive care. Her husband graciously decided that he would let anyone come to the clinic to avoid the necessity of flying out for care. At the time, the Native entity running the clinic was very accommodating and gracious. Those open arms and welcoming stance paved the way for all clinics to accept everyone in the village as patients, which is the right thing to do. She said Mr. Peterson's testimony points to schools having the same open arms. She offered her belief that everyone is enriched by having experiences with people from different backgrounds.

CHAIR STEVENS expressed appreciation for Mr. Peterson's and the commissioner's comments. Tlingit-Haida and the department are not just interested because schools are failing but to help the system to move forward, to incorporate what tribes would like schools to offer. He characterized this an important issue.

He called Ms. Singh to testify.

[9:52:37 AM](#)

NATASHA SINGH, General Counsel, Tanana Chiefs Conference, Fairbanks, Alaska, explained that tribal compacting is when the government and the tribe enter into a legal agreement, whereby the tribe takes over the duty of the government to provide a specific service. Compacting with tribes is not new to Alaska. For 26 years, Alaska tribes and tribal organizations have compacted with the federal Indian Health Service. Tanana Chiefs Conference (TCC) is a cosigner to the Alaska compact with the Indian Health Service and a cosigner with the Bureau of Indian Affairs compact. Through these compacts, TCC delivers services related to natural resources, realty, transportation, and medical and dental health care to tribal members and villages in the most appropriate, cost-effective, and community-responsive way.

MS. SINGH asserted that tribal health organizations have demonstrated success in health care, specifically by reversing health care disparities at a higher rate than the Indian Health Service. Tribal health organizations own their own data, study it, and work with communities to address issues, whether it be patient travel, provider visits, facility maintenance, and most importantly, prevention of disease. Tribal health organizations demand quality for their people. In Fairbanks, the Chief Andrew Isaac Health Center is able to recruit and retain the best providers in Fairbanks and train them in culturally appropriate care and communication. Tribal health organizations have learned that despite the best medical education, medical care is not effective if not done in a way Native people are responsive to.

MS. SINGH related that federal law in the past prohibited tribal health entities from delivering health services to non-Natives. Tribes saw this as a hindrance to delivering community health and advocated in Washington, D.C., to change this. Now providers are able to see nonbeneficiaries in tribal clinics. In Tok, the clinic sees more nonbeneficiaries or non-Natives than Natives. The comments from non-Natives have been eye opening, showing how effective tribal entities are in providing health care services. TCC also provides services to non-Native veterans. She said TCC understands that the standard health care model must be tailor-made for each community.

[9:56:46 AM](#)

MS. SINGH added that tribal compacting for education has this same potential. As tribes have enhanced health service delivery, tribes have the potential to enhance education delivery. As with so many other programs, the underlying legal authority for the implementation and the details of how it will work have everything to do with its potential for success. Federal compacting relies on the federal Indian Self-Determination and Education Assistance Act, which provides the authority and mandate for legal agreements between the two parties. TCC strongly recommends that the state legislature pass a similar state statute to dictate state-tribal compacting.

[9:57:51 AM](#)

MS. SINGH said long-term outcomes with Alaskan Native children, as with all children, are vastly improved when they are raised in the embrace of family and community. Partnering with tribes to deliver education can re-establish a sense of ownership and pride in the public education system with the potential to improve educational outcomes. Through education tribal compacts, tribes hope to retain teachers, implement Native languages,

reduce costs through administrative services and community planning, engage students, and reverse education disparities for rural and Native students. Some schools are in a state of constant flux because outside school districts manage their affairs. By retaining local management of schools, tribes can better integrate and train teachers for local conditions to use local opportunities in concert with the tribes. Tribes can also develop teacher training programs for people from their communities, similar to the health aide and tribal administrator programs. Tribal compacts and management of schools can help local education be more responsive to the state of Alaska Native language emergency declaration by directing resources and having a long-term vision. Native languages are proven to engage students in all realms of curriculum.

MS. SINGH pointed out that tribes and tribal health organizations already have accounting, human resources, information technology, and legal staff. Savings will come from eliminating duplicate services at school administrative centers. Those savings can be passed on to classrooms. She envisioned that once tribes are in charge of the schools that the community and school plans will become one. The tribes can implement a more holistic and comprehensive planning for such things as capital improvement and social determinants of education. Communities will have a greater sense of ownership of the schools, their activities, and successes. Under the tribal compact model, students will own the schools and can be taught to take care of the institution in new ways. Under the current model, a far-off school district or state entity owns the schools. Tribes stand ready to work with the state and legislature to design systems that will allow them to work as partners and improve educational outcomes for children.

[10:01:09 AM](#)

CHAIR STEVENS said Ms. Singh caught his attention when she spoke about current programs to train health aides and tribal leaders. He asked whether compacting would create opportunities for students in villages to become teachers in their communities.

[10:01:42 AM](#)

MS. SINGH replied, "Absolutely. We believe that this will be key to success. And really, it is likely a reason why our rural schools and schools across Alaska have struggled. It's because we lack Native teachers." Historically, when the University of Alaska programs have focused on training Native students to become teachers, these students achieved success. As tribes implement tribal compacts at schools, it is important to

implement a training program through the University of Alaska to ensure a diverse faculty for tribal schools. The state needs Native teachers, she said.

CHAIR STEVENS acknowledged that this is an important issue. The state is facing a shortage of teachers and currently recruits teachers from all over the country. Often, these teachers are not satisfied because they were unfamiliar with the conditions in rural Alaska. He said anything she can do to help would be appreciated. He understands that could be an added impetus for this program.

SENATOR HUGHES shared that she was thinking of the innovation in the Native medical community not only with the health aide program, but also with the dental therapist program. It is viewed as a model and has been a game changer for dental care at Native health clinics. That gives her hope that tribal compact schools might try something that could be helpful to their students.

CHAIR STEVENS asked Ms. Caouette from Legislative Legal to comment about the question of discrimination.

[10:05:48 AM](#)

MEERA CAOUETTE, Legislative Counsel, Legislative Legal Services, Legislative Affairs Agency, Juneau, Alaska, said most of this bill is modeled on the statutes from Washington State for tribal compacts.

CHAIR STEVENS asked what those factors are.

MS. CAOUETTE answered that the provisions amend existing law and allow the tribal compact schools to prioritize employment from the federally recognized tribes. If the school's capacity is insufficient to enroll all students that apply, the school could prioritize students from those tribes. It is not required but it is allowed.

CHAIR STEVENS said that would be an issue that for the Judiciary Committee.

SENATOR HUGHES asked whether DEED would need any extra staffing or just use its current resources.

[10:07:52 AM](#)

HEIDI TESHNER, Director, Finance and Support Services, Department of Education and Early Development (DEED), Juneau,

Alaska, responded that because the number of tribes that might opt to do this is not known, the cost for DEED is indeterminate.

SENATOR HUGHES said the initial set up of a compact is work for the department, but once it up and running, she speculated that the requirements would be the same as for other schools. She asked whether more staffing would be needed for setting up the compacts or for the long term.

MS. TESHNER replied DEED would need staffing just as it does for Mt. Edgecumbe, but without knowing the size of the school and the number of kids and schools the cost is indeterminate.

SENATOR HUGHES said other than figuring out the compact, she did not understand what the extra work is for the department. She suggested that Ms. Teshner could talk to her about that offline.

MS. TESHNER answered that she would be happy to talk offline about the issue.

SENATOR COGHILL related his understanding that federal compacts in the health care system are not with federal employees yet under this bill, the employees would be considered state employees. He suggested that is something that legislators should discuss. He said he is not opposed to compacting, but the relationship is not like a charter school relationship. He expressed concern that it could be difficult to manage. He also wondered whether the state's role is only to have expectations about outcomes or if it will be involved in management of the schools.

[10:12:23 AM](#)

CHAIR STEVENS noted that the committee would look at the three indeterminate fiscal notes at a later date. He asked if anyone in the room wanted to testify and ascertained that no one wished to testify.

SB 136 was held in committee.

[10:13:14 AM](#)

There being no further business to come before the committee, Chair Stevens adjourned the Senate Education Standing Committee at 10:13 a.m.