

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS

April 14, 2022

8:36 a.m.

MEMBERS PRESENT

Representative Tiffany Zulkosky, Chair
Representative Dan Ortiz
Representative Zack Fields
Representative Geran Tarr

MEMBERS ABSENT

Representative Mike Cronk

COMMITTEE CALENDAR

PRESENTATION: TRIBAL COMPACTING

- HEARD

CS FOR SENATE BILL NO. 34 (JUD)

"An Act relating to a demonstration state-tribal education compact; relating to demonstration state-tribal education compact schools; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 34

SHORT TITLE: STATE-TRIBAL EDUCATION COMPACT SCHOOLS

SPONSOR(S): SENATOR(S) STEVENS

01/25/21	(S)	PREFILE RELEASED 1/8/21
01/25/21	(S)	READ THE FIRST TIME - REFERRALS
01/25/21	(S)	EDC, JUD
04/21/21	(S)	EDC AT 9:00 AM BUTROVICH 205
04/21/21	(S)	Heard & Held
04/21/21	(S)	MINUTE(EDC)
04/23/21	(S)	EDC AT 9:00 AM BUTROVICH 205
04/23/21	(S)	<Bill Hearing Canceled>
04/28/21	(S)	EDC AT 9:00 AM BUTROVICH 205
04/28/21	(S)	Heard & Held
04/28/21	(S)	MINUTE(EDC)
02/11/22	(S)	EDC AT 9:00 AM BUTROVICH 205

02/11/22	(S)	Heard & Held
02/11/22	(S)	MINUTE(EDC)
02/16/22	(S)	EDC AT 9:00 AM BUTROVICH 205
02/16/22	(S)	Heard & Held
02/16/22	(S)	MINUTE(EDC)
02/23/22	(S)	EDC AT 9:00 AM BUTROVICH 205
02/23/22	(S)	Heard & Held
02/23/22	(S)	MINUTE(EDC)
03/03/22	(S)	EDC AT 10:00 AM BUTROVICH 205
03/03/22	(S)	Heard & Held
03/03/22	(S)	MINUTE(EDC)
03/11/22	(S)	EDC AT 9:00 AM BUTROVICH 205
03/11/22	(S)	<Above Item Removed from Agenda>
03/11/22	(S)	MINUTE(EDC)
03/17/22	(S)	EDC AT 10:00 AM BUTROVICH 205
03/17/22	(S)	Moved CSSB 34(EDC) Out of Committee
03/17/22	(S)	MINUTE(EDC)
03/18/22	(S)	EDC RPT CS 4DP NEW TITLE
03/18/22	(S)	DP: HOLLAND, MICCICHE, STEVENS, BEGICH
03/23/22	(S)	JUD AT 1:30 PM BUTROVICH 205
03/23/22	(S)	Heard & Held
03/23/22	(S)	MINUTE(JUD)
03/28/22	(S)	JUD AT 1:30 PM BUTROVICH 205
03/28/22	(S)	Moved CSSB 34(JUD) Out of Committee
03/28/22	(S)	MINUTE(JUD)
03/30/22	(S)	JUD RPT CS 3DP 1NR NEW TITLE
03/30/22	(S)	DP: HOLLAND, MYERS, KIEHL
03/30/22	(S)	NR: HUGHES
04/04/22	(S)	TRANSMITTED TO (H)
04/04/22	(S)	VERSION: CSSB 34(JUD)
04/05/22	(H)	READ THE FIRST TIME - REFERRALS
04/05/22	(H)	TRB, EDC
04/14/22	(H)	TRB AT 8:00 AM DAVIS 106

WITNESS REGISTER

NATASHA SINGH, Vice President
 Legal Affairs
 Alaska Native Tribal Health Consortium
 Anchorage, Alaska

POSITION STATEMENT: Gave a PowerPoint presentation on Tribal Compacting during the hearing on CSSB 34(JUD).

SENATOR GARY STEVENS
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented CSSB 34(JUD).

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

POSITION STATEMENT: Provided information during the hearing on CSSB 34(JUD), on behalf of Senator Stevens, prime sponsor.

JOEL ISAAK, Project Coordinator/Tribal Liaison
Department of Education and Early Development
Anchorage, Alaska

POSITION STATEMENT: Gave a presentation, titled "State Tribal Education Compacting Overview," during the hearing on CSSB 34(JUD).

ACTION NARRATIVE

[8:36:51 AM](#)

CHAIR TIFFANY ZULKOSKY called the House Special Committee on Tribal Affairs meeting to order at 8:36 a.m. Representatives Tarr, Zulkosky, Fields, and Ortiz were present at the call to order.

SB 34-STATE-TRIBAL EDUCATION COMPACT SCHOOLS

[8:37:29 AM](#)

CHAIR ZULKOSKY announced that the [only] order of business would be CS FOR SENATE BILL NO. 34(JUD), "An Act relating to a demonstration state-tribal education compact; relating to demonstration state-tribal education compact schools; and providing for an effective date."

[The committee first heard a presentation regarding tribal compacting before SB 34 was presented by the bill sponsor.]

[8:39:35 AM](#)

NATASHA SINGH, Vice President, Legal Affairs, Alaska Native Tribal Health Consortium (ANTHC), gave a PowerPoint presentation on Tribal compacting [hard copy included in the committee packet]. She summarized the historical relationship between the U.S. government and Tribes and how that relationship evolved over the eras. President Nixon championed the self-determination era, the only successful Indian policy in the country's history. Best outcomes for Tribal self-determination

are achieved when Tribal citizens decide and implement programs and services for themselves. Federal law authorizes Tribes and Tribal organizations to contract with the federal government to provide programs and services, otherwise known as Tribal compacting. Contracting is the first step in compacting with less discretion to reprogram and more oversight. The Alaska Tribal Health Compact was a legal agreement between Alaska Tribes, Indian Health Service (IHS), and the U.S. Department of Health and Human Services (USDHHS). The Alaska Compact was the first multi-party IHS compact in the nation with 25 separate co-signer funding agreements and 221 Alaska Tribal authorizations. This compact makes up 40 percent of the nationwide funding. The Tribal Child Welfare Compact was an intergovernmental agreement between the State of Alaska and 18 federally recognized Alaska Native Tribes and Tribal organizations to improve the life outcomes of Alaska's children and families by transferring negotiated child welfare services and supports - along with their respective revenue streams - from the Office of Childrens Services (OCS) to the Tribal co-signers. In response to committee questions, she said it was possible to preserve collective bargaining rights within the foundation of compacting. The bulk of the federal behavioral health funding was received through grants, not compacts, which was problematic and lead to a lack of reprogrammed services on the ground. In contrast, the implementation of dental health was an example of a compact-administered program that worked.

[9:06:47 AM](#)

SENATOR GARY STEVENS, Alaska State Legislature, Juneau, Alaska, as prime sponsor, presented CSSB 34(JUD). He first clarified that the discussion relates to a state/tribal, not federal/tribal relationship. He indicated this topic had been brought up several years ago, with the last focus being on how to make tribal education work in Alaska. The proposed legislation would begin this process. He encouraged looking at this as a stepping stone to negotiations between the State of Alaska, the Department of Education (DEED), school boards, and tribal entities. He acknowledged that originally, "we bit off more than we could chew," so the version of the bill before the committee has been reduced considerably to focus on negotiations. He said CSSB 34(JUD) proposes that negotiations begin immediately. He said compacting is an opportunity to include Alaska Native culture, history, and languages "into a process that really works." It would involve all students. He distinguished the difference between teaching culture and teaching "true culture."

SENATOR STEVENS would direct tribes and DEED to draft model legislation in 2026. He indicated that Natasha [Singh] had presented that tribes need to be given more funding, and he added that the state and DEED also need to be involved in the process. He stated his assumption that "sophisticated teachers" would be involved, and emphasized there is no intention of "dumbing education down." He speculated that there would be collective bargaining.

[9:13:54 AM](#)

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, Juneau, Alaska, on behalf of Senator Stevens, prime sponsor of CSSB 34(JUD), echoed the comments of Senator Stevens regarding the path the bill had taken thus far to a point of allowing the parties involved to come up with a draft for the legislature to consider at a later time.

[9:15:11 AM](#)

JOEL ISAAK, Project Coordinator/Tribal Liaison, Department of Education and Early Development, as part of the hearing on CSSB 34(JUD), gave a presentation, titled "State Tribal Education Compacting Overview" [hard copy included in the committee packet]. He directed attention to slide 2, which read as follows [original punctuation provided, with some formatting changes]:

OUR MISSION

>An excellent education for every student every day.

OUR PURPOSE

>DEED exists to provide information, resources, and leadership to support an excellent education for every student every day.

OUR VISION

>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

MR. ISAAK said he thinks compacting is a way to carry out DEED's mission, vision, and purpose. He continued to slide 3, which read as follows [original punctuation provided]:

Our 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

MR. ISAAK said compacting touches upon all five of the shared priorities. He turned next to the strategic priority, shown on slide 4, which read as follows [original punctuation provided]:

Alaska Education Challenge State Board Priority

Strategic Priority:
Inspire Tribal and Community Ownership of Educational Excellence

Adopted Priority:
Self-Governance Compacting: Create the option for selfgovernance [sic] compacting for the delivery of education between the State of Alaska and Tribes or tribally-empowered Alaska Native organizations.

MR. ISAAK said this process involved thousands of people and was adopted by the State Board of Education. He turned to slide 5, titled "State Board of Education Tribal Compacting Committee," which read as follows [original punctuation provided]:

State Board of Education Tribal Compacting Committee

Committee Mission Statement:

Support Tribal Compacting by identifying and developing regulations that support the efforts of Tribes throughout Alaska.

Alaska's Education Challenge Strategic Priority:
Close the achievement gap by ensuring equitable educational rigor and resources.

MR. ISAAK explained that the mission statement on slide 5 is that of the committee formed by the State of Washington, which is the only state currently compacting for K-12 education. He said DEED is considering regulations that will work when compacting comes to fruition.

[9:21:00 AM](#)

MR. ISAAK covered slide 6, "Compacting in Education," which read as follows [original punctuation provided]:

- > Government to Government Agreement
- > Tribes as Political Subdivision
- > Self-Determination

MR. ISAAK proceeded to slide 7, "Partnership With Alaska Federation of Natives," which read as follows [original punctuation provided]:

- > Identify relevant federal and state laws and regulations
- > Compile relevant material related to educating Alaska Native students
- > Engage with Alaska Native leaders and subject matter experts on educational compacting options

MR. ISAAK said DEED has issued a grant to the Alaska Federation of Natives (AFN), and that listed on slide 7 are the tasks of AFN. In response to Chair Zulkosky, he said it was a \$1 million grant that originated from COVID-19 relief funds.

[9:23:47 AM](#)

MR. ISAAK talked about engaging with Alaska Native leaders and subject matter experts on compacting options. He shared that he has cold called every single tribe in the state to update various contact information. He spoke about public engagement, speaking with Alaska Native grandmothers to learn the importance

of tribes being involved. He underscored that a tribe does not have to be part of AFN to engage in the process.

MR. ISAAK highlighted the list on slide 8, which read as follows [original punctuation provided]:

Partnership With Alaska Federation of Natives

- ›Design of a comprehensive path forward
- ›Design seminars for educators and administrators on the why and what of compacting
- ›Participate in discussions with the State of Alaska and various committees of the Alaska State Legislature to respond to questions on the final pathway report

[9:27:14 AM](#)

MR. ISAAK gave the link to DEED's compacting web page, as shown on slide 9, and he said it has a comment portal for public feedback. He added that DEED is working on a platform by which it will be able to send information out to people who wish to be updated regarding compacting efforts and tribal education in general. He noted that slide 10 provides his contact information, as well as that of Kollette Schroeder, Legislative Liaison for DEED.

MR. ISAAK noted that DEED has issued another grant to Cook Inlet Tribal Council (CITC), which is visualizing and articulating what indigenous education models look like around the state. He emphasized the important of partnership with tribes to determine what success looks like in a tribal compacted school. He said this is another means from which DEED can elicit tribal feedback "in a way that is approachable and understandable." In response to Chair Zulkosky, he said he would need to find out the amount of the CITC grant funding, but he confirmed it was also from COVID-19 relief funds. In response to a follow-up question, regarding the capacity in DEED for compacting, he said this is a new endeavor for the department, which is why the Alaska State Board of Education created a committee. He talked about building an historical legal framework and conferring with the State of Washington, as well as other states.

[9:34:11 AM](#)

CHAIR ZULKOSKY observed that CSSB 34(JUD) identifies that the Alaska State Board of Education "would negotiate the terms of the demonstration compact." She asked what that would entail.

MR. ISAAK responded that the anticipated negotiation components would include "operational topics," such as a collective bargaining unit, building use, transportation, attendance records, and data driven points - services that are rendered to help support education. He envisioned the department delivering this information to tribes so that they would have a framework from which to build [a compact]. He talked about there being variables in answers depending on areas of the state. He emphasized the importance of not stifling the view of tribes in terms of their determined needs, and to ensure that does not happen by supporting an ongoing conversation as part of a partnership. Issues yet unknown will surface through these conversations, he remarked.

[9:39:38 AM](#)

CHAIR ZULKOSKY asked Mr. Isaak how DEED anticipates a zero fiscal note to undertake "complicated legal preparation for a demonstration project" relating to tribal compacting, while tribes "are already underwriting the state's success by volunteering their own hours, their own salaries, in essentially putting forward expertise on the topic."

MR. ISAAK responded that the department has the capacity to absorb the fiscal impact of CSSB 34(JUD).

[9:43:52 AM](#)

CHAIR ZULKOSKY, speaking from her experience as co-chair of the House Health and Social Services Standing Committee and from the viewpoint of work done in the House Special Committee on Tribal Affairs toward understanding state and tribal compacting in Alaska, stated the following:

Because that compact has been essentially flat funded since inception, tribes have been a bit in a stagnant position with respect to being in a place of constant implementation and looking to build out capacity. And while that speaks to ... the direct funding agreement, as it relates to the compact, without additional support to the Office of Children's Services for the implementation of that work, there's been a bit of a tricky cycle since signage of that compact where ... they haven't been able to move the needle in the way that it's been envisioned.

CHAIR ZULKOSKY advised that in order to set up tribes in the state for success in pursuing this endeavor, the department needs to question requiring tribes to consistently underwrite the state's efforts in addressing disparities of state-funded programs. She explained that while these constitutionally required programs are funded by the state, without putting forward "a meaningful potential fiscal investment in the pursuit of this work," the cost is shifted to the tribes, "because they would be engaging in their best interests." Chair Zulkosky said she respects that the state has looked at the opportunity to leverage federal/tribal resources but emphasized that it becomes problematic when the state consistently places its burden onto tribes. She cautioned against allowing CSSB 34(JUD) to go unfunded, because she opined it has the potential to be transformative. She stated, "I don't think it's the constitutional obligation of the tribes to provide that education, but instead the state." She encouraged DEED to take a hard look at its potential fiscal note and what it's prepared to invest in to ensure that "this is done right for the benefit of all Alaska students."

[9:47:01 AM](#)

REPRESENTATIVE TARR asked Mr. Isaak about any lessons or insights he might have gained from the State of Washington's model.

MR. ISAAK responded that the State of Washington began a pilot program with tribes that expressed readiness, with annual "look backs" for six years, and a review at the end of the seven-year pilot, at which time effort was made to bring every tribe into the compact. He said CSSB 34(JUD) would allow for reviews. He said he looked at Title 14 when observing Washington's plan, and that state's mechanisms for funding education and system for reporting are similar to that of Alaska. One difference to consider is that the State of Washington deals with tribes on reservations, whereas Alaska does not. He said the tribes in Alaska have federal trust responsibility, but there are "different legal pieces" with Alaska Native tribes than with tribes in the Lower 48, in terms of education.

[9:51:34 AM](#)

REPRESENTATIVE TARR expressed that Mr. Isaak's comments were encouraging, and she concurred with Chair Zulkosky's comments about ensuring the necessary resources for a compact.

9:52:15 AM

REPRESENTATIVE FIELDS thanked the bill sponsor and DEED for working on this issue.

9:52:25 AM

CHAIR ZULKOSKY expressed her appreciation to the bill sponsor.

9:52:58 AM

CHAIR ZULKOSKY announced that CSSB 34(JUD) was held over.

9:53:12 AM

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 9:53 a.m.