

**ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS**

April 26, 2022
8:22 a.m.

MEMBERS PRESENT

Representative Tiffany Zulkosky, Chair
Representative Dan Ortiz
Representative Zack Fields
Representative Geran Tarr
Representative Mike Cronk (via teleconference)

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

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."

- MOVED HCS CSSB 34 (TRB) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 34

SHORT TITLE: STATE-TRIBAL EDUCATION COMPACT SCHOOLS

SPONSOR(S): SENATOR(S) STEVENS

WITNESS REGISTER

JULIE KITKA, President
Alaska Federation of Natives
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony during the hearing on CSSB 34 (JUD).

JOEL ISAAK, State Tribal Compacting Project Coordinator,
Department of Education and Early Development
Juneau, Alaska

POSITION STATEMENT: Answered questions and provided comment during the hearing on CSSB 34 (JUD).

TIM LAMKIN, Staff

Senator Gary Stevens
Alaska State Legislature
Juneau, Alaska

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

ACTION NARRATIVE

[8:22:00 AM](#)

CHAIR TIFFANY ZULKOSKY called the House Special Committee on Tribal Affairs meeting to order at 8:22 a.m. Representatives Fields, Ortiz, Cronk (via teleconference), and Zulkosky were present at the call to order. Representative Tarr arrived as the meeting was in progress.

SB 34-STATE-TRIBAL EDUCATION COMPACT SCHOOLS

[8:22:47 AM](#)

CHAIR ZULKOSKY announced that the first 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."

[8:23:25 AM](#)

JULIE KITKA, President, Alaska Federation of Natives (AFN), stated that the commissioner of the Department of Education and Early Development (DEED) and the Alaska Board of Education have made this bill a priority, and AFN has been working with them closely to come up with "a pathway moving forward." She said AFN's initial role in tribal compacting was to assess and build a legal foundation. She said this process is complex because "it comes into a point in time in which you have a nexus between state government and state education, as well as the federal government and the federal trust responsibility for Alaska Natives in education." She said AFN shared two documents before the Senate: the origins of self-determination and federal policy and a paper on compacting. She talked about the history between federal, state, and tribal governments in education, and she mentioned the state's constitutional mandates for education.

MS. KITKA said AFN has concluded there is a pathway for compacting and would like to demonstrate that pathway without trying to overturn the state education system. She spoke about

innovation and transformational change and the need for both coming out of the pandemic. She said AFN has been involved in compacting discussions when the Indian Health Services moved to compacting, and when the Bureau of Indian Affairs (BIA) went to compacting as a model. She said AFN saw not only a lot of efficiencies in the process but also a greater sense of ownership of the system by the Native people that were compacting. She talked about generating excitement in parents and communities, as well as more investment in the success of schools and the educational process. She reiterated that the intent is not to have a wholesale reform on the education system but to find areas in the state where compacting can work well and with proven results.

MS. KITKA said another reason AFN is requesting "a demonstration project" is to ensure a rigorous evaluation. She indicated that when the bill was heard by the Senate, the decision was made to provide for a two-step process wherein the state would negotiate with up to five tribes and "bring back the fruits of that negotiation," as well as the process and unanswered questions, to the legislature. She characterized this as "a baby step." She reiterated that there would be a rigorous evaluation, and she said this is not meant to disrupt the work of teachers or school districts. Conversely, it is meant to strengthen Alaska's school system while becoming a magnet for additional federal resources. Ms. Kitka noted this is an historical time in which there is a lot of infrastructure money and resources on the federal side aimed at recovery from the pandemic, and AFN hopes that "this small demonstration on that could be a magnet for additional resources from the federal side," either through "earmarks" or having some of the federal programs currently unavailable to Alaska opened up. Ms. Kitka said this is about the children of Alaska. She proffered, "What's different about this is it's not teaching about our culture and our language; it's teaching through our culture. That is what's going to bring about the transformative change." She said AFN is excited about the demonstration and hopes the legislature will green light [compacting].

[8:29:58 AM](#)

CHAIR ZULKOSKY offered her understanding that CSSB 34(JUD) would set the timeline to create a blueprint for a future framework for the legislature to consider related to state and tribal compacting in the area of education. She asked Ms. Kitka to speak to why this particular legislation was needed rather than just having the department "move forward in pursuing this."

MS. KITKA answered that this is a government to government discussion, and the success of it will come from common ground. She said Native tribes cannot do this on their own. She emphasized that this is not a new system brought to the table in completion but rather an opportunity to exchange ideas back and forth and identifying areas where it might be advisable to change state law. She further emphasized the importance of the legislature to signal to the federal partners that it is taking action on the issue and is willing to try out a demonstration project.

[8:33:19 AM](#)

JOEL ISAAK, State Tribal Compacting Project Coordinator, Department of Education and Early Development, remarked upon the fraught history of education for Native Alaskans. He said that "the strong clear commitment" [expressed through CSSB 34(JUD)] "sends a very clear message to tribes that the state at all levels is wanting to engage in this conversation and in this relationship," building trust through compacting. He said he is frequently asked by tribal leaders how serious the state is on an issue to determine the level of engagement. He spoke about sending clear messages to Congress, the Department of Indian Education, the Department of Education, and the Bureau of Indian Affairs.

MR. ISAAK said the proposed legislation ensures tribal leadership voices will be brought to the legislative table, with multiple points of input, including drafting the report and doing a final check. He indicated that without ambiguity, trust can be built. Further, he emphasized the clear message that would be given as to what the state will be doing, in terms of accountability measures.

CHAIR ZULKOSKY inquired about the conditional effective date.

[8:37:46 AM](#)

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, on behalf of Senator Stevens, prime sponsor of CSSB 34(JUD), explained that the effective date was added to the proposed legislation in a Senate committee to ensure "hard deadlines." The intent is to have the involved parties come back to the legislature "at a time certain" to move compacting forward.

CHAIR ZULKOSKY sought to confirm that the demonstration projects Ms. Kitka had discussed would be contingent on the passing of the proposed legislation.

MR. LAMKIN answered that's correct.

[8:38:57 AM](#)

REPRESENTATIVE TARR asked for confirmation of her understanding that under CSHB 34(JUD), the following would take place in this order: By March 2023, the Alaska Board of Education will have met with the tribes; in 2024, recommendations would be presented to the legislature about a demonstration project, and a report would include statutory changes necessary to enable the demonstration projects; and on July 1, 2026, the five demonstration projects would become active.

MR. LAMKIN confirmed that is correct.

REPRESENTATIVE TARR asked for confirmation that in the phrase "demonstration state tribal education compact schools", "schools" does not mean a district but rather an individual school within a district, in terms of being able to participate in a demonstration project. Then if that is the case, she continued to ask whether there is any concern about some schools being small and how that may effect the data and possibly full state implementation.

MR. LAMKIN replied that Representative Tarr's questions highlight why the current version of the bill is being presented; there are "a lot of moving parts to setting up a school system." He gave an example of charter schools and the many subjects that were "backed out" of the original bill version to allow the parties involved to determine what the model may look like.

REPRESENTATIVE TARR asked about the choice to pick five schools.

MR. LAMKIN answered that this was designed to "start small" and then expand upon success.

[8:44:06 AM](#)

MS. KITKA added that "we just wanted to get started on this." She said there is nothing to prevent AFN from coming to the legislature to recommend the number of schools be increased. Recognizing that there would be delay from waiting for the

federal side, it seemed prudent to start somewhere, she said. She noted that the BIA compacted nationally, it began with 10 tribes, and the second year it was expanded by 10 more, without even waiting for the results, because "people were seeing the benefits quickly." She reiterated that some goals in the Alaska compact are to engage the federal government on the federal trust responsibility for education to ensure the government is deploying federal resources in a manner that meets the needs of [Alaska Native] people and overcomes "the statistics that are coming out of our communities that are more on the negative side." She said AFN has asked for the removal of the appropriation writer that prohibits federal money from coming to school facilities. The removal of that writer could allow additional resources to be accessed. She reiterated the need for cooperative effort of the tribes, state, and federal government, with an emphasis on holding "... [the federal government's] feet to the fire" to ensure cooperation and engagement. She talked about setting up an innovation fund that would allow people to apply for "resources of innovation that they want to test out," stimulating positive interactions and creating pathways for innovation.

[8:48:47 AM](#)

CHAIR ZULKOSKY opened public testimony on CSSB 34(JUD). After ascertaining that there was no one who wished to testify, she closed public testimony.

CHAIR ZULKOSKY asked for a motion to move an amendment that she had initiated.

[8:49:11 AM](#)

REPRESENTATIVE FIELDS moved to adopt Amendment 1 to CSSB 34(JUD), labeled 32-LS0309\W.1, Marx, 4/25/22, which read as follows:

Page 2, lines 7 - 9:

Delete "The board shall consult with the governing body of each school district that will have a demonstration state-tribal education compact school located within the district boundaries."

Insert "For each school district that will have a demonstration state-tribal education compact school located within the school district's boundaries, the board shall consult with

- (1) the governing body of the school district; and
- (2) a representative of the collective bargaining unit that represents the teachers of the school district."

CHAIR ZULKOSKY objected for the purpose of discussion. She reviewed the language in Amendment 1. She then withdrew her objection. There being no further objection, Amendment 1 was adopted.

CHAIR ZULKOSKY provided closing comments. She thanked the bill sponsor, DEED, and AFN for their efforts. She said she is excited about the opportunity for compacting, and she added that that does not negate the state's obligation in educating all children of Alaska. She said she agrees with Ms. Kitka's discussion about tribes being at the forefront of innovation, but she cautioned that the state not assume that tribes would underwrite the constitutional obligation of the State of Alaska.

[8:51:50 AM](#)

REPRESENTATIVE ORTIZ moved to report CSSB 34(JUD), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 34(TRB) was reported out of the House Special Committee on Tribal Affairs.

[8:52:23 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 8:52 a.m.