

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

February 16, 2022

9:03 a.m.

MEMBERS PRESENT

Senator Roger Holland, Chair
Senator Gary Stevens, Vice Chair
Senator Shelley Hughes
Senator Peter Micciche
Senator Tom Begich

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION COMMISSION	HEARING(S)	PROFESSIONAL	TEACHING	PRACTICES
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- CONFIRMATION ADVANCED

SENATE BILL NO. 174

"An Act relating to dress codes and natural hairstyles."

- HEARD & HELD

SENATE BILL NO. 34

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

- HEARD & HELD

SENATE BILL NO. 112

"An Act relating to transportation of students."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: SB 174

SHORT TITLE: ALLOW NATURAL HAIRSTYLES

SPONSOR(S): SENATOR(S) WILSON

02/01/22 (S) READ THE FIRST TIME - REFERRALS
02/01/22 (S) EDC, L&C
02/16/22 (S) EDC AT 9:00 AM BUTROVICH 205

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

WITNESS REGISTER

KIM BERGEY, Appointee
Professional Teaching Practices Commission
Department of Education and Early Development (DEED)
Palmer, Alaska

POSITION STATEMENT: Testified as governor's appointee to the Professional Teaching Practices Commission.

COURTNEY ENRIGHT, Director
Boards and Commissions
Office of the Governor
Anchorage, Alaska

POSITION STATEMENT: Answered questions on the governor's appointee to the Possessional Teaching Practices Commission.

SENATOR David WILSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 174.

JASMINE MARTIN, Staff
SENATOR DAVID WILSON

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented a sectional analysis for SB 174.

ALYSSA QUINTYNE, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified by invitation on SB 174.

ROSALYN WYCHE, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified by invitation on SB 174.

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

POSITION STATEMENT: Presented a sectional analysis for SB 34.

JULIE KITKA, President
Alaska Federation of Natives
Anchorage, Alaska

POSITION STATEMENT: Answered question on SB 34.

ACTION NARRATIVE

[9:03:54 AM](#)

CHAIR ROGER HOLLAND called the Senate Education Standing Committee meeting to order at 9:03 a.m. Present at the call to order were Senators Begich, Hughes, Micciche, Stevens and Chair Holland.

CONFIRMATION HEARING(S)

Professional Teaching Practices Commission

[9:04:44 AM](#)

CHAIR HOLLAND announced the consideration of governor appointee Kim Bergey to the Professional Teaching Practices Commission.

[9:05:03 AM](#)

KIM BERGEY, Governor Appointee, Professional Teaching Practices Commission, Palmer, Alaska, stated she is the principal and director for Raven Homeschool, is the oldest of 10 children, and attended school in Alaska. She has served as a highly qualified educator throughout Alaska, teaching public school, home school, adult education, and Head Start since 1997. She has been a home school parent, private school parent, boarding school teacher, assistant principal, principal, director, superintendent, and

Head Start administrator. She has also been a representative at the state and federal levels for Head Start and Alaska Native children across the state. She serves on the Alaska Juvenile Justice Advisory Committee and the Matsu Chapter of the Alaska Farm Bureau. She stated it is a pleasure to serve as the principal representative for the Professional Teaching Practices Commission. She lives on a small farm in Palmer with her husband and six children.

9:07:02 AM

SENATOR MICCICHE arrived.

9:07:07 AM

SENATOR BEGICH thanked her for her service in rural areas. He stated they have worked in several of the same school districts and he would inquire about her work. He mentioned that it is a statutory requirement that a professional principal's association submit names for the position. He asked which association offered her name.

MS. BERGEY replied that she is a member of the principal's association for Alaska.

SENATOR BEGICH asked if that was the association that put her name forward.

MS. BERGEY replied that she did not know who put her recommendation forward.

SENATOR BEGICH asked if the director of Boards and Commissions could answer the question as it is a statutory requirement and asked of all appointees.

9:09:05 AM

COURTNEY ENRIGHT, Director, Boards and Commissions, Office of the Governor, Anchorage, Alaska, stated the record shows the Alaska Council of School Administrators nominated Ms. Bergey.

9:09:32 AM

SENATOR BEGICH responded that the Alaska Council of School Administrators is a recognized principal's association. He stated that this position is responsible for sanctioning teachers when the model code of ethics for educators is violated. He asked if she was familiar with the code of ethics and whether she was prepared to discipline teachers according to code.

[9:10:16 AM](#)

MS. BERGEY replied yes; she is familiar with the code of ethics. She is also responsible for making sure staff are familiar with it. She stated she is comfortable being part of a group that makes decisions on sanctions. She makes such decisions regularly.

[9:10:43 AM](#)

SENATOR HUGHES asked if she had ever been involved in sanctioning a teacher in a leadership position.

MS. BERGEY replied yes.

[9:11:20 AM](#)

CHAIR HOLLAND solicited a motion.

[9:11:37 AM](#)

At ease.

[9:12:03 AM](#)

CHAIR HOLLAND reconvened the meeting.

[9:12:10 AM](#)

SENATOR STEVENS moved that Kim Bergey, appointee to the Professional Teaching Practices Commission, be forwarded to a joint session of the legislature for consideration.

[9:12:18 AM](#)

CHAIR HOLLAND stated that in accordance with AS 39.05.080, the Senate Education Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Professional Teaching Practices Commission

Kim Bergey - Palmer, Alaska

CHAIR HOLLAND reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

[9:12:35 AM](#)

At ease.

SB 174-ALLOW NATURAL HAIRSTYLES

[9:14:48 AM](#)

CHAIR HOLLAND reconvened the meeting and announced the consideration of SENATE BILL NO. 174 "An Act relating to dress codes and natural hairstyles."

[9:15:21 AM](#)

SENATOR DAVID WILSON, Alaska State Legislature, Juneau, Alaska, stated that this legislation prohibits schools and workplaces from establishing dress codes that restrict someone from wearing their natural hair. No employee or student should be prohibited from participating in work or attending school because they are wearing natural hair. SB 174 defines what standards are unacceptable for school districts and employers to place on hairstyles. He stated testimony would be given on why SB 174 is essential.

[9:16:25 AM](#)

JASMINE MARTIN, Staff, Senator David Wilson, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for SB 174 as follows:

[Original punctuation provided.]

Section 1: Adds a new section (.135. Dress code; natural hairstyles) to AS 14.03 (Title 14. Education, Libraries, and Museums, 03. Public Schools Generally)

This section disallows a school district from adopting a school dress code that prohibits a student from wearing a hairstyle that is commonly or historically associated with race, wearing a natural hairstyle regardless of the student's hair texture or type, or that requires a student to permanently or semi-permanently alter their natural hair.

This bill makes an exception to allow school districts to restrict hairstyles in any way necessary to comply with health or safety laws.

Section 2: Adds a new section (.450. Dress code; natural hairstyles) to AS 23.10 (Title 23. Labor and Workers Compensation 10. Employment Practices and Working Conditions)

This section is identical to section 1, except it deals with an employee and employer relationship rather than school and students.

[9:19:16 AM](#)

At ease.

[9:19:22 AM](#)

CHAIR HOLLAND reconvened the meeting. He stated technical difficulties were being experienced and asked for questions from committee members.

[9:20:17 AM](#)

SENATOR HUGHES said she was surprised that in 2022 there was a need for SB 174. She asked if there was anything that would inhibit the ability of an employer or school to require a groomed appearance, including clothing and hair. She stated she could understand how an employee showing up for work with uncombed hair could be a problem for a business, but it is not uncommon for students to arrive at school with uncombed hair.

SENATOR WILSON stated that SB 174 was created to address all culturally relevant hairstyles such as locs, braids, twists, and afros, not neatness. He stated his belief that SB 174 is the best way to address this area of discrimination that plagues Alaska and the nation.

[9:22:05 AM](#)

SENATOR HUGHES stated she did not find any verbiage in SB 174 that would prevent general neatness. She asked for an explanation of the term "protective style."

SENATOR WILSON stated that definitions would be provided.

[9:23:07 AM](#)

SENATOR HUGHES stated the word protective stood out to her because she once wore her hair in a style that her son said resembled a helmet. She is confident this is not what "protective style" means.

[9:23:28 AM](#)

CHAIR HOLLAND opened invited testimony.

[9:23:50 AM](#)

ALYSSA QUINTYNE, representing self, Fairbanks, Alaska, stated she is a 20-year resident and is pleased that Alaska's legislators care enough about the issue to hear her testimony. Many black people in Alaska suffer in silence, with only close friends and family to talk. Hair discrimination is just a part of being black.

[9:25:01 AM](#)

MS. QUINTYN noted that every black person she knows endured hair harassment. While many things have happened to her, she believes others have suffered even more. From elementary through high school, students, teachers, and administrators touched her hair without permission, made inappropriate comments, and asked inappropriate questions. She stated she was banned from taking swimming, home economics, and chemistry lab classes because of her hair. She recalled that she has had her hair cut, burned, and even tied to a pole. She has also been yanked downstairs by her hair. Her parents spoke with school authorities, but nothing happened to address the ignorance and bigotry.

She has also experienced discrimination in the workplace. A former employer told her not to come to work without her hair straightened, and human resource policies were written to target her hairstyle. She stated it is difficult to effect change in these situations because the employee needs a paycheck.

MS. QUINTYN stated that she has advocated for change since she was 13 years old. She stated that she served on the district's diversity committee for three years to educate the school board about black hairstyles, bonnets, and durags. She has attempted to explain the need for gang affiliation rhetoric to stop because it has nothing to do with black hairstyles. It is a microaggression rooted in fear and targets black and brown students. She had offered resources and suggestions to make the dress code more responsible and mindful of student financial access, culture, and identity.

[9:29:31 AM](#)

She opined that dismissing hair discrimination is easy because if a person does not live it every day, it does not seem like a problem. School districts and boards do not want to address it. The city council thinks it is a lower 48 problem. The borough assembly said there was nothing it could do. So, the last place to turn was the state legislature and Congress.

She said living in a community that does not understand discrimination and lacks support is exhausting. She stated she is hopeful because the two black leaders in the legislature want to effect change. SB 174 will have started a needed conversation to stop microaggression and lateral violence even if it does not pass. She hopes SB 174 will help black children grow up feeling loved, respected, and celebrated rather than feeling they merely survived growing up.

[9:33:01 AM](#)

ROSALYN WYCHE, representing self, Anchorage, Alaska, stated she has lived in Alaska since the 1970s. She graduated high school in 1982 and became a hairstylist. She has worked and taught in the industry for many years. She has five children, and all of them encountered hair discrimination. Her daughters' braids were always being touched and undone. Comments would then be made about the texture and look of their hair by classmates. She opined that the teacher should not have allowed this. On another occasion, a daughter had a bad hair day and wore a pink bandana to school. The counselor requested her daughter be picked up from school because bandanas represent gangs. Three boys wearing cowboy hats and long trench coats passed by the office while she was meeting with the counselor. She explained to the counselor that pink is not a gang color, and if the boys could wear cowboy hats, why was her daughter not able to wear a pink bandana to cover her hair. The counselor replied that he did not make the rules. During this same timeframe, she said her sons wore long hair in braids. She was told the look was inappropriate for male students even though white and Latino male students could wear long hair. She considered it biased that braids, cornrows, and dreadlocks were inappropriate, but mullets and perms were not. She added that black women are often told that the cultural hairstyles of afros, braids, and locs are not a professional look.

Her hair academy teaches how to cut and manage all types of hair. She was pleased to learn about SB 174 because her children and others should not experience negative influences because of their hair type. When they leave home feeling great about how they look, they should return home feeling the same way. She said tennis star Venus Williams had a game stopped for wearing beads in her hair. She opined that black people should not be criticized for the cultural hairstyles they choose to wear. She said, "It's almost like a society trying to take away every bit of culture that you have."

[9:39:07 AM](#)

CHAIR HOLLAND asked Ms. Quintyne if she ever felt any support for cultural hairstyles at school.

[9:39:28 AM](#)

MS. QUINTYNE replied that, unfortunately, she never felt any support. As an adult, she has noticed a decline in dress codes mentioning specific hairstyles. However, nothing acknowledges that locs, braids, twists, extensions, and wigs are a part of black culture and hygiene.

[9:40:36 AM](#)

SENATOR BEGICH stated that the double standard mentioned during invited testimony struck him as clearly discriminatory. He opined that as a Caucasian man, he was never asked to change his style, even when wearing beads, but he recalls African Americans being asked to wear their hair differently. He understands and appreciates that SB 174 is being heard.

[9:41:55 AM](#)

SENATOR HUGHES stated she appreciates the eye-opening testimony. She asked if district policies are what prevents afros, braids, and other protective and natural hairstyles from being worn. She stated policies would need to be changed if discrimination was policy based.

MS. WYCHE stated that written hairstyle policies were enforced when her children attended private schools, and forbidding bandanas was district policy.

[9:43:59 AM](#)

MS QUINTYNE stated that dress codes are typically found in student handbooks. However, not having a policy does not prevent staff from being discriminatory. Having legislation would be more powerful than policy. It would establish a boundary and let others know how damaging hair discrimination is to students and employees.

[9:45:33 AM](#)

SENATOR HUGHES asked if there are districts in Alaska with policies that need to be changed and would SB 174 apply to private schools.

MS. MARTIN replied that she does not have a list of discriminatory district policies; such policies tend to be subtle. For example, a policy might say "professional-style" or only one braid instead of a person cannot wear cornrows. Problems arise because determining a professional style is subjective and left to administrative discretion. She stated SB 174 would not apply to private schools since school board policies do not govern private schools.

[9:46:35 AM](#)

CHAIR HOLLAND said that he would prefer SB 174 be made into two bills, one for students and the other for employees. He reasoned that enforcement at school is possible. However, the expanse of the workplace would make it challenging to determine what

hairstyles are cultural and then set a guideline as to which cultural hairstyles are appropriate for a workplace.

[9:47:36 AM](#)

SENATOR STEVENS asked for clarity on the exceptions that might come with health and safety laws, regulations, or ordinances. He stated he could understand a shop teacher's concern about hair getting caught in a machine and the need for discretion.

SENATOR WILSON stated that the intent of the exceptions is not to bypass ordinances, laws, or regulations that a municipality or other government agency may have. The language in SB 174 was intentionally left broad to avoid being prescriptive and causing unsafe situations. He stated he does not want students experiencing their hair catching on fire like Michael Jackson in filming a Pepsi commercial.

[9:49:16 AM](#)

SENATOR BEGICH noted that SB 174 does not list as many styles as the 14 other states that have passed similar legislation. He asked why all styles were not listed, especially since invited testimony mentioned discrimination against cornrows, afros, and headwraps. He commented that in 2014 former defense secretary Chuck Hagel changed military policy to allow certain natural hairstyles.

MS. MARTIN replied that in SB 174, page 1, lines 8-10, and page 2, lines 6-8, where types of natural styles are listed, the word "includes" is used. The meaning of "includes" in Alaska's Manual of Legislative Drafting is not limited to. All styles were not listed because all natural styles are included. The styles listed were just examples.

[9:51:17 AM](#)

SENATOR BEGICH stated that AS 14.03.135 is public education code, so SB 174 would not apply to private schools.

MS. MARTIN said that is correct.

[9:51:55 AM](#)

SENATOR WILSON thanked the committee for hearing SB 174 because hair discrimination affects children from pre-K through adulthood. He stated the next committee of referral would address discriminatory hairstyle dress codes in the workplace, a practice he personally encountered. If SB 174 passes, people will no longer have to suffer in silence in the state of Alaska.

[9:52:42 AM](#)

CHAIR HOLLAND held SB 174 in committee.

SB 34-STATE-TRIBAL EDUCATION COMPACT SCHOOLS

[9:53:15 AM](#)

CHAIR HOLLAND reconvened the meeting and announced the consideration of SENATE BILL NO. 34 "An Act providing for the establishment of public schools through state-tribal compacts."

[9:54:07 AM](#)

CHAIR HOLLAND solicited a motion to adopt the proposed committee substitute (CS) for SB 34.

[9:54:11 AM](#)

SENATOR STEVENS moved to adopt SB 34, work order LS-0309\B, as the working document.

[9:54:23 AM](#)

CHAIR HOLLAND objected for purposes of discussion.

[9:54:31 AM](#)

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, Juneau, Alaska, stated that when collaborating with Ms. Kitka and the Alaska Federation of Natives' team, six requirements were considered essential to tribal education compacting. These six elements were then sent to Legislative Legal Services for rendering. He said the CS is intended to streamline and simplify the project. It is meant to be flexible and maximize autonomy while maintaining accountability. It is silent on several statutes other school districts in Alaska must follow. The six elements are:

First, the Department of Education and Early Child Development (DEED) commissioner would establish a demonstration project or pilot program that would sunset.

Second, the commissioner would use that project to enter compacts with tribes and tribal organizations to operate schools.

Third, those schools would observe non-discrimination laws.

Fourth, the annual reporting for the project would include the number of schools participating, enrollment, attendance, student performance through assessments, and recommendations for compact changes.

Fifth, compact schools should be formed into districts. Being termed a district is key for calculating school funding, Title 1470, basic daily membership, and area cost.

Sixth, federal, state, and tribal funding would be held harmless.

MR. LAMKIN stated SB 34 is not a finished product, but it fulfills his obligation to provide a working document to the committee. He emphasized that the use of the term school district triggers many of the definitions throughout statute.

[9:57:16 AM](#)

MR. LAMBKIN provided the sectional analysis as follows:

Overall Summary:

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

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

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

[9:58:09 AM](#)

SENATOR BEGICH questioned whether a sunset date of 2028 would be enough time for a demonstration project to show change. He stated the Finance Committee debated yesterday the time needed to show improvement regarding SB 111. He asked if the year 2028 would be long enough for the project to exhibit significant change.

MR. LAMKIN replied that Ms. Kitka specifically requested five years.

[9:58:55 AM](#)

SENATOR BEGICH replied that he would like to hear from Ms. Kitka because SB 34 will go to the Finance Committee, where there will be concern about the time needed to show progress and how progress will be determined.

[9:59:41 AM](#)

At ease.

[10:00:34 AM](#)

CHAIR HOLLAND reconvened the meeting.

[10:00:39 AM](#)

SENATOR STEVENS stated he thought Ms. Kitka's recommendation of five years was wise. The point of the pilot program is expansion if it is successful. Waiting too long to ascertain success could slow progress for other schools.

SENATOR BEGICH stated that the early education pilot program was 12 years. It has still not been adopted. He said he would like to know the criteria.

[10:02:15 AM](#)

JULIE KITKA, President, Alaska Federation of Natives (AFN), Anchorage, Alaska, stated she supports a five-year project. The AFN would like a chance to prove the concept of tribal compacting in education. She said she is amenable to an optional five-year extension if that addresses legislators' concerns. She said that the desire is to build great support for the concept, so it does not take more than five years.

[10:03:28 AM](#)

MR. LAMKIN continued the sectional analysis:

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

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

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

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

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

Rationale: to make the program more simple and flexible.

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

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

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

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

[10:06:04 AM](#)

- G. **Deleted from version A (page 3, line 30 to page 4, lines 1-12):** Struck requirements relating to teacher employment, retirement, sick leave, tenure, salaries, sabbatical leave, collective bargaining.

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

- H. **Deleted from version A (page 4, lines 13-19):** Struck requirements relating to student educational programs, services for students with disabilities, health education standards, and bilingual and bicultural programs.

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

- I. **Page 4, lines 15-18, relating to financial provisions, added:** (e).. "A compact school may accept federal funds through federal programs. Nothing in this section prohibits the department from receiving federal funds for state-based functions that support the provisions of AS 14.16.300-350." [state-tribal education compact schools].

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

- J. **Deleted from version A (page 5, lines 11-12):** "The employee of a state-tribal education compact school are state employees."

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

10:07:43 AM

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

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

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

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

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

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

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

[10:04:12 AM](#)

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

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

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

- Q. **Deleted from version A (page 8, lines 1-16):** Strikes requirements related to special education and related services for children with disabilities.

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

- R. **Deleted from version A - Sections 12-21**
Strikes reference to a state-tribal education compact school for purposes of:
1. the insurance education tax credit program (AS 21.96.070);
 2. arbitration for employees under collective bargaining agreements (AS 23.40.200);
 3. contributions to and service in the Public Employee Retirement System (AS 39.35);
 4. Corporate Income Tax Credit for educational program investments (AS 43.20.014);

5. Relating to school district reimbursement for certain medical services furnished to students with disabilities (AS 47.07.063).

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

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

[10:10:30 AM](#)

MR. LAMKIN stated that the sunset of a program is like an audit. A review of the program is done with the program's board. The tribal education pilot project would likely be reviewed in 2027, and then bills would be used to extend the program until the sunset provision was repealed.

SENATOR STEVENS reminded the committee that Commissioner Johnson brought the Alaska Challenge Group together two years ago to recommend where Alaska public education should be headed. One of the recommendations was tribal compacting. Pursuing the recommendation has proven that it is a highly complex issue. He appreciates Mr. Lamkin's work in determining what to include and exclude. Ms. Kitka then recommended that a pilot program be tried. He stated it is important to understand how SB 34 has progressed.

[10:12:04 AM](#)

CHAIR HOLLAND asked if Ms. Kitka would like to make any comments regarding the sweeping changes to SB 34. He asked if she and the AFN had time to discuss the changes and if she believed the committee substitute would satisfy the stakeholders' goals.

MS. KITKA stated that the AFN supports the committee substitute, excepting minor technical changes. She fully supports using the compacting mechanism to create greater efficiencies and resources. However, the primary purpose would be the transformative change in innovation. Innovation needs to be incentivized to benefit Native students. Commissioner Johnson and the AFN are 100 percent in alignment that the interests of children should come first. Coming out of the pandemic is an

opportune time to push forward with the transformation and improve tribal compacting over time. She stated that she appreciates the input to increase the sunset date of the project. However, the real need is legislation granting the commissioner permission to engage in compacting negotiations. The AFN is also seeking the federal government to be engaged.

[10:14:31 AM](#)

MS. KITKA stated that the Senate Indian Affairs Committee would hold a field hearing on February 24. There are items the AFN would like the federal government to change that will have implications on SB 34. For example, there are prohibitions against using federal resources for school facilities. She declared that is wrong, federal resources should be allowed to help village schools. Tribal compacting of schools needs legislative permission to enable the commissioner to open negotiations on the demonstration process with as much flexibility as possible. She maintained that the federal government must step in with its responsibility and allow support for incorporating indigenous knowledge into curriculum, teacher training, and facility funding. She said compacting can be viewed as a hybrid of the federal government upholding its agreement to support indigenous people and the state taking the leadership role in launching the demonstration project.

[10:15:49 AM](#)

SENATOR BEGICH clarified that he did not prefer to extend the time for the demonstration project. He only wanted to ensure stakeholders were satisfied with the five-year timeframe for the project.

[10:16:26 AM](#)

SENATOR HUGHES asked if the demonstration project would be more than one school.

MS. KITKA replied that it would involve multiple schools. There is statewide interest in participating, so the demonstration could be a community, region, or diverse school locations. She stated that the Bureau of Indian Affairs model for compact funding would be used. Ten demonstration projects were opened in the first year, with ten more added each year. She stated the commissioner and education board would decide the number of schools to start the program.

[10:17:40 AM](#)

CHAIR HOLLAND removed his objection.

[10:17:55 AM](#)

CHAIR HOLLAND found no further objection, and CSSB 34, work order 32-LS0309\B, was adopted.

[10:18:09 AM](#)

SENATOR BEGICH stated he had numerous questions regarding SB 34.

CHAIR HOLLAND replied that the questions could be asked at the next meeting on SB 34.

[10:19:04 AM](#)

CHAIR HOLLAND held SB 34 in committee.

[10:19:35 AM](#)

There being no further business to come before the committee, Chair Holland adjourned the Senate Education Standing Committee meeting at 10:19 a.m.