

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

February 23, 2022

9:12 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

SENATE BILL NO. 174

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

- MOVED CSSB 174 (EDC) OUT OF COMMITTEE

SENATE BILL NO. 34

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

- HEARD & HELD

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
02/16/22	(S)	Heard & Held
02/16/22	(S)	MINUTE (EDC)
02/23/22	(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
02/16/22	(S)	Heard & Held
02/16/22	(S)	MINUTE(EDC)
02/23/22	(S)	EDC AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

ROZLYN GRADY-WYCHT, Vice President
Alaska Coalition of BIPOC Educators
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 174.

RICHARD PETERSON, President
Central Council Tlingit and Haida Indian Tribes of Alaska
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 34.

JOEL ISAAK, Project Coordinator
State-Tribal Education Compacting
Department of Education and Early Development (DEED)
Kenai, Alaska

POSITION STATEMENT: Answered questions on SB 34.

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

POSITION STATEMENT: Answered questions on SB 34.

JULIE KITKA, President
Alaska Federation of Natives

Anchorage, Alaska

POSITION STATEMENT: Answered questions on SB 34.

ED KING, Staff

Senator Roger Holland

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Answered questions on SB 34.

ACTION NARRATIVE

[9:12:56 AM](#)

CHAIR ROGER HOLLAND called the Senate Education Standing Committee meeting to order at 9:12 a.m. Present at the call to order were Senators Begich, Hughes, and Chair Holland. Senators Stevens and Micciche arrived shortly thereafter.

SB 174-ALLOW NATURAL HAIRSTYLES

[9:13:42 AM](#)

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

[9:14:01 AM](#)

CHAIR HOLLAND opened public testimony on SB 174.

[9:14:23 AM](#)

At ease.

[9:14:42 AM](#)

CHAIR HOLLAND reconvened the meeting and continued to public testimony.

[9:15:04 AM](#)

ROZLYN GRADY-WYCHT, Vice President, Alaska Coalition of Black Indigenous People of Color (BIPOC) Educators, Anchorage, Alaska, stated she supports SB 174. She is a fourth-generation hairstylist who has heard many discriminatory comments about natural hair choices. Her sister was called loofah at school. She was told that natural hair made her look dangerous and that braids made her look ghetto. She has spent time straightening little girls' hair when they should be taught to love their natural curls. Locks are not dreadful. As a hairstylist and para educator, she teaches clients and students to love their natural hair because it is a part of their culture and who they are. She hopes committee members will support SB 174.

[9:15:45 AM](#)

SENATOR STEVENS arrived.

[9:17:45 AM](#)

CHAIR HOLLAND closed public testimony on SB 174.

[9:18:09 AM](#)

CHAIR HOLLAND solicited a motion.

[9:18:12 AM](#)

SENATOR BEGICH moved Amendment 1 (G.1).

AMENDMENT 1

32-LS1298\G.1
Marx
2/18/22

OFFERED IN THE SENATE

BY SENATOR BEGICH

Page 1, line 7, following "race":

Insert ", including wearing headwraps"

Page 1, line 10:

Delete "and tight coils"

Insert "tight coils, afros, cornrows, and bantu knots"

Page 2, line 5, following "race":

Insert ", including wearing headwraps"

Page 2, line 8:

Delete "and tight coils"

Insert "tight coils, afros, cornrows, and bantu knots"

[9:18:29 AM](#)

CHAIR HOLLAND objected for purposes of discussion.

[9:18:32 AM](#)

SENATOR BEGICH said that Colorado and other state laws used language that included additional elements. Amendment 1 adds these elements for clarity while still maintaining inclusivity.

[9:18:58 AM](#)

CHAIR HOLLAND removed his objection to Amendment 1; he found no further objection and Amendment 1 was adopted.

[9:19:12 AM](#)

CHAIR HOLLAND commented that while he supports SB 174 as it relates to education, he has concerns about applying the legislation to businesses and hopes that the Labor and Commerce Committee will address those issues.

[9:19:45 AM](#)

CHAIR HOLLAND solicited a motion.

[9:19:47 AM](#)

SENATOR STEVENS moved that SB 174, work order 32-LS1298\G, as amended, be reported from the Senate Education Standing Committee with individual recommendations and attached fiscal note(s).

[9:20:07 AM](#)

CHAIR HOLLAND objected to asked if the sponsor of SB 174 had any closing comments.

SENATOR WILSON indicated he had no closing comments.

[9:20:13 AM](#)

CHAIR HOLLAND withdrew his objection; he found no further objection and CSSB 174(EDC) was reported from the Senate Education Standing Committee.

[9:20:22 AM](#)

At ease.

SB 34-STATE-TRIBAL EDUCATION COMPACT SCHOOLS

[9:22:40 AM](#)

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

[9:23:14 AM](#)

CHAIR HOLLAND opened public testimony on SB 34.

[9:23:52 AM](#)

RICHARD PETERSON (Chalyee Eesh), President, Central Council Tlingit and Haida Indian Tribes of Alaska, Juneau, Alaska, acknowledged he was on the lands of the Tlingit-ani Aukwan and Takukwan people. He stated that the Tlingit and Haida tribe is the largest in Alaska, with over 33,000 enrolled tribal citizens. He defined compacting as a government-to-government agreement to administer programs, trust relationships upheld by the US Supreme Court, and recognizes tribes' inherent authority to serve its citizens. Tlingit and Haida has executed compacts with the Bureau of Indian Affairs, including sophisticated programs such as Temporary Assistance for Needy Families (TANF). In 2017 Tlingit and Haida signed a historical tribal child welfare compact between the state and Alaskan tribes. It also delivers early care, learning services, and language immersion to its Head Start programs. While Head Start is not delivered through a compact, it is an education program that demonstrates a tribal government's ability to provide culturally relevant place-based education through indigenous languages.

MR. PETERSON said that the State of Alaska supports local control, including education tribal compacting, which epitomizes local control. Tribal compacting has the potential to enhance education delivery. The details of the program will determine its potential for success. Eighteen percent of Alaska's children are Native, and their educational opportunities should be enhanced. Educational outcomes may improve by partnering with the state through compacting. No one is more invested in the success of Native students than their tribe. He stated that tribal governments understand compacting and are ready to work with the state to design a system that improves educational outcomes.

[9:27:11 AM](#)

CHAIR HOLLAND closed public testimony on SB 34.

[9:27:56 AM](#)

SENATOR HUGHES asked if a tribal compact school would be obligated to follow a state education program like SB 111. If not, would adherence need to be specified in an agreement with the commissioner, and would it be necessary for the legislature to direct the commissioner through statute. She stated that although she recognizes the autonomy of tribal schools, certain educational elements must be ensured, especially if public funds are being provided.

[9:29:11 AM](#)

JOEL ISAAK, Project Coordinator State-Tribal Education Compacting, Department of Education and Early Development (DEED), Kenai, Alaska, replied that SB 34 would address SB 111 and other legislation where funding was to school districts. A benefit of SB 34 would be that any future legislation addressing local education agencies (LEAs) or school districts would align with how current statutes are written. It simplifies while still honoring the autonomy and flexibility of compacting. Additional legislation would not be required since compact schools would be set up as districts. He noted that the commissioner does not have the authority to waive federal law, so compact schools would be required to abide by all federal legislation passed.

[9:31:36 AM](#)

SENATOR HUGHES asked if state legislation required schools to have a reading intervention program would tribal compact schools be obligated to offer the program, or would the commissioner and tribal organization have to negotiate an agreement.

MR. ISAAK replied that a compact school would have to follow state law. If there were a change to federal or state law, compacting would provide the mechanism for negotiation. In the example of SB 111, if a school were to accept funds, it would need to follow the requirements of the legislation, such as having a reading specialist.

[9:33:26 AM](#)

SENATOR HUGHES said that base student allocation (BSA) funding is not tied to any specific program. She asked if tribal compact schools would have to follow all education statutes if they received BSA funds or would adhering to statutes only apply to specifically funded programs. For example, the civics education bill has no funding, so if passed would tribal schools have to meet its requirements.

MR. ISAAK replied that the short answer would be yes. The long answer would be that there are obligatory requirements tied to state funds that school districts must meet, such as graduation requirements. Tribal compact schools would also need to meet obligatory requirements. These requirements are tied together even though they do not receive specific funding; civics education is an example. In contrast, there are optional programs with separate funding streams. If a tribal compact school chose to engage in an optional funding stream, it would need to follow the legal obligations of the program, such as reporting and assessments.

[9:36:24 AM](#)

SENATOR STEVENS stated that tribal compacting has many complex issues to address. He apologized for SB 34 not being perfect. He mentioned that Dr. Larry Ledoux, former commissioner of education, suggested trying to connect tribal compacting with charter schools.

CHAIR HOLLAND asked if there were any issues with the existing charter school program that would make establishing state-tribal compact schools necessary.

[9:37:57 AM](#)

TIM LAMKIN, Staff to Senator Stevens, Alaska State Legislature, Juneau, Alaska, stated he is acquainted with charter school statutes and believes that the idea would be worth further consideration with some modifications.

[9:38:22 AM](#)

SENATOR MICCICHE arrived.

[9:38:34 AM](#)

SENATOR BEGICH stated that many issues need to be addressed, such as the election of school boards. SB 34 could create over 200 individual boards based on what Mr. Isaak described. Alaska laws are clear that school boards have an election process that determines how school boards are administered. SB 34 does not explain how jurisdiction would be handled or whom parents would have as an elected body to represent them. Employee rights, collective bargaining, and retirement are other elements not addressed in the simplicity of SB 34. Establishing tribal schools as charter schools could solve the issues that have not been addressed. He said that charter schools could be a solution to the process the committee is trying to create if state law applies to negotiated compacts.

[9:40:56 AM](#)

MR. LAMKIN replied that such provisions are silent in the bill. He opined that charter schools might address many issues as they are broadly understood and embraced.

[9:41:21 AM](#)

SENATOR BEGICH asked if any statutes would prohibit moving forward with a system of charter schools to address tribal immersion.

[9:41:54 AM](#)

MR. LAMKIN replied that he was not aware of any. He opined that existing charter schools could theoretically be copied and renamed as a new program under AS 14.16. He said the name State Tribal Education Charter Schools would bring better understanding to the goal. Existing law has charter schools under local school boards. However, it might be more appropriate for tribal compacting charter schools to work directly with the State Board of Education. Local control and autonomy are at the heart of tribal compacting. He deferred to AFN on local control, checks and balances, and accountability measures.

[9:43:08 AM](#)

JULIE KITKA, President, Alaska Federation of Natives, Anchorage, Alaska, stated she likes that Senator Stevens and his staff are looking at ways to have authority to do a demonstration project. She stated that analyzing the possibility of doing a demonstration project at the state level left doubt as to whether there was existing legal authority to do it. She said that proponents of compacting did not feel a lot needed to be done to authorize a demonstration because it is not a redoing of education. Proponents of compacting are only trying to get authorization to do a demonstration project that will hopefully allow some grafting of new federal financial support for items like teacher preparation and curriculum development. Huge changes to state law are not being sought. She is willing to work within the context of charter schools if that is where affirmative authorization is given. She said she is seeking affirmation from the legislature that it wants to explore the innovation of compacting by authorizing a demonstration project that can be revisited. If conflicts arose, compacting would provide a resolution process. Compacting is viewed as a cooperative effort between tribal organizations and the state to work through and test out an innovative approach to education that offers more local control. It is not adversarial. She stated that the charter school idea was intriguing.

[9:45:35 AM](#)

ED KING, Staff to Senator Holland, Alaska State Legislature, Juneau, Alaska, stated that charter school programs allow for the waiver of local laws, curriculum, and day-in-session requirements. Charter programs have no other authority to waive state laws. He suggested the committee identify state laws not allowed by charter schools that proponents of tribal compacting are looking to engage in. It is potentially feasible to provide explicit authority to the charter school program. If state laws needed to be waived, they would need to be specifically addressed.

[9:46:28 AM](#)

SENATOR STEVENS stated the committee seeks to support compacting, and the discussion on charter schools has been valuable. The charter school approach answers some questions from Senator Begich, such as employee rights and school boards. The benefit of this approach would be that new school boards would not need to be created. The Alaska State School Board could potentially be over compact charter schools. He stated his appreciation for the latitude given to SB 34 as it needs to be developed purposefully. It is important to let tribal communities know that the committee is trying to solve the problems associated with compacting. Piggybacking with charter schools could be a reasonable solution.

[9:47:35 AM](#)

SENATOR BEGICH concluded that charter schools would provide a template for tribal compact schools based on the comments in this meeting. Working with AFN and others, charter school law should be examined to identify barriers to tribal immersion learning. It is a demonstration project, not a wholesale education system change. It could lead to a substantial change in the system if it works, just as the charter school program did prove successful and was expanded. He stated that it seems like an approach he would want to follow, although he needs to learn more.

[9:49:11 AM](#)

SENATOR HUGHES stated that exploring charter schools to avoid creating 200 school boards seems like a good idea. She is not familiar with charter school statutes and requested that a presentation be put together on how charter schools operate. She stated her belief that some charter schools have a board in addition to having a local school board. She said part of the tribal school concept is to have the autonomy to create a structure that works best for students. She asked if Alaska's charter school laws would be able to accept leveraged funds as a tribal organization.

[9:50:41 AM](#)

MR. LAMKIN replied that nothing precludes federal funds from passing through local school boards to charter schools. He stated that he has not worked directly with charter schools and is unaware of any inhibition to receiving federal grants.

[9:51:00 AM](#)

MR. KING stated he asked the Bureau of Indian Education (BIE) the same question regarding Title VI schools and will report the answer to the committee after meeting with BIE on Friday.

CHAIR HOLLAND asked if tribal compact schools would require fully certified teachers and whether charter schools require full certification. He stated this might drive the direction SB 34 takes.

[9:51:57 AM](#)

MR. LAMKIN replied that charter schools are public schools subject to the state's certification and licensing process. What will be included in SB 34 has not been determined.

SENATOR STEVENS stated his belief that the next step should be to have the Department of Education and Early Development discuss charter schools and how they might be integrated with tribal compacting. This would help the committee know if the idea could work and whether it would be the best answer for tribal school compacting.

[9:52:39 AM](#)

MS. KITKA stated she would be willing to do a paper that compares charter and compact schools from her viewpoint. She opined that transformative education, innovation, and what will drive it are missing in the conversation. She stated that AFN partnered with First Alaskans Institute to do webinars on the topic. It was done on Facebook Live, and the link can be shared with the committee. The last one was held Friday, and 1,400 people attended. It gave insight into what was on people's minds, for example, that parents are children's first educators and should be kept informed. The meeting was not structured to discuss the pros and cons of tribal compacting. The focus was on transformative education, driving innovation, and obtaining family and community support. People are eager to see compacting move forward. She asked the committee to focus on what is occurring in the state and what transformative education is. Compacting proponents seek explicit authority to go forward with a demonstration project.

[9:55:53 AM](#)

SENATOR STEVENS said that everyone has the same goal and transformative education is extremely important. He asked Ms. Kitka to compare compact versus charter schools as offered and to further look at what changes might be needed. He stated he would ask the commissioner to address what changes charter

schools would require to move forward. He hopes that a resolution will be found.

[9:57:01 AM](#)

CHAIR HOLLAND held SB 34 in committee.

[9:57:16 AM](#)

There being no further business to come before the committee, Chair Holland adjourned the Senate Education Standing Committee meeting at 9:57 a.m.