

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

March 17, 2022

10:04 a.m.

MEMBERS PRESENT

Senator Roger Holland, Chair
Senator Gary Stevens, Vice Chair
Senator Peter Micciche
Senator Tom Begich
Senator Shelley Hughes (via teleconference)

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 34

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

- MOVED CSSB 34(EDC) OUT OF COMMITTEE

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

WITNESS REGISTER

ED KING, Staff
Senator Roger Holland
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the summary of changes from Version A to Version G of SB 34.

BENJAMIN MALLOT, Vice President
Alaska Federation of Natives
Anchorage, Alaska

POSITION STATEMENT: Testified by invitation on SB 34.

TIM LAMKIN, Staff
Senator Gary Stevens
Alaska State Legislature

POSITION STATEMENT: Answered questions on SB 34.

JOEL ISAAK, Tribal Liaison
Department of Education and Early Development
Juneau, Alaska

POSITION STATEMENT: Testified by invitation on SB 34.

ACTION NARRATIVE

[10:04:41 AM](#)

CHAIR ROGER HOLLAND called the Senate Education Standing Committee meeting to order at 10:04 a.m. Present at the call to order were Senators Micciche, Stevens, Begich, Hughes (via teleconference) and Chair Holland.

SB 34-STATE-TRIBAL EDUCATION COMPACT SCHOOLS

[10:05:28 AM](#)

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

CHAIR HOLLAND stated that this is the eighth hearing on SB 34.

[10:05:40 AM](#)

CHAIR HOLLAND noted there was a committee substitute (CS) for the committee to consider.

[10:05:44 AM](#)

SENATOR STEVENS moved to adopt the CS for SB 34, work order 32-LS0309\G, as the working document.

[10:05:56 AM](#)

CHAIR HOLLAND objected for purposes of discussion.

[10:06:03 AM](#)

ED KING, Staff, Senator Roger Holland, Alaska State Legislature, Juneau, Alaska, presented a summary of changes from Version A to Version G of SB 34. He stated that the CS for SB 34, work order 32-LS0309\G, was a complete rewrite because of the complex issues raised in various committee meetings. It directs the involved parties to negotiate terms and submit a report to the legislature of statute changes necessary for its enactment. The CS also outlines a timeline to ensure negotiations occur on pace. The first deadline, December 31, 2022, prescribes that tribes must indicate their desire to participate in the compact. March 31, 2023, prescribes the board to initiate negotiations. January 31, 2024, specifies that parties submit a report of recommended legislation to the legislature to enact the compact. Finally, the legislature must approve the enabling legislation by January 31, 2029.

[10:07:22 AM](#)

SENATOR BEGICH stated he had three questions. He asked what would happen if the legislature did not approve the legislation by 2029.

[10:07:30 AM](#)

MR. KING replied that the temporary law would expire unused.

[10:07:34 AM](#)

SENATOR BEGICH asked whether elected school boards have the authority to negotiate. He questioned whether legislation was

necessary for tribal compacting to occur. He wondered if, legally, anything prevents a locally elected school board from entering into an agreement with a tribe.

[10:08:13 AM](#)

MR. KING replied that a school board could negotiate with a tribe through the charter school program. However, the legislature would need to act if there were issues in state law preventing a tribal compact school from fully accomplishing its mission. Committee discussions have been very complex, and too little time remains in the legislative session to complete complex negotiations. Furthermore, it could be argued that the tribes, and DEED are better situated to negotiate which statutes need to be changed, which is why the Board of Education was given direction to negotiate the terms and take those to the legislature. He stated that the question of whether compacting could be done at the state level is appropriate. SB 34 is uncodified law. It is a legislative affirmation that provides guidance and support to DEED.

[10:09:36 AM](#)

SENATOR BEGICH opined that the legislature is the right place to set policy, and members should not forego their responsibility to focus on tribal compacting and making it a success. He said the committee is postponing the legislation to next year. He is willing to move the bill out of committee but believes nothing has been done.

[10:10:26 AM](#)

CHAIR HOLLAND interjected that there were eight meetings on tribal compacting, and each meeting presented new unresolved issues. He stated it was uncertain that SB 34 could progress by the end of the session but added that he was willing to work on it again in 2023. He stated that the Alaska Federation of Natives (AFN) considered the changes to SB 34 as a way to make immediate progress.

[10:11:05 AM](#)

SENATOR STEVENS said that tribal compacting started as one of the requirements of the Alaska Education Challenge. It is a transformative change and, therefore, very complex. He is disappointed that a stronger statement was not made about its importance and need. The committee's plans were ambitious but unattainable. He opined that SB 34 is not the answer but is a baby step in addressing the problem. He thanked AFN and everyone involved for the attention the issue received.

[10:12:45 AM](#)

CHAIR HOLLAND noted he received a letter of support from Alaska Federation of Natives President Julia Kitka.

[10:13:02 AM](#)

CHAIR HOLLAND removed his objection. He found no further objection and CSSB 34 was adopted.

[10:13:23 AM](#)

BENJAMIN MALLOTT, Vice President, Alaska Federation of Natives, Anchorage, Alaska, thanked committee members for their hard work on SB 34 because it is a very complex issue. AFN supports the changes to SB 34 and looks forward to the next steps in tribal compacting.

[10:14:59 AM](#)

SENATOR HUGHES asked if AFN agreed to the change of five projects in five years. She wondered if the time allotted was adequate.

[10:15:29 AM](#)

MR. MALLOTT deferred the question to Chair Holland.

[10:15:35 AM](#)

CHAIR HOLLAND replied that the time was discussed and negotiated with President Kitka.

[10:15:47 AM](#)

SENATOR HUGHES said she recalled a meeting where the number of demonstration projects had been higher and is glad an agreeable number was determined.

[10:16:07 AM](#)

SENATOR STEVENS suggested Mr. Lamkin might have input regarding the number of demonstration projects.

[10:16:23 AM](#)

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, said that in the context of approaching tribal compacting as a charter school model, the history of charter schools in the late 1990s began with a cap. In a meeting with President Kitka, the agreement was to start small and scale up over time.

[10:17:17 AM](#)

JOEL ISAAK, Project Coordinator, Department of Education and Early Development, Kenai, Alaska, said tribal compacting is

complex but can be expressed simply as a living relationship. He compared the development of tribal compacting to the growth of a child. Decisions and adjustments are made as the child grows. He opined that SB 34 as a concept is complex but is simplified when seen as a process. The negotiation process in SB 34 allows the involvement of tribal leadership through upfront conversation, which is critical to success. Tribal involvement under the confines of the State Board of Education and the legislature is the first step to successful tribal compacting. Parties working together will bring well-crafted plans before the legislature for questioning. He stated that the time frame is adequate. SB 34 provides clarity to the tribes regarding what will be expected and what will be received.

10:20:46 AM

SENATOR BEGICH said many legislators incorrectly thought SB 34 would not move forward from last year, which would have been a mistake because it is important to be moving forward constantly. The committee had many meetings negotiating SB 34. He understands that tribal compacting will be an ongoing process and that a proposal will be brought before the legislature next year. He asked Mr. Isaac to describe what would happen if a proposal was made and the legislature pushed back. He said he wants to take advantage of an opportunity to help the indigenous population move forward.

10:22:47 AM

MR. ISAAK said that there is always a risk when looking to the future. However, SB 34 provides for legislative involvement in educational tribal compacting throughout the development process to ensure accountability and resolve potential issues before they become problems. He further described participation from the public and the State Board of Education. He stated that when tribal governments have been at the helm of solving rural or statewide issues, they have been able to do so without sacrificing tribal identities. He would expect to see the same with educational tribal compacting. Preparation to move forward would be determined partly by the reality of a tribe's capacity, location, and readiness. SB 34 is a small first step in a long tribal compacting process, which helps bring people along. There is a critical mass that cannot move yet. SB 34 signals to the tribes that Alaska wants to proceed, so they will begin to align available resources such as federal funding and community members.

10:26:10 AM

SENATOR BEGICH opined that involving the education department in the negotiation process would be critical if tribal compacting had broad inclusion. A successful outcome will be more likely if the legislative body making the decision has a level of expertise. There are 229 tribes in Alaska. He encouraged inclusion to avoid pushback. The more knowledge the various bodies have, the better it will be for tribal compacting.

[10:27:30 AM](#)

MR. ISAAC said that inclusion highlights the reason for the high level of success in Indian health service tribal compacting. He described how transparency and inclusion create efficiency. The goal of educational compacting is to be inclusive. Some tribes are not ready to compact but want to witness and provide input for when they become ready. Therefore, inclusion is critical.

[10:30:35 AM](#)

SENATOR HUGHES said the State Board of Education launched the Alaska Education Challenge in 2017, inspiring tribal and community ownership of education excellence. That was five years ago. She said Mr. Isaac mentioned five years for the compact to evolve and it being hard to know the future. There is a sense that tribal compacting will be good for students. She opined that a timeline and vision for readiness would be helpful and asked for his opinion on whether demonstration school doors would open in Fall 2024 or 2025 if the legislature took action in January 2024.

[10:32:20 AM](#)

CHAIR HOLLAND commented that the dates in SB 34 are deadlines; it might be possible to move faster.

[10:32:26 AM](#)

MR. ISAAK replied that two years is a quick timeframe but also a very realistic timeframe for a new school to come online. The Knik charter school partnered with the state through a federal grant and was operational in two years. Mr. Isaac said that he provides consultation and support to the tribes. He stated his belief that two years was a realistic and proven timeframe for a demonstration school to open its doors. SB 34 signals tribes to be ready and allows two years for the process, which is an achievable goal.

[10:34:24 AM](#)

SENATOR STEVENS stated that SB 34 addresses an important issue identified through the Alaska Education Challenge. Tribal compacting was so complex that it was difficult to move forward

as initially anticipated. He stated that he appreciated Senator Begich's question about whether districts could organize without the legislature. However, to see the bigger picture, everyone had to be brought together to determine if tribal compacting could work and, if so, how it would work. He opined that school boards could not accomplish the task in the same way as a statewide focus. SB 34 is a baby step. He looks forward to the process and success of tribal compacting in the future.

[10:35:41 AM](#)

CHAIR HOLLAND stated there were no further comments or amendments.

[10:35:52 AM](#)

CHAIR HOLLAND solicited a motion.

[10:35:55 AM](#)

SENATOR STEVENS moved to report CSSB 34, work order 32-LS0309\G, from committee with individual recommendations and attached fiscal note(s).

[10:36:10 AM](#)

CHAIR HOLLAND found no objection and CSSB 34(EDC) was reported from the Senate Education Standing Committee.

[10:36:48 AM](#)

There being no further business to come before the committee, Chair Holland adjourned the Senate Education Standing Committee meeting at 10:36 a.m.