

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS
Anchorage, Alaska
November 6, 2023
10:04 a.m.

MEMBERS PRESENT

Representative CJ McCormick, Chair
Representative Ben Carpenter (via teleconference)
Representative Sarah Vance (via teleconference)
Representative Jamie Allard (via teleconference)
Representative Maxine Dibert (via teleconference)
Representative Jennie Armstrong (via teleconference)

MEMBERS ABSENT

Representative Josiah Patkotak

OTHER LEGISLATORS PRESENT

Representative Bryce Edgmon (via teleconference)
Representative Andy Josephson
Representative Donna Mears
Representative Rebecca Himschoot (via teleconference)

COMMITTEE CALENDAR

PRESENTATION: TRIBAL COMPACTING

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

JOEL ISAAK, Director
Tribal Affairs
Department of Education and Early Development
Kenai, Alaska

POSITION STATEMENT: Provided a PowerPoint presentation, titled "State Tribal Education Compact."

DEENA BISHOP, Commissioner
Department of Education and Early Development

Juneau, Alaska

POSITION STATEMENT: Answered questions during the presentation on Tribal compacting.

ACTION NARRATIVE

[10:04:35 AM](#)

CHAIR CJ MCCORMICK called the House Special Committee on Tribal Affairs meeting to order at 10:04 a.m. Representatives Dibert, Allard, Vance, Carpenter, Armstrong, and McCormick were present at the call to order.

PRESENTATION: Tribal Compacting

[10:05:43 AM](#)

CHAIR MCCORMICK announced that the only order of business would be a presentation on education Tribal compacting.

[10:07:02 AM](#)

JOEL ISAAK, Director, Tribal Affairs, Department of Education and Early Development (DEED), provided a PowerPoint presentation, titled "State Tribal Education Compact Update," [hard copy included in the committee packet]. He began on slide 2, which related DEED's mission, vision and purpose. He stated that the presentation would address how Tribal compacting would meet this mission. He pointed out that compacting is a mechanism of joining Tribes with the state to carry out education.

MR. ISAAK moved to slide 3, which addressed Alaska's Education Challenge. The challenge represents the Board of Education's strategic priorities for DEED. He pointed out the five priorities listed on the slide, stating that compacting is often anchored in priority number three and priority number five. He stated that priority three would close the achievement gap by ensuring equitable educational rigor and resources, while priority five would improve the safety and well-being of students through school partnerships with families, communities, and tribes.

[10:11:11 AM](#)

MR. ISAAK continued to slide 4, which laid out the [Tribal education compacting] agenda per Senate Bill 34 [passed during

the Thirty-Second Alaska State Legislature]. He moved to slide 5 and stated that the presentation would review the legislative progress and various state resources. He moved to slide 5 and stated that Senate Bill 34 began the demonstration phase for compacting. Next in the process will be initiating a pilot program for actively operating a school using compacting. He pointed out that the laws needed for this are currently being decided. He noted that slide 4 displayed the five topics that the bill laid out for this work. He stated that this work would culminate in a legislative report, which is due by the end of January 24, 2024.

MR. ISAAK moved to slides 6 and explained that compacting is a government-to-government agreement, so this involves the state and Tribal governments forming a shared agreement to carry out education for public and Tribal citizens. He pointed out that the Indian Self Determination and Education Assistance Act (ISDEAA) grants this compacting. He moved to slide 7 and noted that the Indian Health Services (IHS) is a form of compacting supported through the federal government, while the Child Welfare Service is a state-Tribal compact. He stated that these both have block funding, while education compacting would not.

MR. ISAAK continued to slide 8 and explained that compacting in education would be adding Tribes as partners with the state in the state education system. He summarized this, stating that the role of the Tribes would be educating students in the classroom, while the state's role would be funding and establishing the system. He moved to slide 9 and slide 10, explaining the process of Tribe selection. He listed the six criteria needed by a Tribe, and this includes a clear vision in the understanding of what is necessary in carrying out educational services.

[10:23:12 AM](#)

MR. ISAAK, in response to a committee question concerning the difference between educational compacting and a charter school, stated that charter schools do not have the local governance like Tribes would have with compacting. He added that charter schools would be under the local school district, and the Tribal schools would not have this intermediary. Other differences concern teacher certification, staff employment, and curriculum. He responded that compacting would be similar to a school district, but not duplicative, as a Tribe is a government while a school district is not. In response to a follow-up question, he stated that educational compacting would be more like a

single site school district. He added that there would be the ability for Tribes to work together if they so choose.

[10:29:29 AM](#)

DEENA BISHOP, PhD, Commissioner, Department of Education and Early Development, in response to a committee question, stated that she has read HB 165 concerning charter schools. In response to a follow-up question, she stated that compacting is transformational, as the responsibility for the education would reside with the Tribe. She stated that there have been some ideas concerning changes in statute to allow more flexibility [for school choice]. She suggested that this flexibility could transform the education system in the state. She suggested that the work on compacting could provide an opportunity for more choice in education.

MR. ISAAK, in response to a committee question, stated that each agreement would be between an individual Tribe and the state. He added that currently a "master agreement" is being created, with each Tribe having their own curriculum selection and other flexibilities, while meeting the statutory requirements created by the legislature. He noted that the Tribes would not be required to bank together but could do so on a voluntary basis. In response to a follow-up question, he confirmed that each Tribe would be able to adjust its curriculum to meet the needs of its students and the individual cultures.

[10:34:47 AM](#)

MR. ISAAK continued to slide 11 and listed the five Tribes that have currently been chosen for compacting, as follows: the Central Council Tlingit and Haida Tribes of Alaska, Inupiat Community of the Arctic Slope, Ketchikan Indian Community, King Island Native Community and the Village of Solomon, and the Knik Tribe. He further discussed the mission of each of these Tribes, as seen on slide 12 through slide 16. He stated that the application for each of these Tribes can be found on DEED's website.

MR. ISAAK moved to slide 17 and gave an overview of the timeline for the negotiation schedule. He noted the agenda dates, as seen on the slide. He moved to slide 18 and gave an overview of the district and teacher's union consultation schedule. He noted the agenda dates, as seen on the slide. He stated that the idea would be to transform the existing system, not duplicating it. He discussed the importance of partnerships in

setting up the compacting. He added that setting up Tribes like school districts would allow partnerships to exist more easily with school districts, and this would allow for a more efficient use of funds as well. He explained that because Tribes are governments, they are more flexible, allowing more opportunities, such as paying for specialty teacher training.

[10:43:38 AM](#)

MR. ISAAK, in response to a committee question, answered that these schools would be public schools open to all students, not just Tribal members. He noted that culture is a key piece to Tribal mission statements, as seen on the previous slides. He added that children would not be required to go to these schools. In response to a follow-up question concerning competition among schools, he stated that there have been conversations about cooperating with such things as transportation and administrative services, as the Tribal schools would share with these expenses. He also mentioned the resources for special education as an example. This is a federally mandated program, he said, so a partnership between school districts and Tribal schools would allow the pooling of resources to better meet the needs of the students. He pointed out that this could also work by sharing buildings. He stated that some may use the word "competitive" or the term "school choice," but the point is to give more options to students.

MR. ISAAK, in response to a committee question concerning the application process for Tribes, reiterated that DEED put out a grant application process. He referred back to slide 9 and slide 10 and discussed the criteria used to select the Tribes. He remarked that DEED has recognized this as a core piece of the Alaska Education Challenge, and DEED is providing the funds necessary to do this work. He pointed out that each of the five Tribes selected have been awarded a grant.

MR. ISAAK, in response to a committee question, stated that five Tribes chose to apply out of the 229 in the state, and each had strong applications. He stated that DEED was required to choose up to five applicants, and all five of these Tribes qualified.

[It was acknowledged by the committee that charter schools are public schools as well.]

[10:55:46 AM](#)

MR. ISAAK continued to slide 19 and gave a brief overview of the report drafting timeline. He noted that there would be a public comment period, and at this time the Tribes would be consulted with any amendments. After this the final report would go to DEED. He noted the dates on the timeline, as seen on the slide. He stated that the full comprehensive report is almost finalized. He reiterated that the public has been given multiple opportunities to make comments.

MR. ISAAK moved to slide 20 and gave a summary of the information that would be included in the legislative report. He reiterated DEED's educational challenge, which includes the word "transforming." He stated that transformation would enable Tribes to carry out this ownership of education using the current system. He stated that the concept of transformation, along with what's best for students, has been guiding the process. On slide 21, he noted the current version of the legislative report's table of contents. He noted that the legislative report is subject to change because it is under active negotiation. He highlighted each of the five sections of the report. He suggested that reading the conclusion of the report first would help understand its goal. Considering transformation on slide 22, he addressed institutional change.

[11:04:41 AM](#)

MR. ISAAK moved from slide 23 to slide 32 and reviewed each of the five sections of the report in detail. On slide 23, titled "Report Section 2: STEC Agreement Outline," he pointed out some of the pieces that would be in the compact. He noted that there are also subsections not listed under "School Operations," as this is only a snapshot of the progress of the report.

COMMISSIONER BISHOP noted that the titles and content listed on the slide come directly from statute.

MR. ISAAK moved to slide 24, which continued from slide 23 reviewing the agreement outline. He noted that this process would be the same for charter schools and Regional Educational Attendance Areas (REAAs), as it would follow the same statutes. He moved to slide 25 and slide 26 and continued with the outline of the agreement.

MR. ISAAK moved to slide 27 and slide 28, titled "Report Section 3: Statutory Framework Topics." He stated that these are the topics for consideration for future legislation. He noted that "STEC" stands for "state-Tribal education compacts." He moved

from slide 29 through slide 31, titled "Report Section 4: Findings." He reiterated that the report is in a draft format, so the final would be slightly different. By addressing the topic of assessment, he pointed out the outline of how internal tracking would be done, as this would lead to a proposal. He stated that these slides are showing snapshots of the process with the documents that have been passed between DEED and the Tribes.

MR. ISAAK moved to slide 32, titled "Report Section 5: Conclusion." He noted that this would be the review of the pilot that is being worked towards. He reiterated that the goal of the report is to demonstrate how a pilot would add transformation and action for educational compacting. Concerning this, he reviewed the premise, mechanism, operation, accountability, and evaluation of the pilot. He summarized that transformation for compacting would look at the funding mechanism going directly from the state to the Tribe, the local Tribal governance, and the teacher training. He added that this training would reflect the Tribes' missions, as seen earlier in the presentation.

[11:22:11 AM](#)

MR. ISAAK, in response to a committee question concerning the funding mechanism, stated that Tribes do not currently have taxing authority, as REAAs do not have this either. He stated that local contributions, such as a match with property taxes, would not be required for STEC because the Tribes do not have the taxing authority. He expressed the understanding that STEC funding sources would be from the state and federal governments, mirroring REAA funding. He added that local boroughs could also contribute funding to STEC schools, but they are not required to.

COMMISSIONER BISHOP stated that if a local government were to contribute to STEC funding, it would negotiate this with the Tribal government.

MR. ISAAK, in response to a follow-up question concerning why a school district would offer funding to a STEC school, reiterated that local boroughs would not be required to give "a donation" to a STEC school. He continued that school districts would not be required to give their local contribution dollars to a STEC school.

COMMISSIONER BISHOP, in response to a follow-up question concerning the local school enrollment count going down because of STEC school choice, discussed opportunity costs, as STEC schools would provide a choice.

[11:32:50 AM](#)

MR. ISAAK, in response to a committee question concerning the federal funding from the Bureau of Indian Affairs (BIA), stated that there is a legal block in Alaska that stops Tribes from receiving BIA funding for day-to-day school operations. He added that the block is federal and can only be changed by the U.S. Congress. In response to a follow-up question, he further explained why this funding is blocked in Alaska.

[11:38:11 AM](#)

MR. ISAAK moved to slide 33 and commented on the resources which could help committee members understand Senate Bill 34. He noted that the slide shows a screen shot of the link on DEED's website, and he explained how to navigate it. He noted that slide 34 provides a link to purview the work the Cook Inlet Tribal Council has done on Tribal compacting in schools. He expressed the importance of understanding where DEED and the Tribes are coming from. He stated that compacting started with the recognition that there needs to be systemic change to increase the opportunity for student success. He stated that compacting would be an additive approach by bringing partners together, especially for those who are not currently part of the process. He reiterated that this is capable because Tribes have their own governments. He concluded that compacting is not meant to be punitive by taking away something from other people.

[11:43:17 AM](#)

MR. ISAAK, in response to a committee question concerning Tribal responsibility, stated that he is referring to the governmental obligation Tribes have to their citizens. Concerning the funding, he stated that this topic will need to be further investigated. In order to answer this question, he said he would need to have case law for references.

[11:46:46 AM](#)

MR. ISAAK, in conclusion, showed the video from the Cook Inlet Tribal Council, titled "Our Future Ancestors: A Story of Education in Alaska."

MR. ISAAK commented on the video, which addressed why Tribal compacting is needed. He thanked the educators in the state and the legislators. He pointed out the contact information on slide 35 and slide 36.

[12:01:49 PM](#)

CHAIR MCCORMICK thanked the presenters.

REPRESENTATIVE DIBERT made closing comments in support of Tribal compacting.

CHAIR MCCORMICK made closing comments in support of Tribal compacting.

[12:06:07 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 12:06 p.m.