

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

February 12, 2024

3:31 p.m.

MEMBERS PRESENT

Representative CJ McCormick, Chair
Representative Ben Carpenter
Representative Sarah Vance
Representative Thomas Baker
Representative Jamie Allard
Representative Maxine Dibert

MEMBERS ABSENT

Representative Ashley Carrick

COMMITTEE CALENDAR

PRESENTATION(S): STATE-TRIBAL EDUCATION COMPACT SCHOOLS

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

JOEL ISAAK, Deputy Commissioner
Office of the Commissioner
Department of Education and Early Development
Juneau, Alaska

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

ACTION NARRATIVE

[3:31:38 PM](#)

CHAIR CJ MCCORMICK called the House Special Committee on Tribal Affairs meeting to order at 3:31 p.m. Representatives Carpenter, Vance, Baker, Dibert and McCormick were present at the call to order. Representative Allard arrived as the meeting was in progress.

PRESENTATION(S) : STATE-TRIBAL EDUCATION COMPACT SCHOOLS

3:32:21 PM

CHAIR MCCORMICK announced that the only order of business would be the State-Tribal Education Compact Schools presentation.

3:33:03 PM

JOEL ISAAK, Deputy Commissioner, Office of the Commissioner, 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, titled "Mission, Vision, And Purpose," which read as follows [original punctuation provided]:

Mission

An excellent education for every student every day.

Vision

All students will succeed in their education and work, shape worthwhile and satisfying lives for themselves, exemplify the best values of society, and be effective in improving the character and quality of the world about them. - Alaska Statute 14.03.015

Purpose

DEED exists to provide information, resources, and leadership to support an excellent education for every student every day.

3:34:36 PM

DEPUTY COMMISSIONER ISAAK moved to slide 3, titled "Strategic Priorities: Alaska's Education Challenge," which read as follows [original punctuation provided]:

Five Shared Priorities:

1. Support all students to read at grade level by the end of third grade.
2. Increase career, technical, and culturally relevant education to meet student and workforce needs.
3. Close the achievement gap by ensuring equitable educational rigor and resources.
4. Prepare, attract, and retain effective education professionals.

5. Improve the safety and well-being of students through school partnerships with families, communities, and tribes.

DEPUTY COMMISSIONER ISAAK said that Alaska's Education Challenge created the guiding priorities for the department. Tribal education compacting aligns with all five priorities.

DEPUTY COMMISSIONER ISAAK briefly discussed the outline of the presentation on slide 4, titled "Agenda," which read as follows [original punctuation provided]:

Senate Bill (SB) 34

- Timeline
- Legislative Report Overview
- Findings
- State Tribal Education Compact (STEC) Agreement Outline
- Transformation in Action: Statutory Framework
- Conclusion
- Alaska Federation of Natives (AFN) Resources
- Cook Inlet Tribal Council (CITC) Resources

[3:35:59 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 5, titled "Senate Bill 34," which read as follows [original punctuation provided]:

- State Tribe Negotiation
- State Board
- District Consultation
- Teacher Union Consultation
- Report to the Legislature

DEPUTY COMMISSIONER ISAAK said that Senate Bill 34 [passed during the Thirty-Second Alaska State Legislature] was signed into law and outlined a process for education compacting.

[3:36:26 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 6, titled "SB 34: Compacting in Education," which read as follows [original punctuation provided]:

What is Compacting?

- Government to Government Agreement
- Tribes as Political Subdivision

- Self-Determination
- Indian Self Determination and Education Assistance Act

[3:37:15 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 7, titled "SB 34: Compacting in Education," which read as follows [original punctuation provided]:

How is compacting different in Education than Indian Health Service Federal-Tribal or Child Welfare Service State-Tribal Compact?
Whole System Approach, Not Selected Services
Funding Mechanism as a Formula, Not a Block of Funding

DEPUTY COMMISSIONER ISAAK said that both the Indian Health Service and the Child Welfare Service Compact function as a negotiation of services. There tends to be a large block of funding that can be spent in different ways. Education involves a foundation formula with district cost factors.

[3:38:53 PM](#)

REPRESENTATIVE ALLARD noted that she is in favor of compacting.

[3:39:44 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 8, titled "Compacting in Education," which read as follows [original punctuation provided]:

What does compacting look like in education?

State Role:
Funding
Accountable to the Legislature
Due process
State Board

Tribe Role:
Operation of STEC schools
Employing Staff
Curriculum
Local Governance
Training Staff

DEPUTY COMMISSIONER ISAAK said that compacting is a partnership. The state role, under the State Board of Education, is accountable to the legislature and involves due process and funding. The tribal role involves the operation of State Tribal Education Compact (STEC) schools through local governance, employing and training staff, and creating curriculum.

[3:40:41 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 9, titled "SB 34: Tribal Partners; Request for Applications Selection Criteria," which read as follows [original punctuation provided]:

Centering Tribal Voice
Tribal Community and Tribal Administrative Support
Transformational Design
Demonstrates Capacity to Carry out the Work

DEPUTY COMMISSIONER ISAAK described the headers for the rubric that the board used to evaluate tribal partners for receiving grant funds.

[3:41:19 PM](#)

DEPUTY COMMISSIONER ISAAK showed slide 10, titled "SB 34: Tribal Partners; Request for Applications Selection Criteria," which read as follows [original punctuation provided]:

Presents strong expertise and understanding of what is necessary to carry out educational services within the Prekindergarten-12 arena, including:

1. Program design
2. Leaderships/governance
3. Administration

Diverse Representation Priority

1. Geographic diversity
2. Methodology
3. School size
4. Community size

DEPUTY COMMISSIONER ISAAK discussed that a negotiation is underway to create a legislative report to determine what is necessary to enact to make compacting a reality.

[3:42:28 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 11, titled "SB 34: Tribal Partners," which listed five tribal partnerships, including Inupiat Community of the Arctic Slope, Central Council Tlingit and Haida, Ketchikan Indian Community, Knik Tribe, and King Island Native Community, which offer representation of tribes throughout the state.

[3:42:58 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 12, titled "SB 34: Tribal Partners; Mission Central Council Tlingit & Haida Tribes of Alaska," which read as follows [original punctuation provided]:

Tlingit & Haida seeks to protect and further the Lingít language and way of life through a comprehensive Early Education program that incorporates the Tribe's Lingít immersion language nest Haa Yoo X'atángi Kúdi (HYXK), Little Eagles and Ravens Nest (LEARN), and the Tribe's Juneau Head Start Program. The mission for the proposed Early Education program is to provide integrated language and culture education to tribal children of all ages so that they may carry forward their heritage in their lives and for future generations.

DEPUTY COMMISSIONER ISAAK noted a key focus on language and culture in each of the mission statements from the five tribal partners.

[3:43:25 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 13, titled "SB 34: Tribal Partners; Mission Inupiat Community of the Arctic Slope," which read as follows [original punctuation provided]:

To provide access to quality education based in the Inupiaq language and culture that prepares students to lead, thrive, and influence their local communities, the North Slope and broader society.

[3:43:43 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 14, titled "SB 34: Tribal Partners; Mission Ketchikan Indian Community," which read as follows [original punctuation provided]:

We empower, enhance, and inspire our children's academic success, while honoring our cultural heritage and traditions.

[3:43:56 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 15, titled "SB 34: Tribal Partners; Mission King Island Native Community," which read as follows [original punctuation provided]:

Revive and restore our Inuit language and culture for the strength of our people.

King Island Native Community Mission Statement:

Ugiuvaṅmiut shall encourage positive change while preserving our cultural heritage, language, and values for future generations with perseverance and self-governance.

Village of Solomon Mission Statement:

To increase cultural awareness and promote the wellbeing of our tribal members while protecting our environment.

[3:44:22 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 16, titled "SB 34: Tribal Partners; Knik Tribe," which read as follows [original punctuation provided]:

Our children and youth receive a world-class education through exceptional Alaska Native culture and values-based learning opportunities preparing them for success in their future endeavors.

Tribal Mission Statement:

To promote successful self-determination and cultural awareness for our members our community through better living conditions, education, wellness, and hard work.

DEPUTY COMMISSIONER ISAAK noted that all mission statements and further information about the tribes can be found on the department's website.

[3:44:45 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 17, titled "Timeline Negotiation Schedule," which read as follows [original punctuation provided]:

- April 28 *Virtual Kick off Zoom
- May 1
- June 23
- August 2
- September 12
- October 13
- November 17
- December 5

DEPUTY COMMISSIONER ISAAK mentioned that tribal partners were selected in March 2022. Over the course of these meetings, negotiations took place to determine what was needed for education compacting.

[3:46:08 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 18, titled "Timeline District and Teacher Union Consultation Schedule," which read as follows [original punctuation provided]:

October 6 and 9 DEED - District Superintendent and Business Manager Meetings

October - November Tribal Partner - DEED - School Districts

November Tribal Partner - DEED - National Education Association Alaska

*November 10 Association of Alaska School Boards Conference

*December 6 Alaska Association of School Business Officials

DEPUTY COMMISSIONER ISAAK emphasized that leaving behind the traditional way of running a school wasn't the department's aim. He said the consultation process sought to determine how new

tribally compacted schools can work together with existing schools.

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REPRESENTATIVE CARPENTER asked if the tribal compact schools fall into an existing school district.

DEPUTY COMMISSIONER ISAAK said the model is a new type of school district that allows funding to flow the same way it does to other school districts. The reporting structure and financial audits are the same under the state board. This allows for tribal sovereignty to have its role in education, while still being a public school.

REPRESENTATIVE ALLARD asked if rural communities have more of a say through the tribal compact process. She asked if immersion schools will be involved and made note of endangered Native languages.

[3:49:49 PM](#)

DEPUTY COMMISSIONER ISAAK responded that the mission statements show that language is a driving force behind self-governance. Immersion programs are looking at younger grade levels to begin immersion. He noted the many benefits of being multilingual in terms of cognitive development. He said STEC school would be public with open enrollment. Immersion opportunities would depend on the capacity of the language in the area. The aim is for a locally controlled tailored opportunity like Hawaiian immersion programs.

REPRESENTATIVE ALLARD asked about state oversight.

DEPUTY COMMISSIONER ISAAK referred to the report which outlines what jurisdiction the state has concerning tribally compacting schools.

REPRESENTATIVE ALLARD asked if education tribal compacting is constitutional.

DEPUTY COMMISSIONER ISAAK said the tribally compacted schools need to abide by constitutional rules. He noted that financial audits, federal and state assessment requirements, and due process hearings are in the compact agreement. Compacted schools can make reports to the legislature with a tribal voice.

REPRESENTATIVE ALLARD thanked Deputy Commissioner Isaak.

REPRESENTATIVE VANCE expressed how impressed she was. She referred to slide 10 and asked if "leadership and governance" referred to the school board.

[3:56:09 PM](#)

DEPUTY COMMISSIONER ISAAK answered that grant application criteria require governance and leadership and in the case of education tribal compacting, the tribe would have an education committee to fulfill the governance piece and utilize school leadership through principals, superintendents, and teachers to fulfill the leadership piece.

REPRESENTATIVE VANCE asked about the five tribes that are participating.

DEPUTY COMMISSIONER ISAAK said there was a request from the legislature to provide a pilot program for up to five tribes. He noted that the King Island Native Community and Village of Solomon joined forces to create a partnership.

REPRESENTATIVE VANCE asked about the tribal district and whether the state would fund through the formula. She also asked whether the tribal districts could utilize federal funding.

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DEPUTY COMMISSIONER ISAAK answered that through the foundation formula, pilot programs would be funded like a Regional Education Attendance Area (REAA), and therefore not be required to provide a local contribution. If a Tribe chose to utilize other funding for a school, it would be treated as a donation. Tribes in Alaska are not allowed, per the "Steven's Rider," to use U.S. Bureau of Indian Affairs (BIA) dollars for Bureau of Indian Education funding. There is not a pot of Native money that can be used for public schools. He noted that Washington State has BIA funding, local funding, and state funding.

[4:00:54 PM](#)

REPRESENTATIVE VANCE said there may need to be a solution to funding source issues.

REPRESENTATIVE CARPENTER reiterated that if tribal compact schools receive money from other entities, it would be

considered a donation. He asked what types of organizations would possibly donate.

DEPUTY COMMISSIONER ISAAK responded that corporate entities, like oil companies, mines, regional corporations, nonprofits, and other groups may provide donations. The ANCSA village corporation donates to public schools and would be allowed to donate to TCPSSs, as well.

REPRESENTATIVE CARPENTER asked if nonprofit organizations receiving state funds could contribute to TCPSSs.

DEPUTY COMMISSIONER ISAAK answered that use of funding is determined on a case-by-case basis. He noted that if a state-funded nonprofit is currently donating to a public school, then it would be able to donate to a TCPS because they are set up in the same manner as a regular school district. He said there are two areas of tax law that are noted in the report that describe eligible donations.

REPRESENTATIVE BAKER exemplified the Northwest Arctic Native Association (NANA) Regional Corporation that funded kindergarten in Kotzebue and a youth leadership program funded by the company that runs Red Dog Mine.

[4:05:01 PM](#)

DEPUTY COMMISSIONER ISAAK returned to the PowerPoint, to slide 19, titled "Transforming Education: To Inspire Tribal and Community Ownership of Educational Excellence," and said that there is a comprehensive transformational approach to a student-focused education program.

[4:06:05 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 20, titled "Legislative Report Overview," which read as follows [original punctuation provided]:

- Table of Contents
- Foreword
- Section 1: Introduction
- Section 2: Findings
- Section 3: Draft Compact Agreement
- Section 4: Statutory Framework
- Section 5: Conclusion Appendix

DEPUTY COMMISSIONER ISAAK noted that the report can be found on the department's website on the compacting page along with the applications from the five tribal partners.

[4:06:29 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 21, titled "Section 1: Introduction Tribal and Community Ownership of Educational Excellence," which read as follows [original punctuation provided]:

"We have educated our children for millennia. This is not something new to us. We have taught them to not know the fundamentals of how to make a living, but we also instill them with the spirit to be Inuit. Our children should succeed not in spite of the system, but because of it."

Melanie Bahnke President
Kawerak Inc.

[4:06:56 PM](#)

DEPUTY COMMISSIONER ISAAK moved slide 22, titled "Report Section 1: Introduction," which read as follows [original punctuation provided]:

Transformation

This legislative report aims to provide a practical plan that positions the Tribally Compacted Public Schools (TCPS) for success. This report has five sections: the introduction, findings, a draft compact agreement, proposed statutory framework changes, and a conclusion.

[4:07:22 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 23, titled "Section 2: Findings," which read as follows [original punctuation provided]:

Considerations for Establishing Pilot Tribally
Compacted Public Schools in Alaska
Qaġnuzikut Saviġnatitkaattiut Our Language is Our
Strength

DEPUTY COMMISSIONER ISAAK moved to slide 24, titled "Report Section 2: Findings," which read as follows [original punctuation provided]:

Findings: Governance

Policy Summary: Tribal Compacted Public Schools (TCPS) would be established through the creation of a Tribal Compacted Public School District (TCPS district). This would allow Tribes a level of local control and self-determination needed to operate TCPS while interfacing within the parameters of Alaska Statute Title 14.

[4:08:11 PM](#)

DEPUTY COMMISSIONER ISAAK directed attention to slide 25, titled "Report Section 2: Findings," which read as follows [original punctuation provided]:

Findings: Funding

Policy Summary: To start the initial pilot Tribal Compacted Public School (TCPS), the Tribes need to have start-up funds. The TCPS would be funded per the foundation formula under AS 14.17.410, using the same student count period, formula multipliers, and considerations as other school districts that do not have a local contribution.

DEPUTY COMMISSIONER ISAAK moved to slide 26, titled "Report Section 2: Findings," which read as follows [original punctuation provided]:

Finding: Teachers and School Personnel

Policy Summary: Tribes may not employ teachers in a Tribal Compacted Public School (TCPS) unless the teacher holds a valid Tribal Compact (TC) teacher certificate. TCPS Tribes are responsible for establishing their own system of training, certifying, and evaluating the staff employed in a TCPS. Tribes are responsible for putting their TC teacher certification credentialing process on file with DEED. DEED will issue licenses to a teacher who demonstrates that they have completed a TC teacher certification program, met the background check requirements under AS 14.20.020(f), and paid the department the required fee. TCPS staff licensed by DEED shall be under the Professional Teaching Practices Commission (PTPC). For these reasons, DEED is requesting updates to PTPC to

incorporate TCPS. TCPS staff are not state employees but are subject to the hiring and employment process established by the TCPS district. Certificated TCPS professionals are eligible to join the Teacher Retirement System (TRS) and Public Employees' Retirement System (PERS) retirement systems but are not required to join.

[4:10:35 PM](#)

REPRESENTATIVE VANCE asked about formula funding and whether the five participants have an estimate of student enrollment.

DEPUTY COMMISSIONER ISAAK said the applications included a projected count of about 500 students who would initially be involved in the pilot program.

REPRESENTATIVE VANCE noted the promising number of students involved in the pilot program.

REPRESENTATIVE BAKER asked if there would be multiple schools run by regional tribes.

DEPUTY COMMISSIONER ISAAK listed the five tribes with estimated student counts. Inupiat Community of the Arctic Slope has 10 students geared towards 9-12 grades. Tlingit and Haida Central Council is planning to start with younger students in Head Start programs. Ketchikan Indian Community has a model school with 20-50 students. Its existing program has a 100 percent graduation rate. Knick Tribe has a charter school with 115 students enrolled and space for 150-180 students. King Island Native Community is focused on K-2 with an immersion program for 30-40 students.

[4:14:39 PM](#)

REPRESENTATIVE CARPENTER asked if there would be new buildings or startup money needed, or if TCPS would utilize existing school buildings.

DEPUTY COMMISSIONER ISAAK answered that building construction start-up capital was not included in the report. It is possible for TCPSs to work with a local school district to create a school-within-a-school model. He noted that collaboration is important. Tribes can also choose to rent or purchase space. A TCPS would be eligible for major maintenance and construction grants because it would be considered a public school district.

[4:17:03 PM](#)

REPRESENTATIVE CARPENTER asked about slide 21 and the use of the term "ownership."

DEPUTY COMMISSIONER ISAAK replied that the tribal ownership piece is currently lacking. There is not currently a mechanism for tribes to provide input to public schools.

REPRESENTATIVE CARPENTER asked, since he isn't Native, whether he falls into the "community" portion of "Tribal and Community Ownership of Educational Excellence."

DEPUTY COMMISSIONER ISAAK affirmed that there is space for Native and non-Native people to collaborate on educational excellence.

REPRESENTATIVE CARPENTER stated his agreement that ownership is critical to excellence.

[4:21:32 PM](#)

REPRESENTATIVE BAKER exemplified the Native Village of Kotzebue, the federally recognized tribe in the community of Kotzebue, which has an education department within it and a funded tribal school in Kotzebue. Local Tribal schools have a community ownership aspect that involves parents in the community who help in the classroom and provide materials. He gave an example of community members sharing knowledge of seal oil.

REPRESENTATIVE CARPENTER asked about slide 8.

DEPUTY COMMISSIONER ISAAK affirmed that the tribal roles listed on slide 8 represent "ownership."

REPRESENTATIVE CARPENTER remarked that it is a novel model.

[4:24:57 PM](#)

REPRESENTATIVE VANCE expressed her excitement. She asked how TCPSS are different from charter schools.

DEPUTY COMMISSIONER ISAAK described the difference between charter schools and TCPSS. He noted that charter schools are still under the local school board and the state Board of Education, whereas TCPSS would be a type of school district.

Another difference is that charters involve a contract agreement that is not at a government-to-government level. Chartering is a contract, compacting involves ownership.

[4:28:42 PM](#)

DEPUTY COMMISSIONER ISAAK returned to the PowerPoint and moved to slide 27, titled "Report Section 3: STEC Agreement Outline," which read as follows [original punctuation provided]:

RECITALS

- I. Title
- II. Authority
- III. Appendices
- IV. Term of Compact
- V. School's Roles and Responsibilities
 - A. Educational Program
 - 1. Content Standards
 - 2. Curriculum
 - 3. Graduation Requirements for High Schools
 - 4. Staff Qualifications
 - 5. Staff Training
 - 6. Student Assessment
 - 7. Second Language Learners
 - 8. Students with Disabilities
 - 9. Supplemental Programs
 - 10. Student Conduct and Discipline
 - 11. Alaska Native Language
 - B. School Operations
 - 1. Public School Status
 - 2. Student Data and Enrollment Reporting
 - 3. Evaluation and Effectiveness Review
 - 4. Nonsectarian Status
 - 5. Non-discrimination
 - 6. Recordkeeping and Auditing
 - 7. Right of inspection
 - 8. Student Welfare and Safety
 - 9. Transportation
 - 10. Cooperation
 - 11. School Calendar
 - 12. Admission and Enrollment
 - 13. School Facilities
 - 14. Accountability for School Performance
 - 15. Ethics

DEPUTY COMMISSIONER ISAAK moved to slide 29, titled "Report Section 3: STEC Agreement Outline," which read as follows [original punctuation provided]:

- C. School Finance
 - 1. Legal and Accounting Compliance
 - 2. Financial Audits
 - 3. Non-Commingling
 - 4. Assets
 - 5. School Funds
 - 6. Location and Access
- VI. DEED's Rights And Responsibilities
 - A. Funding
 - B. Compact Administration
 - 1. Consultation
 - 2. Administration and Application of Compact
 - 3. Inquiries and Investigations
 - 4. Notification of Perceived Concerns
 - 5. Other Legal Obligations
- VII. Compliance
 - A. Compliance
 - B. Breach by the School
 - 1. Violations
 - 2. Corrective Action Plan
 - C. Breach by DEED

DEPUTY COMMISSIONER ISAAK said that a compact is a partnership. He described dispute resolutions, compliance, and insurance. He noted that some of the STEC agreement was based off Indian Health Service compact negotiations.

DEPUTY COMMISSIONER ISAAK moved to slides 30-31, titled "Report Section 3: STEC Agreement Outline," which read as follows [original punctuation provided]:

- VIII. Nonrenewal and Termination
 - A. Nonrenewal
 - 1. Notice
 - 2. Timing of Notice
 - B. Termination
 - 1. Notice
 - 2. Response
 - C. Effect of Nonrenewal or Termination
- IX. Dispute Resolution
 - A. Direct Discussions
 - B. Unsuccessful Direct Discussions

C. Choice of Law

X. Waivers and Liability

- A. Limitation of Liability
- B. Sovereign Immunity of the State
- C. Confidentiality Remedy
- D. IDEA and ADA
- E. Liability Under Compact
 - 1. Insurance
 - 2. Limited Waiver
 - 3. Cooperation and Counterclaims
 - 4. Interpretation
 - 5. Legal Costs and Fees
 - 6. Third - Party Rights
 - 7. Non - Assignment
 - 8. Order of Precedence

XI. General

- A. Merger
- B. Amendments
- C. Governing Law and Enforceability
- D. Severability
- E. Waiver
- F. No Employee or Agency Relationship

XII. Definitions

XIII. Notices

Signatures

[4:32:21 PM](#)

REPRESENTATIVE DIBERT asked about teacher certification requirements and tribal requirements.

DEPUTY COMMISSIONER ISAAK said teacher certification and training requirements would depend on the tribal system.

REPRESENTATIVE DIBERT commented that learning the culture and language of the region is valuable to the youth of Alaska.

REPRESENTATIVE CARPENTER asked about the educational program content standards on slide 28. He mentioned a U.S. Supreme Court decision concerning religious education in schools and an Alaska State Constitutional prohibition against religious

education in schools. He asked about cultural training in STEC schools and commented that culture and religion are intertwined.

DEPUTY COMMISSIONER ISAAC brought up a settled court case and offered to follow up with information about a lawsuit toward the Ketchikan School District. The court ultimately found that the district was not in violation of the constitution.

[4:36:31 PM](#)

DEPUTY COMMISSIONER ISAAC moved to slides 32-37, titled "Considerations for Establishing Pilot Tribally Compacted Public Schools in Alaska," which read as follows [original punctuation provided]:

"Decisions about education are made within our educational institutions, and if we want change and constructive development of education, we need to focus on our educational institutions."

Dennis Demmert Gunkasíxht
Southeastern Conference on Native Education, 1983

Report Section 4: Statutory Framework Topics

Statutory Framework: Governance

- Establishing a STEC school
 - Term of STEC agreement
 - A parent's right to direct the education of the parent's child
 - School term
 - Annual progress reports
 - Education and planning reports
 - School and district accountability
 - Correspondence study program
 - Duties and powers of the department
- Statutory Framework: Governance
- Transfer or sale of assets to tribes
 - State Board of Education (SBOE)
 - Education tribal advisory commission
 - Districts of state public school system
 - Districts - support management and control in general
 - Establishing a TCPS district governing body
 - Powers of a STEC Tribe as related to STEC agreement and TCPS district 33 governing body powers

- Duties of the TCPS district governing body
- School governing body indemnification
- Regional resource center
- Cooperation with other school districts • TCPS governing body association
- Compulsory Education
- Native Language Education
- Alaska Performance Scholarship Statutory Framework: Governance
- Deposit of publication of research data
- Definitions
- Insurance tax education credit and Income tax credit

Statutory Framework: Funding

- Withholding state funds
- Transportation of students
- Construction, rehabilitation, and improvement of schools and education-related facilities
- Bond Reimbursement and Grant Review Committee
- Regional educational attendance area and small municipal school district school fund
- General provisions construction chapter
- Annual audit
- Pilot TCPS development funding
- TCPS pilot fund balance in school operating fund
- District cost factors

DEPUTY COMMISSIONER ISAAK noted that the statutory framework was written in layman's terms. He highlighted the annual progress reports, education and planning reports, State Board of Education, and establishing a TCPS district governing body. He noted Alaska Native language education and credit transfer for students moving around the state. The insurance tax education credit and income tax credit were noted. He mentioned that funding for the pilot TCPS would involve a block grant.

[4:40:50 PM](#)

REPRESENTATIVE DIBERT asked if there is more interest across the state from other tribes.

DEPUTY COMMISSIONER ISAAK said that other tribes have reached out. The pilot program is the focus for now.

[4:42:30 PM](#)

REPRESENTATIVE DIBERT asked if there is a waitlist for the five TCPSs.

DEPUTY COMMISSIONER ISAAK replied that the department is not tracking the waitlist. Currently there are no TCPS schools in operation. Existing tribal school programs would have information about waitlists.

[4:43:24 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slides 36-37, titled "Report Section 4: Statutory Framework Topics," which read as follows [original punctuation provided]:

Statutory Framework: Teachers and School Personnel

- Teacher Certification Requirement
- Recognition of Certification of TC Teachers
- Requirements for Issuance of Certificate
- Statement of Teacher Preparation Program Certification
- Evaluation of Training and Experience
- Employee Contract
- Professional Teaching Practices Commission (PTPC)
- Duties of the Professional Teaching Practices Commission (PTPC)
- Required Training
- Retirement Plan
- Participation by special education services agency employees.
- General provisions construction chapter
- Annual audit
- Pilot TCPS development funding
- TCPS pilot fund balance in school operating fund
- District cost factors

DEPUTY COMMISSIONER ISAAK said that the tribe is responsible for ensuring teachers are trained.

[4:44:35 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 38, titled "Section 5: Conclusion," which read as follows [original punctuation provided]:

"The State of AK supports local control in many ways, including in education. I think Tribal compacting is

the epitome of local control; Tribal compacting has the potential to enhance education delivery."

President Richard Peterson Chalyee Éesh Public Testimony, SB 34, 2022 Central Council of Tlingit and Haida Indian Tribes of Alaska

DEPUTY COMMISSIONER ISAAK referred to a YouTube video shown at a meeting in November. He reminded the committee that 145 years ago public education in Alaska was violent for Alaska Native youth. He expressed his excitement to see what education will look like 145 years from now.

[4:46:04 PM](#)

DEPUTY COMMISSIONER ISAAK moved to slide 39, titled "Report Section 5: Conclusion," which read as follows [original punctuation provided]:

Pilot: Transformation in Action

Premise: Public schools that are open to all students and funded through public dollars.

Mechanism: Government-to-Government agreement (State-Tribe) to establish Tribally Compacted Public School Districts for the purposes of Tribal self-governance and a funding mechanism that integrates with the Department of Education and Early Development.

Operation: Teachers that are certified through a Tribal training process that the Department of Education and Early Development verifies to issue state licenses for Tribally Compacted Public School Teachers.

Accountability: Background checks, audits, and assessments are required. Under the State Board of Education for the purposes of state-wide regulation.

Evaluation: Tribes provide annual progress reports, and DEED provides a summary alongside the Tribal progress report to the legislature.

DEPUTY COMMISSIONER ISAAK said that slide 39 sums up his presentation. He noted a key piece of transformation involves

annual progress reports written by tribes alongside a summary from DEED, which are reported to the legislature.

DEPUTY COMMISSIONER ISAAK noted a hyperlink on slide 41 which describes legal terms on the Alaska Native Federation webpage.

DEPUTY COMMISSIONER ISAAK moved to slide 42, which offered more links to videos about how learning systems can reflect community and culture. He emphasized that tribes and communities can work together. Tribal ownership aims not to exclude anyone. He provided contact information and information about newsletters on slide 43. He thanked the committee.

[4:48:31 PM](#)

REPRESENTATIVE CARPENTER asked if each of the five tribal partners would have its own school to manage or if the district would be created with representation from tribes at district levels.

DEPUTY COMMISSIONER ISAAK responded that each tribe would create its own government structure as a school district.

REPRESENTATIVE CARPENTER asked if each sovereign tribe would have its own school district.

DEPUTY COMMISSIONER ISAAK affirmed that each tribe would have its own school district and governing body. How these schools are housed would depend on collaboration with existing school districts for building space. Each tribe may need to partner with an existing school district depending on availability of facilities.

REPRESENTATIVE CARPENTER sought to understand the community ownership aspect of the TCPS plan. He inquired whether, if a tribal school were created in his district and set up in the local high school, other students in the non TCPS could participate in the TCPS.

DEPUTY COMMISSIONER ISAAK affirmed that there would be a choice of schools in which to enroll.

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REPRESENTATIVE DIBERT thanked Deputy Commissioner Isaak for his presentation and expressed her enthusiasm for the TCPS program. She said her nephew attended a preschool with a Native language

component and had success in learning Athabascan. She mentioned that her grandmother came from Kokrines, Alaska, spoke Koyukon Athabascan, and told stories of her negative experiences of abuse in schools during her childhood. She noted that inviting Native language back into schools would be healing.

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REPRESENTATIVE CARPENTER asked about the time frame.

DEPUTY COMMISSIONER ISAAK answered that the report is publicly available. The governor's law office is involved in the process. The legislature needs to take over to start drafting legislation.

[4:57:23 PM](#)

CHAIR MCCORMICK thanked Deputy Commissioner Isaak and emphasized the large audience watching online. Tribal compacting is of immense value for his constituents, he concluded.

[4:58:23 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 4:58 p.m.