

AMENDMENT # 21

OFFERED IN THE SENATE

BY SENATOR MYERS

TO: SCS CSHB 57(FIN)

1 Page 1, line 1, following "schools;":

2 Insert "**relating to demonstration state-tribal education compacts; relating to**  
3 **demonstration state-tribal education compact schools;**"

4

5 Page 2, following line 14:

6 Insert a new bill section to read:

7 **\*\* Sec. 4.** AS 14.03 is amended by adding new sections to read:

8 **Article 5. Demonstration State-Tribal Education Compacts.**

9 **Sec. 14.03.450. Authorization of demonstration state-tribal education**  
10 **compacts.** (a) The commissioner may enter into demonstration state-tribal education  
11 compacts with participating tribes.

12 (b) A demonstration state-tribal education compact must follow a template  
13 that contains substantially similar or equivalent terms applicable to each participating  
14 tribe and must include provisions regarding

15 (1) the five-year term of the compact;

16 (2) roles and responsibilities of the parties;

17 (3) legal, funding, and accounting compliance requirements;

18 (4) recordkeeping and auditing;

19 (5) notices of violation;

20 (6) compact termination;

21 (7) dispute resolution;

22 (8) express limited waiver of tribal sovereign immunity for the services  
23 provided under the compact;

- 1 (9) limitation of liability;
- 2 (10) insurance; and
- 3 (11) mandatory participation in the teachers' retirement system
- 4 (AS 14.25), the public employees' retirement system (AS 39.35), or both.

5 (c) A demonstration state-tribal education compact authorized by this section  
6 must take effect on or before June 30, 2028.

7 (d) In this section, "participating tribe" means the federally recognized tribes  
8 and tribal organizations that participated in negotiations under sec. 1, ch. 43, SLA  
9 2022.

10 **Sec. 14.03.460. Operation of demonstration state-tribal education compact**  
11 **schools.** (a) A demonstration state-tribal education compact school must operate in  
12 accordance with the terms of the compact entered into under AS 14.03.450.

13 (b) A demonstration state-tribal education compact school is exempt from all  
14 state statutes and regulations applicable to school districts and school district boards of  
15 directors, except those statutes and regulations made applicable under AS 14.03.450 -  
16 14.03.500, in a demonstration state-tribal education compact entered into under  
17 AS 14.03.450, or in legislation enacted or regulations adopted after the effective date  
18 of sec. 4 of this Act.

19 (c) The following provisions apply to the operation and management of a  
20 demonstration state-tribal education compact school as if the school were a school  
21 district:

22 (1) requirements relating to school district operations:

23 (A) AS 14.03.016 - 14.03.050 (regarding parental rights and  
24 compulsory attendance, and defining the school term, day in session, and  
25 school holidays);

26 (B) AS 14.03.072 (regarding literacy and early reading  
27 information);

28 (C) AS 14.03.083, 14.03.090 - 14.03.127, 14.03.135, and  
29 14.03.140 (miscellaneous provisions applicable to school district operations);

30 (D) AS 14.09.010 - 14.09.030 (relating to transportation of  
31 students);

- 1 (E) AS 14.14.050 (imposing the requirement of an annual  
2 audit);
- 3 (F) AS 14.14.110 (authorizing cooperation with other school  
4 districts);
- 5 (G) AS 14.18 (prohibiting discrimination based on sex in  
6 public education);
- 7 (H) AS 14.33 (relating to school safety and discipline);
- 8 (I) regulations adopted by the state board to implement this  
9 paragraph that are applicable to a school district and the district's schools;
- 10 (2) requirements relating to the public school funding program and the  
11 receipt and expenditure of that funding: AS 14.17.500 - 14.17.910 (relating to student  
12 count estimates, relating to school operating fund balances, and setting out the  
13 procedure for payment of public school funding and imposing general requirements  
14 and limits on money paid);
- 15 (3) requirements relating to teacher employment and retirement:
- 16 (A) AS 14.14.105 and 14.14.107 (relating to sick leave);
- 17 (B) AS 14.20.010 - 14.20.040 (relating to teacher certification),  
18 except as provided in (d) of this section;
- 19 (C) AS 14.20.095 - 14.20.215 (relating to the employment and  
20 tenure of teachers);
- 21 (D) AS 14.25 (provisions regarding the teachers' retirement  
22 system);
- 23 (E) AS 23.40.070 - 23.40.260 (authorizing collective  
24 bargaining by certificated employees), except with regard to teachers who are  
25 administrators;
- 26 (4) requirements relating to students and educational programs:
- 27 (A) AS 14.30.180 - 14.30.350 (relating to educational services  
28 for children with disabilities);
- 29 (B) AS 14.30.355 and 14.30.356 (relating to sexual abuse and  
30 sexual assault awareness and prevention);
- 31 (C) AS 14.30.360 - 14.30.370 (establishing health education

1 program standards);

2 (D) AS 14.30.400 (relating to bilingual-bicultural education).

3 (d) Upon receiving a request from a representative of a demonstration state-  
4 tribal education compact school in which an applicant for a teacher certificate will be  
5 teaching,

6 (1) the state board may waive the requirements of AS 14.20.020(b) or  
7 14.20.022(b) to allow an individual with specialized knowledge relevant to the tribe to  
8 obtain a teacher certificate or subject-matter expert limited teacher certificate; and

9 (2) the department may issue a teacher certificate to a person qualified  
10 under AS 14.20.023(b) or 14.20.025; a teacher certificate issued under this paragraph  
11 does not require a request from the school board of the district or regional educational  
12 attendance area in which a demonstration state-tribal education compact school is  
13 located.

14 (e) A demonstration state-tribal education compact school may not

15 (1) engage in sectarian practices in the school's educational program,  
16 admissions, employment policies, or operations;

17 (2) charge tuition; or

18 (3) restrict enrollment or school choice options available under state  
19 law.

20 (f) Unless a demonstration state-tribal education compact school is established  
21 as a correspondence school, the physical location of the school must be within the  
22 boundary of a school district with whom the state board has consulted under sec. 1(c),  
23 ch. 43, SLA 2022.

24 (g) For purposes of AS 14.25 and participation in the teachers' retirement  
25 system,

26 (1) a demonstration state-tribal education compact school is an  
27 employer as defined in AS 14.25.220; and

28 (2) a certificated teacher employed by a demonstration state-tribal  
29 education compact school is a member of the plan.

30 (h) Unless the context requires otherwise, the provisions of this title made  
31 applicable to a federally recognized tribe or tribal organization under AS 14.03.450 -

1 14.03.500 or a demonstration state-tribal education compact school apply to

2 (1) the tribe or tribal organization as a school district as defined in  
3 AS 14.30.350;

4 (2) a governing body established by the tribe or tribal organization to  
5 operate a demonstration state-tribal education compact school as a governing body or  
6 school board; and

7 (3) a demonstration state-tribal education compact school as a public  
8 school or public educational institution as used in this title and art. VII, sec. 1,  
9 Constitution of the State of Alaska.

10 **Sec. 14.03.470. Facilities.** A facility of a demonstration state-tribal education  
11 compact school must conform to applicable law concerning public facility access,  
12 health, safety, and fire code requirements.

13 **sSec. 14.03.480. Funding.** (a) The legislature may appropriate funds in any  
14 manner permitted under this title to a demonstration state-tribal education compact  
15 school as if the school were a regional educational attendance area.

16 (b) Subject to appropriation, the department may provide state aid and grant  
17 funding in any manner permitted under this title to a demonstration state-tribal  
18 education compact school as if the school were a regional educational attendance area.

19 (c) For purposes of application for and receipt of federal aid to education, a  
20 demonstration state-tribal education compact school constitutes a local educational  
21 agency.

22 (d) The department may withhold funds from a demonstration state-tribal  
23 education compact school for violation of

24 (1) state law made applicable by AS 14.03.450 - 14.03.500; or

25 (2) a provision of the school's compact entered into under  
26 AS 14.03.450.

27 **Sec. 14.03.490. Reports.** (a) For the duration of a demonstration state-tribal  
28 education compact, a participating federally recognized tribe or tribal organization  
29 shall report to the commissioner

30 (1) student data and enrollment using the same definitions and  
31 procedures required under AS 14.17.600; and

1 (2) by November 15 of the year after the data is collected, school  
 2 performance data and the performance of the school's students required under  
 3 AS 14.03.120(d).

4 (b) The department shall include data obtained under (a) of this section in the  
 5 department's report to the legislature under AS 14.03.078.

6 (c) On or before January 31, 2033, the department shall provide a written  
 7 report to the legislature concerning demonstration state-tribal education compacts. The  
 8 department shall deliver the report to the senate secretary and the chief clerk of the  
 9 house of representatives and notify the legislature that the report is available. The  
 10 report must include a summary of the data compiled for each demonstration state-  
 11 tribal education compact school from the reports made under (a) of this section from  
 12 the effective date of sec. 4 of this Act through November 15, 2032.

13 **Sec. 14.03.500. Regulations.** The department and the state board may adopt  
 14 regulations necessary to implement the provisions of AS 14.03.450 - 14.03.490."  
 15

16 Renumber the following bill sections accordingly.

17  
 18 Page 7, following line 5:

19 Insert a new bill section to read:

20 **"\* Sec. 10.** AS 14.03.450, 14.03.460, 14.03.470, 14.03.480, 14.03.490, and 14.03.500 are  
 21 repealed July 1, 2036."  
 22

23 Renumber the following bill sections accordingly.

24  
 25 Page 7, line 10:

26 Delete all material and insert:

27 **"\* Sec. 12.** Section 4 of this Act takes effect immediately under AS 01.10.070(c).

28 **\* Sec. 13.** Except as provided in sec. 12 of this Act, this Act takes effect July 1, 2025."