

**CS FOR HOUSE BILL NO. 147(HES) am**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Amended: 3/27/97**

**Offered: 3/12/97**

**Sponsor(s): HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the expenses of housing nonresident charter school students;  
2 relating to authorizing charter school programs to provide domiciliary and other  
3 services to nonresident charter school students; relating to duties of the state  
4 Board of Education; and relating to the establishment of state boarding schools."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 14.03.260 is amended by adding a new subsection to read:

7 (d) The expenses of housing nonresident students who attend the charter  
8 school, including room, board, and other reasonable housing expenses, may not be paid  
9 for with state money but may be paid for with funds contributed by sources other than  
10 the state.

11 \* **Sec. 2.** AS 14.03.265(a) is amended to read:

12 (a) The program of a charter school may be designed to serve

13 (1) students within an age group or grade level; [OR]

14 (2) students who will benefit from a particular teaching method or

1 curriculum; or

2 (3) nonresident students, including providing domiciliary services  
 3 for students who need those services, if approved by the board.

4 \* Sec. 3. AS 14.07.165 is amended to read:

5 **Sec. 14.07.165. Duties.** The board shall adopt

6 (1) statewide goals and require each governing body to adopt written  
 7 goals that are consistent with local needs;

8 (2) regulations regarding the application for and award of grants under  
 9 AS 14.03.125;

10 (3) regulations implementing provisions of AS 14.11.014(b);

11 (4) regulations requiring approval by the board before a charter  
 12 school, state boarding school, or a public school may provide domiciliary services.

13 \* Sec. 4. AS 14.16.010 is amended to read:

14 **Sec. 14.16.010. Establishment of state boarding schools** [SCHOOL]. The  
 15 department may establish and operate [A] boarding schools [SCHOOL, TO BE  
 16 KNOWN AS THE MT. EDGE CUMBE HIGH SCHOOL], to be managed in  
 17 accordance with this chapter. A [THE] state boarding school must offer a secondary  
 18 education curriculum to students enrolled in it, and must provide domiciliary services  
 19 for students needing such services, if approved by the board.

20 \* Sec. 5. AS 14.16.020 is amended to read:

21 **Sec. 14.16.020. Operation of state boarding schools** [SCHOOL]. In the  
 22 management of [THE] state boarding schools [SCHOOL], the board shall

23 (1) adopt a philosophy of education for [THE] state boarding schools  
 24 [SCHOOL];

25 (2) employ [A] chief school administrators [ADMINISTRATOR] and  
 26 approve the employment of other personnel necessary to operate [THE] state boarding  
 27 schools [SCHOOL];

28 (3) establish the salaries and benefits to be paid teachers, excluding  
 29 administrators [, OF THE STATE BOARDING SCHOOL];

30 (4) designate the employees authorized to direct disbursements from the  
 31 money appropriated for the operation of [THE] state boarding schools [SCHOOL] and

1 for the construction of [ITS] facilities;

2 (5) provide custodial services and routine maintenance of [THE STATE  
3 BOARDING SCHOOL'S] physical facilities;

4 (6) establish procedures for the development and implementation of  
5 curriculum and the selection and use of textbooks and instructional materials [AT THE  
6 STATE BOARDING SCHOOL];

7 (7) prescribe health evaluation and placement screening programs for  
8 newly admitted students;

9 (8) establish procedures for staff evaluation; and

10 (9) provide staff training.

11 \* **Sec. 6.** AS 14.16.030(a) is amended to read:

12 (a) A [THE] state boarding school may admit students who are qualified in  
13 accordance with applicable admission standards. Preference for enrollment must be  
14 given to students currently enrolled at a [THE] boarding school and to students whose  
15 educational, emotional, or family requirements warrant attendance in a domiciliary  
16 environment.

17 \* **Sec. 7.** AS 14.16.040 is amended to read:

18 **Sec. 14.16.040. Status of state boarding school.** A [THE] state boarding  
19 school is a public school of the state.

20 \* **Sec. 8.** AS 14.16.050(a) is amended to read:

21 (a) The following provisions apply with respect to the operation and  
22 management of a [THE] state boarding school as if it were a school district:

23 (1) requirements relating to school district operations:

24 (A) AS 14.03.030 - 14.03.050 (defining the school term, day in  
25 session, and school holidays);

26 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions  
27 applicable to school district operations);

28 (C) regulations adopted by the board under authority of  
29 AS 14.07.020(a) that are applicable to school districts and their schools, unless  
30 the board specifically exempts [THE] state boarding schools [SCHOOL] from  
31 compliance with a regulation;

(D) AS 14.12.150 (authorizing school districts to establish and participate in the services of a regional resource center);

(E) AS 14.14.050 (imposing the requirement of an annual audit);

(F) AS 14.14.110 (authorizing cooperation with other school districts);

(G) AS 14.14.130 (directing the employment of a chief school administrator);

(H) AS 14.14.140(b) (establishing a prohibition on employment of a relative of the chief school administrator);

(I) AS 14.18 (prohibiting discrimination based on sex in public education);

(2) requirements relating to state financial assistance for education and the receipt and expenditure of that assistance:

(A) AS 14.17.080 (relating to student count estimates);

(B) AS 14.17.082 (relating to school operating fund balances);

(C) AS 14.17.160 - 14.17.220 (setting out the procedure for payment of financial assistance, and imposing general requirements and limits on money paid);

(3) requirements relating to teacher employment and retirement:

(A) AS 14.14.105 and 14.14.107 (relating to sick leave);

(B) AS 14.20.095 - 14.20.215 (relating to the employment and tenure of teachers);

(C) AS 14.20.220 (relating to the salaries of teachers employed);

(D) AS 14.20.280 - 14.20.350 (relating to sabbatical leave provisions for teachers);

(E) AS 23.40.070 - 23.40.260 (authorizing collective bargaining by certificated employees), except with regard to teachers who are administrators and except that the board may delegate some or all of its responsibilities under those statutes;

1 (F) AS 14.25 (provisions regarding the teachers' retirement  
2 system);

3 (4) requirements relating to students and educational programs:

4 (A) AS 14.30.180 - 14.30.350 (relating to educational services  
5 for exceptional children);

6 (B) AS 14.30.360 - 14.30.370 (establishing health education  
7 program standards);

8 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and  
9 bicultural education).

10 \* **Sec. 9.** AS 14.16.060 is amended to read:

11 **Sec. 14.16.060. Status of employees.** The employees of a [THE] state  
12 boarding school are state employees.

13 \* **Sec. 10.** AS 14.16.070 is amended to read:

14 **Sec. 14.16.070. Applicability of other law.** AS 23.40.070 - 23.40.260 (Public  
15 Employment Relations Act) apply to the employees of a [THE] state boarding school.

16 \* **Sec. 11.** AS 14.16.080(a) is amended to read:

17 (a) AS 14.17.024 applies to the calculation of state aid payable for operation  
18 of a [THE] state boarding school.

19 \* **Sec. 12.** AS 14.16.080(b) is amended to read:

20 (b) In the transmittals required by AS 37.07.060 - 37.07.062, the governor  
21 shall request amounts for the expenses of construction, rehabilitation, and improvement  
22 of the facilities of a [THE] state boarding school.

23 \* **Sec. 13.** AS 14.16.080(e) is amended to read:

24 (e) For purposes of application for and receipt of federal aid to education, a  
25 [THE] state boarding school constitutes a local educational agency.

26 \* **Sec. 14.** AS 14.17.010(a) is amended to read:

27 (a) The public school foundation account is established. The account consists  
28 of appropriations for distribution to school districts, [THE] state boarding schools  
29 [SCHOOL], and for centralized correspondence study programs under this chapter.

30 \* **Sec. 15.** AS 14.17.024 is amended to read:

31 **Sec. 14.17.024. Money for state boarding schools [SCHOOL].** (a) Money

for the instructional services provided in a fiscal year by [THE] state boarding schools [SCHOOL] established under AS 14.16.010 includes an allocation from the public school foundation account in an amount calculated by

(1) multiplying the instructional unit value in AS 14.17.056 by the total number of instructional units under AS 14.17.031 for that fiscal year, as determined by treating each [THE] school as if it were a school district consisting of a single funding community;

(2) multiplying the product determined under (1) of this subsection by the area cost differential that is applicable to calculation of the entitlement for the adjacent school district under AS 14.17.051; and

(3) adding 10 percent of the eligible federal impact aid received for that fiscal year on behalf of each [THE] school plus any federal impact aid received on behalf of each [THE] school which the state, under P.L. 81-874 (20 U.S.C. 236 - 244), as amended, and regulations adopted under it, could not consider as local resources if the school were considered a school district.

(b) In addition to the amount calculated and payable under (a) of this section, the governor shall request from the legislature appropriation of any program receipts or federal food service reimbursements or other federal aid, other than aid under P.L. 81-874 (20 U.S.C. 236 - 244), as amended, received on behalf of each [THE] school, and other amounts necessary for the expenses of operating each [THE] state boarding school, including

(1) domiciliary services, including room, board, custodial services, and other reasonable expenses related to the operation and maintenance of dormitory and other residential facilities for students;

(2) student transportation services, to include one round trip for each student between the student's place of residence and the site of each [THE] state boarding school during each school year; and

(3) maintenance and operation of the school's physical plant.

(c) Money received by a [THE] state boarding school for purposes described in (a) of this section may be used for the purposes described in (b) of this section, and money received for the purposes described in (b) may be used for the purposes

1 described in (a).

2 \* **Sec. 16.** AS 14.30.010(b)(10) is amended to read:

3 (10) is enrolled in

4 (A) a [THE] state boarding school established under AS 14.16;

5 or

6 (B) a full-time program of correspondence study approved by  
7 the department; in those school districts providing an approved correspondence  
8 study program, a student may be enrolled either in the district correspondence  
9 program or in the centralized correspondence study program;

10 \* **Sec. 17.** AS 23.40.200(c) is amended to read:

11 (c) The class in (a)(2) of this section is composed of public utility, snow  
12 removal, sanitation, and educational institution employees other than employees of a  
13 school district, a regional educational attendance area, or a [THE] state boarding  
14 school. Employees in this class may engage in a strike after mediation, subject to the  
15 voting requirement of (d) of this section, for a limited time. The limit is determined  
16 by the interests of the health, safety, or welfare of the public. The public employer  
17 or the labor relations agency may apply to the superior court in the judicial district in  
18 which the strike is occurring for an order enjoining the strike. A strike may not be  
19 enjoined unless it can be shown that it has begun to threaten the health, safety, or  
20 welfare of the public. A court, in deciding whether or not to enjoin the strike, shall  
21 consider the total equities in the particular class. "Total equities" includes not only the  
22 impact of a strike on the public but also the extent to which employee organizations  
23 and public employers have met their statutory obligations. If an impasse or deadlock  
24 still exists after the issuance of an injunction, the parties shall submit to arbitration to  
25 be carried out under AS 09.43.030.

26 \* **Sec. 18.** AS 23.40.200(d) is amended to read:

27 (d) The class in (a)(3) of this section includes all other public employees who  
28 are not included in the classes in (a)(1) or (2) [(a)(2)] of this section. Employees in  
29 this class may engage in a strike if a majority of the employees in a collective  
30 bargaining unit vote by secret ballot to do so. However, if an impasse or deadlock is  
31 reached in collective bargaining negotiations between a municipal school district, a

1 regional educational attendance area, or a [THE] state boarding school and its  
2 employees, the parties shall submit to advisory arbitration before the employees may  
3 engage in a strike. The arbitrator selected to conduct the advisory arbitration must be  
4 a member of the American Arbitration Association Panel of Labor Arbitrators or the  
5 Federal Mediation and Conciliation Service. In selecting the arbitrator, the parties  
6 shall request a list of arbitrators who have knowledge of and recent experience in the  
7 local conditions in the school district, regional educational attendance area, or state  
8 boarding school. A list containing at least five nominees who meet the qualifications  
9 of this subsection is a complete list for the purpose of striking names and selecting the  
10 arbitrator.

11 \* **Sec. 19.** Notwithstanding secs. 3 and 4 of this Act, domiciliary services being provided  
12 by Mt. Edgecumbe High School on or before the effective date of this Act may continue to  
13 be provided until the state Board of Education adopts regulations required under sec. 3 of this  
14 Act.