



LAWS OF ALASKA

1970

Source

Chapter No.

SSSB 229 am H

46

AN ACT

Providing for a representative board of directors for state-operated schools; and providing for an effective date.

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

* Section 1. AS 14 is amended by adding a new chapter to read:

CHAPTER 8. ALASKA STATE-OPERATED SCHOOL SYSTEM.

Sec. 14.08.010. PURPOSE. (a) It is the purpose of secs. 10 - 150 of this chapter, in creating the Alaska state-operated school system to provide for public education in the unorganized borough.

(b) Secs. 10 - 150 of this chapter do not prohibit an organized borough, city, or village, or a settlement in an unorganized area of the state from becoming part of or being formed into an organized subdivision authorized by law.

Sec. 14.08.020. GENERAL POWERS OF THE SYSTEM. There is created and established a state corporation to be called the Alaska State-Operated School System. It may in that name

- (1) sue and be sued;
- (2) receive and hold real and personal property;
- (3) contract and be contracted with;
- (4) adopt, use and alter a corporate seal;
- (5) adopt bylaws and administrative rules for the management and operation of the state-operated schools;
- (6) accept grants or loans from and contract

with the federal government, the state, or its political subdivisions, and to that end comply with the provisions of federal, state, or local programs when necessary;

(7) do and have done all matters necessary for the purpose of any function set out in this chapter.

Sec. 14.08.030. APPOINTMENT OF THE BOARD. There is created the Board of Directors for State-Operated Schools consisting of seven members to be appointed by the governor from the areas served, subject to confirmation by the legislature, provided that at least four members shall be appointed from rural school areas outside of military reservations and organized boroughs.

Sec. 14.08.040. TERM OF OFFICE. The term of office of board members is three years.

Sec. 14.08.050. AUTHORITY OF THE BOARD OF DIRECTORS. (a) The board of directors shall have exclusive management and control of all state-operated school matters associated with the state's program of education at the elementary and secondary levels subject to the state laws and the regulations promulgated by the commissioner of education and the state Board of Education.

(b) The board of directors is responsible for the submission of applications for federal assistance for the unorganized areas through the commissioner of education who, after reviewing the applications, shall transmit them to the appropriate federal agency.

(c) Federal funds and assistance allocated to unorganized areas shall be transmitted to the board of directors or deposited in the school fund of the board, and may not be transferred to any other fund unless authorized by the board and state law.

Sec. 14.08.060. MEETINGS OF THE BOARD OF DIRECTORS. (a) Regular meetings of the board of directors will be held monthly, unless otherwise determined by the board, but

(1) a special meeting may be called at the written request of the majority of the members of the board, at a place in the state designated in the call for the meeting;

(2) written or telegraphic notice of all regular and special meetings of the board shall be given each member at least 30 days and 10 days, respectively, before the date of the meetings.

(b) Four members constitute a quorum but a smaller number may adjourn from day to day for a period of not exceeding 10 days.

(c) A regular meeting of the board of directors may not exceed 15 days, and a special meeting may not exceed five days.

Sec. 14.08.070. DISQUALIFICATION FOR VOTING. A board member having direct or indirect pecuniary interest in a contract for erection of buildings, heating,

ventilation, furnishing, or repairing the buildings, or in a contract for the furnishing of supplies, shall be disqualified from voting on any question involving his pecuniary interest.

Sec. 14.08.080. ELECTION OF A BOARD CHAIRMAN. The board of directors shall, during its regular January meeting, elect a chairman. The chairman or his designee shall preside over all meetings of the board of directors and perform the duties provided for in secs. 10 - 150 of this chapter.

Sec. 14.08.090. POWERS AND DUTIES OF THE BOARD OF DIRECTORS. The board of directors shall

(1) develop a philosophy of education, principles, and goals for the state-operated school system;

(2) select and employ the director of education for state-operated schools subject to the approval of the governor;

(3) approve the employment of the professional administrators, teachers, and nonprofessional administrative personnel necessary to the operation of the state-operated schools;

(4) establish the salaries to be paid the director of education and its regularly employed, certificated staff members provided the director's salary is subject to the approval of the governor;

(5) promulgate rules and regulations covering organization, policies, and procedures, and have printed copies available to all personnel;

(6) initiate questions of policy for consideration and report by the director of education, and pass upon the recommendations of the director in matters of policy, appointment or dismissal of employees, salary schedules or personnel regulations, and other matters pertaining to the welfare of the schools;

(7) require reports from the director concerning conditions of efficiency and needs of the schools, and take steps to appraise the effectiveness with which the schools are achieving the educational purposes of the school system;

(8) submit an annual operational budget to the governor for inclusion in the regular state budget;

(9) before October 1 of each year, cause the school accounts for the year ending the preceding June to be audited by a certified accountant, and immediately afterwards file a certified copy of the audit report with the commissioner;

(10) designate the administrative employees authorized to direct disbursements from the school funds of the board of directors;

(11) submit such reports as the commissioner may prescribe for all school districts;

(12) establish, maintain, operate, discontinue, and combine state-operated schools where it considers necessary;

(13) provide for the construction, purchase, rental, maintenance, and equipment of the necessary school buildings or classrooms for the state-operated schools;

(14) pay tuition and boarding or transportation costs of secondary school students in cases where the establishment of state-operated secondary schools is unsound for economic or educational reasons.

Sec. 14.08.100. SUBMISSION OF PLANS. The board of directors shall submit all plans relating to the establishment, discontinuance, or combining of schools to the department, and may not execute these plans until they are approved. The plans shall be considered approved unless they are disapproved by the department within 120 days of submission.

Sec. 14.08.110. SUPPLIES AND EQUIPMENT FOR STATE-OPERATED SCHOOLS. (a) The board of directors may

(1) order, in advance of the school year for which required, necessary supplies and equipment for the state-operated schools;

(2) obligate the funds required for these purchases in advance of the fiscal year for which appropriated or authorized.

(b) Nothing in this section may be construed to permit the board of directors to obligate over 50 per cent of the amount requested to be appropriated or authorized by the legislature.

Sec. 14.08.120. STATE PAYMENTS. All funds appropriated by the legislature for the operation of state-operated schools shall be paid by the Department of Administration upon requisition by the director of state-operated schools. These funds shall be made payable to the board of directors and shall be deposited in the school fund of the board of directors. The amount received may not be transferred to any other fund unless authorized by the board of directors and state law.

Sec. 14.08.130. COMPENSATION AND EXPENSES OF BOARD MEMBERS. (a) Each member of the board of directors shall receive traveling expenses and the same per diem allowed by law to a member of a state commission.

(b) Per diem and travel expenses of the members shall be paid from funds appropriated for the operation of the schools.

Sec. 14.08.140. ADMINISTRATION OF STATE-OPERATED SCHOOLS. (a) The administrative staff of state-operated schools consists of a director, assistant directors, supervisors, professional and nonprofessional staff.

(b) The principal offices for the administration of state-operated schools shall be located in Anchorage, Alaska.

Sec. 14.08.150. ADMINISTRATIVE DUTIES. The director is the executive officer of the board of directors. He shall insure that the programs and policies of the board of directors are faithfully discharged.

- * Sec. 2. AS 14.07.030(1) is amended to read:

(1) establish, maintain, govern, operate, discontinue, and combine area, regional, and special schools;

- * Sec. 3. AS 14.07.030 is amended by adding a new paragraph to read:

(12) exercise disapproval power under AS 14.08.-100.

- * Sec. 4. AS 14.07.050 is amended to read:

Sec. 14.07.050. SELECTION OF TEXTBOOKS. Lists of textbooks recommended for use in the public schools of the state shall be selected by the State Textbook Commission. A district may adopt or reject the selections of the commission.

- * Sec. 5. AS 14.07.052(1) is amended to read:

(1) two representatives from on-base schools, to be selected by the board of the state-operated schools;

- * Sec. 6. AS 14.07.052(2) is amended to read:

(2) one elementary and one secondary teacher to represent state-operated rural schools, to be selected by the board of the state-operated schools;

- * Sec. 7. AS 14.07.160(a) is amended to read:

(a) The board may adopt bylaws for the management of the department.

- * Sec. 8. AS 14.12.020(a) is amended to read:

(a) Operation of the state-operated school district is under the management and control of the board of the state-operated schools.

- * Sec. 9. AS 14.12.020(c) is amended to read:

(c) The legislature shall provide the state money necessary to maintain and operate the state-operated school district. The borough assembly for a borough school district, and the city council for a city school district, shall provide the money which must be raised from local sources to maintain and operate the district.

- * Sec. 10. AS 14.14.170(a) is amended to read:

(a) There is established an advisory school board in each community served by a school and operated by the state. If the state-operated school has an average daily enrollment of less than 251 pupils, the advisory school board consists of three members. If the average daily enrollment is more than 250 pupils, the advisory school

board consists of five members.

- * Sec. 11. AS 14.14.200 is amended to read:

Sec. 14.14.200. DUTIES. An advisory school board shall advise and assist the Board of Directors for the State-Operated Schools through the local official administering the school, and shall do so in the manner the board of directors prescribes by regulation.

- * Sec. 12. AS 14.20.120 is amended to read:

Sec. 14.20.120. STATEMENT OF QUALIFICATIONS. A statement of the qualifications of each teacher and superintendent employed by the state or a school district shall be filed with the commissioner. The statement shall contain the credits earned in college, normal school, or university, and the number of years of teaching experience both in the state and elsewhere in the form and manner prescribed by the commissioner.

- * Sec. 13. AS 14.20.175(a) is amended to read:

(a) A teacher who has not acquired tenure rights is subject to nonretention for the school year following the expiration of his contract for any cause which the employer determines to be adequate. However, at his request, the teacher is entitled to a written statement of the cause for his nonretention. The board of directors for state schools, and the districts for district schools, shall provide by regulation or bylaw a procedure under which a nonretained teacher may, at his request, be heard informally by a panel consisting of the commissioner and two or more board members in the case of state schools, and by the local school board in the case of a district school.

- * Sec. 14. AS 14.20.180(b) is amended to read:

(b) The tenure teacher may, within 15 days immediately following receipt of the notification, notify the employer in writing that he requests a hearing before the school board, or if the tenure teacher is employed by the state, before an appeal panel consisting of the director and two members of the board. The tenure teacher may require in the notification that

- (1) the hearing be either public or private,
- (2) the hearing be under oath or affirmation,
- (3) he have the right of cross-examination,
- (4) he be represented by counsel,

(5) he have the right to subpoena a person who had made allegations which are used as a basis for the decision of the employer.

- * Sec. 15. AS 14.20.207(2) is amended to read:

(2) "employer" means the school board or superintendent which appoints the teacher or, in the case of a

teacher in the state-operated schools, the Board of Directors for the State-Operated Schools;

* Sec. 16. AS 14.20.220(d) is amended to read:

(d) The board of the state-operated schools shall pay a regularly qualified teacher employed by the state a salary of not less than \$1,100 above the salary established by (a), (b), (c), (f) or (g) of this section, with an increment of \$300 for a bachelor's degree plus 18 hours training, and an equal increment of \$300 for a master's degree plus 18 hours training. However, in the state-operated schools, for teachers with bachelor's degrees or higher instead of augmenting the base salary by .04, each salary shall be augmented by .05 times the base for each year of public school experience in the state up to and including eight years for teachers with a bachelor's degree, 10 years for teachers with a bachelor's degree plus 18 hours of training, 12 years for teachers with a master's degree, and 14 years for teachers with a master's degree plus 18 hours of training. The base salary used in this subsection is the actual beginning salary, for a teacher with a bachelor's degree and no experience, in the area where the teacher will teach.

* Sec. 17. AS 14.20.230 is amended to read:

Sec. 14.20.230. SUPERINTENDENTS' SALARIES. The school boards of school districts and the board of the state-operated schools shall pay a regularly qualified superintendent a salary not less than the allowable base for his position on the teacher's scale provided in sec. 220(a) - (g) of this chapter, plus

(1) 20 per cent of the base for a superintendent of a district or state school with an average daily membership of less than 500;

(2) 25 per cent of the base for a superintendent of a district or state school with an average daily membership of 500 or more.

* Sec. 18. AS 14.20.240 is amended to read:

Sec. 14.20.240. SALARIES OF PRINCIPALS AND VICE PRINCIPALS. The school boards of school districts and the board of the state-operated schools shall pay each regularly qualified principal and vice principal a salary not less than the allowable base for his position on the teachers' scale provided in sec. 220(a) - (g) of this chapter, plus

(1) 15 per cent of the base for a principal;

(2) 10 per cent of the base for a vice principal.

* Sec. 19. AS 14.20.245 is amended to read:

Sec. 14.20.245. SALARIES OF OTHER ADMINISTRATORS. The school boards of school districts and the board of state-operated schools shall pay a regularly qualified administrator for whom certification is required, other than a superintendent, assistant superintendent, principal, or vice principal, a salary not less than the allowable base for his position on the teachers' scale provided in

sec. 220(a) - (g) of this chapter plus 15 per cent of the base.

- * Sec. 20. AS 14.20.320 is amended to read:

Sec. 14.20.320. RESPONSIBILITY OF TEACHER. Upon the return of a teacher to his teaching position, the teacher shall make a report to the governing body concerning his educational accomplishments. A teacher who does not serve for at least a full year after his return shall refund to the district, if the sabbatical leave was at district expense, or to the board of state-operated schools, if the sabbatical leave was state-supported, money paid to him under sec. 310 of this chapter unless his failure to serve a full year after return is attributable to sickness, injury or death.

- * Sec. 21. AS 14.25.220(4) is amended to read:

(4) "employer" means a borough school district, a city school district, incorporated school district, independent school district, state-operated school district, the Board of Regents of the University of Alaska, or the Department of Education;

- * Sec. 22. AS 14.30.186(b) is amended to read:

(b) The board of state-operated schools shall provide for special services in a school in the state-operated school district for each classification of exceptional children represented by not less than five children residing in the area served by the school.

- * Sec. 23. AS 14.30.260 is amended to read:

Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board for a district, or the board of directors for a school in the state-operated school district in which special services are provided for, may waive part of the qualifications for teachers as set forth in sec. 250 of this chapter, if necessary, during the first school year special services are offered in the district or in the school in the state-operated school district.

- * Sec. 24. AS 14.30.295(b) is amended to read:

(b) If a school district or the state director, if a state-operated school, approves the enrollment of an exceptional child in an out-of-state institution approved by the commissioner, and the child is enrolled in the institution, the child's education expenses shall be paid as follows:

(1) the school district or the board of the state-operated schools, if a state-operated school, shall pay an amount equal to the local contribution toward the cost of education per pupil;

(2) the board of the state-operated schools shall pay whichever of the following amounts is less, but not to exceed \$3,000:

(A) 75 per cent of the annual cost of the child's education; or

(B) an amount which, when added to the contribution in (b)(1) of this section, equals the total cost of the child's education;

(3) the parent or guardian shall pay the remainder of the cost unless the school board or the state director, if a state-operated school, determines upon the basis of standards set by the commissioner of education in cooperation with the Department of Health and Welfare, that the parent or guardian is unable to pay all or part of the remainder of the cost. The school district or the board of the state-operated schools, if a state-operated school, shall pay the remainder of the cost which the parent or guardian is unable to pay.

* Sec. 25. AS 14.33.010 is amended to read:

Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The board of the state-operated schools, for the benefit of schools in the state-operated school district, or the school board of a borough or city school district, or a private or denominational school may require that school safety patrols be established to assist pupils to cross streets and highways adjacent to schools in safety.

* Sec. 26. AS 14.33.020(a) is amended to read:

(a) If the state director, a school board, or a private or denominational school determines that a safety patrol should be established for a school, the principal of the school shall appoint pupils in the school to serve as members of the patrol.

* Sec. 27. AS 14.60.010(5) is amended to read:

(5) "governing body" means the school board of a borough or city school district or the board of directors for the state-operated school district;

* Sec. 28. AS 14.60.010(6) is amended to read:

(6) "school board" means the school board of a borough or city school district or the Board of Directors of the State-Operated School District.

* Sec. 29. AS 14.60.010 is amended by adding new paragraphs to read:

(7) "board of directors" means the Board of Directors for State-Operated Schools;

(8) "director" or "state director" means the director of education for state-operated schools.

* Sec. 30. AS 39.05.060 is amended to read:

Sec. 39.05.060. APPOINTMENT, QUALIFICATIONS, AND TERMS OF OFFICE OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS, OR COMMISSIONS. Each member of the Local Boundary Commission, Alcoholic Beverage Control Board, Employment Security Advisory Council, Alaska State Housing Authority, Board of Fish and Game, Board of Tourism, Commission for Northern Operations of Rail Transportation and Highways and the

Board of Directors for State-Operated Schools, shall be a citizen of the United States. The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge and ability in the field of action of the department for which appointed, and with a view to providing diversity of interest and points of view in the membership. Appointments are subject to confirmation by a majority of the members of the legislature in joint session. Initial appointments of members are as follows: (1) in the case of three-member boards, for one, two and three years; (2) in the case of five-member boards, for one, two, three, four and five years; (3) in the case of six-member boards, two members serve for one year, two for two years, and two for three years; (4) and in the case of eight-member boards, two members serve for one year, two for two years, two for three years, and two for four years; (5) and in the case of 10-member boards, two members serve for one year, two for two years, two for three years, two for four years and two for five years. Initial terms date from February 1 before appointment. A vacancy occurring during a term of office is filled in the same manner as the original appointment is made and for the balance of the unexpired term. Each member holds office at the pleasure of the governor notwithstanding the member's term.

* Sec. 31. AS 39.25.110(8) is amended to read:

(8) certificated teachers employed by the state to teach in schools operated by the state;

* Sec. 32. The status of the noncertificated employees of state-operated schools is not changed by the provisions of this Act, and they shall continue to be subject to the State Personnel Act.

* Sec. 33. The ownership of land and buildings used in relation to state-operated schools shall remain vested in the state, and use permits shall be given to the Alaska State-Operated School System. Construction required by the Alaska State-Operated School System shall be performed by the Department of Public Works.

* Sec. 34. AS 14.07.030(2) - (4), 14.07.040 and 14.07.160 are repealed.

* Sec. 35. AS 14.20.220(d) is repealed effective July 1, 1971.

* Sec. 36. Sec. 30 of this Act, and the following parts of sec. 1 of this Act take effect July 1, 1970: AS 14.08.030, 14.08.040, 14.08.060 - 14.08.080, 14.08.130, and 14.08.150.

* Sec. 37. Secs. 2 - 29 and 31 - 33 of this Act and the following parts of sec. 1 of this Act take effect July 1, 1971: AS 14.08.010, 14.08.020, 14.08.050, 14.08.090 - 14.08.110, and 14.08.140.