

HOUSE BILL NO. 147

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Introduced: 2/18/97

Referred: Health, Education and Social Services

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to charter schools and to the establishment of state boarding
2 schools."

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

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

5 (d) In addition to the program budget calculated under (a) this section, the
6 local school board shall supply funds necessary to pay the expenses of housing
7 nonresident students who attend the charter school, including room, board, and other
8 reasonable housing expenses.

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

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

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

12 (2) students who will benefit from a particular teaching method or
13 curriculum; or

14 (3) nonresident students, including providing domiciliary services

1 **for students who need those services.**

2 * **Sec. 3.** AS 14.16.010 is amended to read:

3 **Sec. 14.16.010. Establishment of state boarding schools** [SCHOOL]. The
4 department may establish and operate [A] boarding **schools** [SCHOOL, TO BE
5 KNOWN AS THE MT. EDGE CUMBE HIGH SCHOOL], to be managed in
6 accordance with this chapter. **A** [THE] state boarding school must offer a secondary
7 education curriculum to students enrolled in it, and must provide domiciliary services
8 for students needing such services.

9 * **Sec. 4.** AS 14.16.020 is amended to read:

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

12 (1) adopt a philosophy of education for [THE] state boarding **schools**
13 [SCHOOL];

14 (2) employ [A] chief school **administrators** [ADMINISTRATOR] and
15 approve the employment of other personnel necessary to operate [THE] state boarding
16 **schools** [SCHOOL];

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

19 (4) designate the employees authorized to direct disbursements from the
20 money appropriated for the operation of [THE] state boarding **schools** [SCHOOL] and
21 for the construction of [ITS] facilities;

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

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

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

29 (8) establish procedures for staff evaluation; and

30 (9) provide staff training.

31 * **Sec. 5.** AS 14.16.030(a) is amended to read:

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

6 * **Sec. 6.** AS 14.16.040 is amended to read:

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

9 * **Sec. 7.** AS 14.16.050(a) is amended to read:

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

12 (1) requirements relating to school district operations:

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

15 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions
 16 applicable to school district operations);

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

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

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

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

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

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

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

1 education);

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

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

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

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

9 (3) requirements relating to teacher employment and retirement:

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

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

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

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

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

21 (F) AS 14.25 (provisions regarding the teachers' retirement
22 system);

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

24 (A) AS 14.30.180 - 14.30.350 (relating to educational services
25 for exceptional children);

26 (B) AS 14.30.360 - 14.30.370 (establishing health education
27 program standards);

28 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and
29 bicultural education).

30 * **Sec. 8.** AS 14.16.060 is amended to read:

31 **Sec. 14.16.060. Status of employees.** The employees of a [THE] state

1 boarding school are state employees.

2 * **Sec. 9.** AS 14.16.070 is amended to read:

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

5 * **Sec. 10.** AS 14.16.080(a) is amended to read:

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

8 * **Sec. 11.** AS 14.16.080(b) is amended to read:

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

12 * **Sec. 12.** AS 14.16.080(e) is amended to read:

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

15 * **Sec. 13.** AS 14.17.010(a) is amended to read:

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

19 * **Sec. 14.** AS 14.17.024 is amended to read:

20 **Sec. 14.17.024. Money for state boarding schools [SCHOOL].** (a) Money
21 for the instructional services provided in a fiscal year by [THE] state boarding **schools**
22 [SCHOOL] established under AS 14.16.010 includes an allocation from the public
23 school foundation account in an amount calculated by

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

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

31 (3) adding 10 percent of the eligible federal impact aid received for that

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

5 (b) In addition to the amount calculated and payable under (a) of this section,
 6 the governor shall request from the legislature appropriation of any program receipts
 7 or federal food service reimbursements or other federal aid, other than aid under P.L.
 8 81-874 (20 U.S.C. 236 - 244), as amended, received on behalf of each [THE] school,
 9 and other amounts necessary for the expenses of operating each [THE] state boarding
 10 school, including

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

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

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

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

22 * **Sec. 15.** AS 14.30.010(b)(10) is amended to read:

23 (10) is enrolled in

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

25 or

26 (B) a full-time program of correspondence study approved by
 27 the department; in those school districts providing an approved correspondence
 28 study program, a student may be enrolled either in the district correspondence
 29 program or in the centralized correspondence study program;

30 * **Sec. 16.** AS 23.40.200(c) is amended to read:

31 (c) The class in (a)(2) of this section is composed of public utility, snow

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

15 * **Sec. 17.** AS 23.40.200(d) is amended to read:

16 (d) The class in (a)(3) of this section includes all other public employees who
17 are not included in the classes in (a)(1) or (2) [(a)(2)] of this section. Employees in
18 this class may engage in a strike if a majority of the employees in a collective
19 bargaining unit vote by secret ballot to do so. However, if an impasse or deadlock is
20 reached in collective bargaining negotiations between a municipal school district, a
21 regional educational attendance area, or a [THE] state boarding school and its
22 employees, the parties shall submit to advisory arbitration before the employees may
23 engage in a strike. The arbitrator selected to conduct the advisory arbitration must be
24 a member of the American Arbitration Association Panel of Labor Arbitrators or the
25 Federal Mediation and Conciliation Service. In selecting the arbitrator, the parties
26 shall request a list of arbitrators who have knowledge of and recent experience in the
27 local conditions in the school district, regional educational attendance area, or state
28 boarding school. A list containing at least five nominees who meet the qualifications
29 of this subsection is a complete list for the purpose of striking names and selecting the
30 arbitrator.