

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/12/97

Referred: Rules

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 authorizing charter school programs to provide domiciliary and other services to  
3 nonresident charter school students; relating to the establishment of state boarding  
4 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.

4 \* **Sec. 3.** AS 14.16.010 is amended to read:

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

11 \* **Sec. 4.** AS 14.16.020 is amended to read:

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

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

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

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

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

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

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

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

31 (8) establish procedures for staff evaluation; and

1 (9) provide staff training.

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

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

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

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

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

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

14 (1) requirements relating to school district operations:

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

17 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions  
18 applicable to school district operations);

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

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

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

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

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

31 (H) AS 14.14.140(b) (establishing a prohibition on employment

- 1 of a relative of the chief school administrator);
- 2 (I) AS 14.18 (prohibiting discrimination based on sex in public  
3 education);
- 4 (2) requirements relating to state financial assistance for education and  
5 the receipt and expenditure of that assistance:
- 6 (A) AS 14.17.080 (relating to student count estimates);
- 7 (B) AS 14.17.082 (relating to school operating fund balances);
- 8 (C) AS 14.17.160 - 14.17.220 (setting out the procedure for  
9 payment of financial assistance, and imposing general requirements and limits  
10 on money paid);
- 11 (3) requirements relating to teacher employment and retirement:
- 12 (A) AS 14.14.105 and 14.14.107 (relating to sick leave);
- 13 (B) AS 14.20.095 - 14.20.215 (relating to the employment and  
14 tenure of teachers);
- 15 (C) AS 14.20.220 (relating to the salaries of teachers  
16 employed);
- 17 (D) AS 14.20.280 - 14.20.350 (relating to sabbatical leave  
18 provisions for teachers);
- 19 (E) AS 23.40.070 - 23.40.260 (authorizing collective bargaining  
20 by certificated employees), except with regard to teachers who are  
21 administrators and except that the board may delegate some or all of its  
22 responsibilities under those statutes;
- 23 (F) AS 14.25 (provisions regarding the teachers' retirement  
24 system);
- 25 (4) requirements relating to students and educational programs:
- 26 (A) AS 14.30.180 - 14.30.350 (relating to educational services  
27 for exceptional children);
- 28 (B) AS 14.30.360 - 14.30.370 (establishing health education  
29 program standards);
- 30 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and  
31 bicultural education).

1 \* **Sec. 8.** AS 14.16.060 is amended to read:

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

4 \* **Sec. 9.** AS 14.16.070 is amended to read:

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

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

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

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

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

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

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

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

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

21 \* **Sec. 14.** AS 14.17.024 is amended to read:

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

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

30 (2) multiplying the product determined under (1) of this subsection by  
31 the area cost differential that is applicable to calculation of the entitlement for the

1 adjacent school district under AS 14.17.051; and

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

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

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

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

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

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

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

25 (10) is enrolled in

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

27 or

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

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

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

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

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

**1** arbitrator.