

HOUSE BILL NO. 313

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE FEIGE

Introduced: 2/3/12

Referred: Education, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to student counts and estimates for public school funding; and**
2 **providing for an effective date."**

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

4 *** Section 1.** AS 14.11.100(o) is amended to read:

5 (o) The total amount of school construction projects approved for
6 reimbursement by the department under (a)(10) of this section

7 (1) may not exceed \$190,644,901; and

8 (2) after June 30, 1998, and until July 1, 2006, shall be allocated as
9 follows:

10 (A) \$77,897,000 to projects in a municipality with a public
11 school enrollment of 25,000 or more students in fiscal year 2000, as
12 determined under **former** AS 14.17.500;

13 (B) \$14,571,000 to projects in a municipality with a public
14 school enrollment of at least 15,000 but less than 25,000 students in fiscal year

1 2000, as determined under **former** AS 14.17.500;

2 (C) \$14,143,000 to projects in a municipality with a public
3 school enrollment of at least 10,000 but less than 15,000 students in fiscal year
4 2000, as determined under **former** AS 14.17.500;

5 (D) \$7,429,000 to projects in a municipality with a public
6 school enrollment of at least 7,500 but less than 10,000 students in fiscal year
7 2000, as determined under **former** AS 14.17.500;

8 (E) \$20,712,912 to projects in a municipality with a public
9 school enrollment of at least 5,000 but less than 7,500 students in fiscal year
10 2000, as determined under **former** AS 14.17.500;

11 (F) \$2,660,000 to projects in a municipality with a public
12 school enrollment of at least 2,750 but less than 3,000 students in fiscal year
13 2000, as determined under **former** AS 14.17.500;

14 (G) \$454,000 to projects in a municipality with a public school
15 enrollment of at least 2,400 but less than 2,750 students in fiscal year 2000, as
16 determined under **former** AS 14.17.500;

17 (H) \$46,869,989 to projects in a municipality with a public
18 school enrollment of at least 2,050 but less than 2,400 students in fiscal year
19 2000, as determined under **former** AS 14.17.500;

20 (I) \$329,000 to projects in a municipality with a public school
21 enrollment of at least 1,700 but less than 1,750 students in fiscal year 2000, as
22 determined under **former** AS 14.17.500;

23 (J) \$286,000 to projects in a municipality with a public school
24 enrollment of at least 650 but less than 725 students in fiscal year 2000, as
25 determined under **former** AS 14.17.500;

26 (K) \$519,000 to projects in a municipality with a public school
27 enrollment of at least 500 but less than 525 students in fiscal year 2000, as
28 determined under **former** AS 14.17.500;

29 (L) \$2,224,000 to projects in a municipality with a public
30 school enrollment of at least 425 but less than 482 students in fiscal year 2000,
31 as determined under **former** AS 14.17.500;

1 (M) \$2,550,000 to projects in a municipality with a public
2 school enrollment of at least 290 but less than 305 students in fiscal year 2000,
3 as determined under **former** AS 14.17.500.

4 * **Sec. 2.** AS 14.11.100(p) is amended to read:

5 (p) The total amount of school construction projects approved for
6 reimbursement by the department under (a)(13) and (a)(14) of this section

7 (1) may not exceed \$177,256,000;

8 (2) after June 30, 1999, and until October 31, 2006, shall be allocated
9 as follows:

10 (A) \$61,925,000 to projects in a municipality with a public
11 school enrollment of 45,000 or more students in fiscal year 2005, as
12 determined under **former** AS 14.17.500;

13 (B) \$40,570,000 to projects in a municipality with a public
14 school enrollment of at least 14,600 but less than 20,000 students in fiscal year
15 2005, as determined under **former** AS 14.17.500;

16 (C) \$20,000,000 to projects in a municipality with a public
17 school enrollment of at least 10,000 but less than 14,600 students in fiscal year
18 2005, as determined under **former** AS 14.17.500;

19 (D) \$2,588,000 to projects in a municipality with a public
20 school enrollment of at least 7,500 but less than 10,000 students in fiscal year
21 2005, as determined under **former** AS 14.17.500;

22 (E) \$5,995,000 to projects in a municipality with a public
23 school enrollment of at least 4,000 but less than 6,000 students in fiscal year
24 2005, as determined under **former** AS 14.17.500;

25 (F) \$1,237,000 to projects in a municipality with a public
26 school enrollment of at least 2,400 but less than 2,800 students in fiscal year
27 2005, as determined under **former** AS 14.17.500;

28 (G) \$1,100,000 to projects in a municipality with a public
29 school enrollment of at least 2,200 but less than 2,400 students in fiscal year
30 2005, as determined under **former** AS 14.17.500;

31 (H) \$7,164,000 to projects in a municipality with a public

1 school enrollment of at least 1,300 but less than 1,500 students in fiscal year
2 2005, as determined under **former** AS 14.17.500;

3 (I) \$1,260,000 to projects in a municipality with a public
4 school enrollment of at least 740 but less than 757 students in fiscal year 2005,
5 as determined under **former** AS 14.17.500;

6 (J) \$608,000 to projects in a municipality with a public school
7 enrollment of at least 650 but less than 700 students in fiscal year 2005, as
8 determined under **former** AS 14.17.500;

9 (K) \$32,000,000 to projects in a municipality with a public
10 school enrollment of at least 500 but less than 600 students in fiscal year 2005,
11 as determined under **former** AS 14.17.500;

12 (L) \$2,809,000 to projects in a municipality with a public
13 school enrollment of at least 370 but less than 390 students in fiscal year 2005,
14 as determined under **former** AS 14.17.500.

15 * **Sec. 3.** AS 14.11.100(q) is amended to read:

16 (q) The total amount of school construction projects approved for
17 reimbursement by the department under (a)(15) of this section

18 (1) may not exceed \$14,644,000;

19 (2) after June 30, 1999, and until October 31, 2006, shall be allocated
20 as follows:

21 (A) \$6,522,000 to projects in a municipality with a public
22 school enrollment of at least 1,925 but less than 2,025 students in fiscal year
23 2005, as determined under **former** AS 14.17.500;

24 (B) \$8,122,000 to projects in a municipality with a public
25 school enrollment of at least 398 but less than 400 students in fiscal year 2005,
26 as determined under **former** AS 14.17.500.

27 * **Sec. 4.** AS 14.16.050(a) is amended to read:

28 (a) The following provisions apply with respect to the operation and
29 management of a state boarding school as if it were a school district:

30 (1) requirements relating to school district operations:

31 (A) AS 14.03.030 - 14.03.050 (defining the school term, day in

1 session, and school holidays);

2 (B) AS 14.03.083 - 14.03.140 (miscellaneous provisions
3 applicable to school district operations);

4 (C) regulations adopted by the board under authority of
5 AS 14.07.020(a) that are applicable to school districts and their schools, unless
6 the board specifically exempts state boarding schools from compliance with a
7 regulation;

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

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

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

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

16 (H) AS 14.18 (prohibiting discrimination based on sex in
17 public education);

18 (2) requirements relating to the public school funding program and the
19 receipt and expenditure of that funding:

20 (A) [AS 14.17.500 (RELATING TO STUDENT COUNT
21 ESTIMATES);

22 (B)] AS 14.17.505 (relating to school operating fund balances);

23 **(B) AS 14.17.505 - 14.17.910** [(C) AS 14.17.500 - 14.17.910]
24 (setting out the procedure for payment of public school funding and imposing
25 general requirements and limits on money paid);

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

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

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

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

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

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

7 (F) AS 14.25 (provisions regarding the teachers' retirement
8 system);

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

10 (A) AS 14.30.180 - 14.30.350 (relating to educational services
11 for children with disabilities);

12 (B) AS 14.30.360 - 14.30.370 (establishing health education
13 program standards);

14 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and
15 bicultural education).

16 * **Sec. 5.** AS 14.17.410(b) is amended to read:

17 (b) Public school funding consists of state aid, a required local contribution,
18 and eligible federal impact aid determined as follows:

19 (1) state aid equals basic need minus a required local contribution and
20 90 percent of eligible federal impact aid for that fiscal year; basic need equals the sum
21 obtained under (D) of this paragraph, multiplied by the base student allocation set out
22 in AS 14.17.470; district adjusted ADM is calculated as follows:

23 (A) the ADM of each school in the district is calculated by
24 applying the school size factor to the student count as set out in AS 14.17.450;

25 (B) the number obtained under (A) of this paragraph is
26 multiplied by the district cost factor described in AS 14.17.460;

27 (C) the ADMs of each school in a district, as adjusted
28 according to (A) and (B) of this paragraph, are added; the sum is then
29 multiplied by the special needs factor set out in AS 14.17.420(a)(1) and the
30 high school vocational education factor set out in AS 14.17.420(a)(3);

31 (D) the number obtained for intensive services under

1 AS 14.17.420(a)(2) and the number obtained for correspondence study under
2 AS 14.17.430 are added to the number obtained under (C) of this paragraph;

3 (E) notwithstanding (A) - (C) of this paragraph, if a school
4 district's ADM adjusted for school size under (A) of this paragraph decreases
5 by five percent or more from one fiscal year to the next fiscal year, the school
6 district may use the last fiscal year before the decrease as a base fiscal year to
7 offset the decrease, according to the following method:

8 (i) for the first fiscal year after the base fiscal year
9 determined under this subparagraph, the school district's ADM adjusted
10 for school size determined under (A) of this paragraph is calculated as
11 the district's ADM adjusted for school size, plus 75 percent of the
12 difference in the district's ADM adjusted for school size between the
13 base fiscal year and the first fiscal year after the base fiscal year;

14 (ii) for the second fiscal year after the base fiscal year
15 determined under this subparagraph, the school district's ADM adjusted
16 for school size determined under (A) of this paragraph is calculated as
17 the district's ADM adjusted for school size, plus 50 percent of the
18 difference in the district's ADM adjusted for school size between the
19 base fiscal year and the second fiscal year after the base fiscal year;

20 (iii) for the third fiscal year after the base fiscal year
21 determined under this subparagraph, the school district's ADM adjusted
22 for school size determined under (A) of this paragraph is calculated as
23 the district's ADM adjusted for school size, plus 25 percent of the
24 difference in the district's ADM adjusted for school size between the
25 base fiscal year and the third fiscal year after the base fiscal year;

26 (F) the method established in (E) of this paragraph is available
27 to a school district for the three fiscal years following the base fiscal year
28 determined under (E) of this paragraph only if the district's ADM adjusted for
29 school size determined under (A) of this paragraph for each fiscal year is less
30 than the district's ADM adjusted for school size in the base fiscal year;

31 (G) the method established in (E) of this paragraph does not

1 apply to a decrease in the district's ADM adjusted for school size resulting
 2 from a loss of enrollment that occurs as a result of a boundary change under
 3 AS 29;

4 **(H) notwithstanding (A) - (C) of this paragraph, if a**
 5 **district's ADM adjusted for school size under (A) of this paragraph**
 6 **increases by five percent or more from one fiscal year to the next fiscal**
 7 **year, the department shall provide supplemental funding that is equal to**
 8 **the increase in the adjusted ADM for the current fiscal year;**

9 (2) the required local contribution of a city or borough school district is
 10 the equivalent of a four mill tax levy on the full and true value of the taxable real and
 11 personal property in the district as of January 1 of the second preceding fiscal year, as
 12 determined by the Department of Commerce, Community, and Economic
 13 Development under AS 14.17.510 and AS 29.45.110, not to exceed 45 percent of a
 14 district's basic need for the preceding fiscal year as determined under (1) of this
 15 subsection.

16 * **Sec. 6.** AS 14.17.600(a) is amended to read:

17 (a) Within two weeks after the end of the 20-school-day period ending the
 18 fourth Friday in October, each district shall transmit a report to the department that,
 19 under regulations adopted by the department, reports its ADM for that count period
 20 and other student count information that will aid the department in making a
 21 determination of its state aid **for the succeeding fiscal year following the count**
 22 **period** under the public school funding program. For centralized correspondence
 23 study, the October report shall be based on the period from July 1 through the fourth
 24 Friday in October. The department may make necessary corrections in the report
 25 submitted and shall notify the district of changes made. The commissioner shall notify
 26 the governor of additional appropriations the commissioner estimates to be necessary
 27 to fully finance the public school funding program for the current fiscal year.

28 * **Sec. 7.** AS 14.17.600 is amended by adding new subsections to read:

29 (c) A student count shall be adjusted for the current fiscal year as provided
 30 under AS 14.17.410(b)(1).

31 (d) Part-time students shall be included in the student count data in accordance

1 with regulations adopted by the department.

2 (e) When reporting a district's ADM, a part-time student who is a
3 correspondence student may not be counted as more than one full-time equivalent
4 student.

5 * **Sec. 8.** AS 14.17.500 is repealed.

6 * **Sec. 9.** This Act takes effect July 1, 2014.