

1 IN THE SENATE

BY COMMITTEE ON HEALTH,
WELFARE AND EDUCATION

2 SENATE BILL NO. 39

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act amending Section 37-2-8, (12), ACLA
7 1949, as amended, relative to the authority
8 of the Territorial Board of Education to
9 discontinue the operation and maintenance
10 of Territorial Schools; providing for the
11 creation of new School Districts by the
12 Board of Education by petition to the
13 District Court when the local populace
14 refuses to form a School District."

15 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

16 Section 1. Sec. 37-2-8, (12), ACLA 1949, as amended by
17 Chapter 72, Session Laws of Alaska 1951, is hereby amended as
18 follows:

19 (12) (a) The Territorial Board of Education is hereby
20 authorized to discontinue the operation and maintenance of
21 any school in any unincorporated town, village, or
22 settlement when IN THE JUDGMENT OF THE BOARD THE SCHOOL
23 ENROLLMENT IS LARGE ENOUGH AND THE COMMUNITY FINANCIALLY ABLE
24 TO PARTIALLY SUPPORT ITS OWN SCHOOL AS AN ORGANIZED SCHOOL
25 DISTRICT UNDER THE LAWS FOR SCHOOL DISTRICT ORGANIZATION.
26 the average daily membership thereof reaches one hundred
27 (100) students and in the Board's discretion the community is
28 able to provide local school support in accordance with
29 Territorial law. Before making determination of ability to

1 support a school the Board shall request the Alaska Rural
2 Development Board or other appropriate agency to make an
3 economic survey of the area to determine potential taxable
4 property valuations and other sources of revenue for local
5 school support. In the event that the Alaska Rural
6 Development Board or other agency cannot conduct such survey,
7 the Territorial Board of Education may cause such survey to
8 be made with the cost to be paid from the appropriation for
9 support of schools outside districts. Such survey shall be
10 instituted no later than November 1 of any school year and
11 completed no later than January 1. /BEFORE CLOSING A SCHOOL,]
12 If the Territorial Board of Education /SHALL GIVE GENERAL
13 NOTICE TO THE COMMUNITY OR AREA AFFECTED, IN SUCH MANNER AND
14 FORM AS THE BOARD SHALL DETERMINE: PROVIDED, HOWEVER, THAT
15 SUCH COMMUNITY SHALL BE ENTITLED TO AT LEAST SIX MONTHS
16 NOTICE PRIOR TO COMMENCEMENT OF AN ENSUING SCHOOL YEAR TO
17 ENABLE THE LOCAL POPULACE TO FORM AN INCORPORATED TOWN OR
18 CITY, INCORPORATED SCHOOL DISTRICT, OR AN INDEPENDENT SCHOOL
19 DISTRICT IN TIME TO PROVIDE ITS OWN SCHOOL PROGRAM FOR SUCH
20 ENSUING YEAR UNDER THE TERRITORIAL SCHOOL MAINTENANCE REFUND
21 SYSTEM, PURSUANT TO WHICH THE BOARD SHALL CONVEY EXISTING
22 SCHOOL STRUCTURES AND FACILITIES IN SAID AREAS TO SUCH
23 INCORPORATED CITY OR TOWN, INCORPORATED SCHOOL DISTRICT, OR
24 INDEPENDENT SCHOOL DISTRICT,] shall then determine that the
25 local community is able to provide necessary local school
26 support, the Board, at any time before March first of any
27 school year, shall cause to be posted, on the main door of
28 the school and in two other places in the community, written
29 notice that the Territory will discontinue the operation and

1 maintenance of the school on a day certain and that the local
2 populace will be given an opportunity, within thirty (30)
3 days after the posting of said notice, to take the necessary
4 steps preparatory to forming an appropriate school district.
5 If a representative local committee is formed and shall
6 request legal assistance in initiating action toward
7 incorporation from the Office of Attorney General, such
8 initial legal assistance shall be provided. Upon failure of
9 the local populace to take such steps within the prescribed
10 time limit, the Territorial Board of Education, through the
11 Office of Attorney General, may petition the District Court
12 for an order to establish an incorporated school district in
13 that community and set the boundaries therefor. If the
14 court is satisfied that the Board's determination is based
15 upon reasonable grounds, the court shall thereupon enter an
16 appropriate order providing for an election so that the
17 qualified voters of the proposed school district may choose
18 a board of five (5) directors.

19 The Board petition shall be presented to the District
20 Court in which the proposed school district is located. Such
21 petition must be signed by the Commissioner of Education
22 pursuant to Board authorization and shall specify as nearly
23 as may be, the location, boundaries and number of inhabitants
24 of the proposed school district, and specify the type of
25 district by which it is to be known.

26 (b) The general powers of the school board and all
27 other provisions pertaining to the formation of an
28 incorporated school district, not inconsistent herewith, as
29 found in Sections 37-3-11 through 37-3-26, ACLA 1949, as

1 amended, shall be applicable to school districts formed
2 pursuant to this act

3 (c) When a school district is formed under the
4 provisions of this Act, the school board of the district may
5 request the Territorial Department of Taxation to furnish
6 initial assistance in setting up a property valuation and
7 assessment roll and the initial tax levy and the Territorial
8 Department of Taxation shall furnish such initial assistance.

9 (d) The Territory shall provide the following
10 financial assistance to school districts formed pursuant to
11 this Act:

12 1. For the first fiscal year of operation
13 commencing on the July 1 following the March 1 on which
14 notification of intent to discontinue operation is given, the
15 Territory shall pay from funds available for support of
16 district schools, one hundred percent (100%) of the approved
17 budget as set up according to Territorial law and approved
18 by the Commissioner of Education. Local expenditures above
19 this approved budget may be made by the local school board
20 but shall be paid for with local funds;

21 2. For the second fiscal year of operation,
22 the Territory shall pay ninety percent (90%) of the approved
23 budget; and

24 3. For the third fiscal year of operation,
25 and for each and every fiscal year thereafter, the school
26 district shall be placed in the appropriate school
27 reimbursement group in accordance with then existing
28 Territorial laws.

29 (e) The Territorial Board of Education shall have

1 authority to convey, at no cost, existing school structures
2 and facilities in the community to the new school district
3 formed pursuant to this Act.

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