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1 IN THE HOUSE

BY HEALTH, WELFARE AND
EDUCATION COMMITTEE

2

CS FOR HOUSE BILL NO. 12

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act revising AS 14, Education; and
7 providing for an effective date."

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

9

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

10

CHAPTER 3. PUBLIC SCHOOLS GENERALLY

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Sec. 14.03.010. ESTABLISHMENT OF SCHOOL SYSTEM. There

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is established in the state a system of public schools to be
13 administered and maintained as provided in this title.

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Sec. 14.03.020. SCHOOL YEAR. The school year begins on

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the first day of July and ends on the 30th day of June.

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Sec. 14.03.030. SCHOOL TERM. The school term begins

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and ends on the dates fixed by the governing body of the

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school district. However, the term shall include not less

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than 180 days in session.

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Sec. 14.03.040. DAY IN SESSION. Each day within the

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school term is a day in session except Saturdays, Sundays,

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and days designated as holidays by or according to sec. 50

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of this chapter. The day in session in every school shall

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be at least four hours long, exclusive of intermissions, for

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the first, second, and third grades and five hours, exclusive

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of intermissions, for all other grades. The commissioner may

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approve a shorter day in session for any grade. The period

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of the day in session shall be devoted to the instruction of

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pupils or to study periods for the pupils.

1 Sec. 14.03.050. SCHOOL HOLIDAYS. (a) Public schools
2 shall not be in session on school holidays which are Labor
3 Day, Thanksgiving Day, the day immediately following Thanks-
4 giving Day, Christmas Day, New Years Day, Memorial Day, and
5 the Fourth of July. If one of these holidays falls on a
6 Saturday, the Friday immediately preceding is a school holi-
7 day. If one of these holidays falls on a Sunday the Monday
8 immediately following is a school holiday. A teacher shall
9 not be required to perform employment services on these
10 holidays, nor may the salary of a teacher be diminished be-
11 cause he does not perform employment services on a school
12 holiday.

13 (b) The public schools shall be in session on all other
14 holidays falling upon school days and shall conduct appropri-
15 ate exercises in recognition of the day. However, the
16 governing body of a school district may declare a holiday.

17 Sec. 14.03.060. ELEMENTARY, JUNIOR HIGH, AND SECONDARY
18 SCHOOLS. (a) An elementary school consists of grades
19 kindergarten through grade eight or any appropriate combina-
20 tion of grades within this range.

21 (b) A secondary school consists of grades seven through
22 12 or any appropriate combination of grades within this
23 range. The establishment of one or two grades beyond the
24 12th grade is optional with the governing body of the school
25 district.

26 (c) Grades seven through eight, nine, and ten or any
27 appropriate combination of grades within this range may be
28 organized as a junior high school.

29 (d) This section does not prevent a high school from

1 issuing a diploma to a student who has completed the 12th
2 grade.

3 Sec. 14.03.070. SCHOOL AGE. A child who is six years
4 of age or who will become six years of age before November 2
5 following the beginning of the school year, and who is under
6 the age of 20 and has not completed the 12th grade, is of
7 school age.

8 Sec. 14.03.080. FREE EDUCATION. (a) A child of school
9 age is entitled to attend public school, without payment of
10 tuition, during the school term in the school district in
11 which he is a resident.

12 (b) A person over school age may be admitted to the
13 public school in the school district in which he is a resi-
14 dent at the discretion of the governing body of the school
15 district. A person over school age may be charged tuition
16 by the governing body of the school district.

17 (c) A child under school age may be admitted to the
18 public school in the school district of which he is a resi-
19 dent at the discretion of the governing body of the school
20 district and upon presentation by the child of a certified
21 statement by a licensed psychologist that the child has
22 demonstrated a mental age of not less than seven years as
23 evidenced by administration of a Wechsler Intelligence Scale
24 for Children examination or other comparable examination.

25 (d) A child who is five years of age or who will
26 become five years of age before November 2 following the
27 beginning of the school year, and who is under school age,
28 may enter a public school kindergarten.

29 (e) A child under school age shall be admitted to

1 school in the district of which he is a resident if immedi-
2 ately before he became a resident of the district, he was
3 legally enrolled in the public schools of another district or
4 state.

5 Sec. 14.03.090. SECTARIAN OR DENOMINATIONAL DOCTRINES
6 PROHIBITED. No partisan, sectarian, or denominational
7 doctrines may be advocated in a public school during the
8 hours the school is in session. No teacher or school board
9 violating this section may receive public money.

10 Sec. 14.03.100. USE OF SCHOOL FACILITIES. The
11 governing body of a school district may allow the use of
12 school facilities for any legal gatherings or assemblies.
13 The governing body shall adopt bylaws that will insure
14 reasonable and impartial use of the facilities.

15 Sec. 14.03.110. PREPARATION OF COURSE ON ALCOHOLISM
16 AND NARCOTICS. The department shall prepare guidelines and
17 resource units on alcoholism and narcotics for elementary
18 and secondary schools. The guidelines and resource units
19 are subject to the approval of the board.

20 Sec. 14.03.120. INSTRUCTION REGARDING ALCOHOLISM AND
21 NARCOTICS. Teachers in the public schools shall incorporate
22 materials on alcoholism and narcotics in appropriate units
23 of study at the elementary and secondary levels.

24 Sec. 14.03.130. DISPLAY OF FLAG. United States and
25 Alaska flags shall be displayed upon or near each principal
26 school building during school hours and at other times the
27 governing body considers proper.

28 Sec. 14.03.140. EMERGENCY DRILLS. The principal or
29 other persons in charge of each public or private school or

1 educational institution shall instruct and train pupils by
2 means of drills so that in an emergency they may be able to
3 leave the school building in the shortest possible time with-
4 out confusion or panic. Drills shall be held at least once
5 each month during the school term, weather permitting.

6 CHAPTER 7. ADMINISTRATION OF PUBLIC SCHOOLS.

7 ARTICLE 1. DEPARTMENT OF EDUCATION.

8 Sec. 14.07.010. DEPARTMENT OF EDUCATION. The Depart-
9 ment of Education includes the commissioner of education, the
10 state Board of Education, and the staff necessary to carry
11 out the functions of the department.

12 Sec. 14.07.020. DUTIES OF THE DEPARTMENT. The depart-
13 ment shall

14 (1) exercise general supervision over the public
15 schools of the state except the University of Alaska;

16 (2) study the conditions and needs of the public
17 schools of the state and adopt or recommend plans for the
18 improvement of the public schools;

19 (3) provide advisory and consultative services to
20 all public school governing bodies and personnel;

21 (4) prescribe by regulation a minimum course of
22 study for the public schools;

23 (5) establish, in coordination with the Department
24 of Health and Welfare, a program for the continuing education
25 of children who are held in detention facilities in the state
26 during the period of detention;

27 (6) accredit those public, private, and denomina-
28 tional schools which meet accreditation standards prescribed
29 by regulation by the department;

1 (7) prescribe by regulation, after consultation
2 with the Department of Health and Welfare, standards that will
3 assure healthful and safe conditions in the public schools of
4 the state.

5 Sec. 14.07.030. POWERS OF THE DEPARTMENT. The depart-
6 ment may

7 (1) establish, maintain, govern and operate state-
8 operated schools;

9 (2) discontinue or combine state-operated schools;

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

13 (4) pay tuition and boarding or transportation
14 costs of high school students in cases where the establishment
15 of state-operated high schools is unsound for economic or
16 educational reasons;

17 (5) enter into contractual agreements with the
18 Bureau of Indian Affairs to share boarding costs of high
19 school students;

20 (6) provide for citizenship night schools when and
21 where expedient;

22 (7) provide for the sale or other disposition of
23 abandoned or obsolete buildings and other state-owned school
24 property;

25 (8) prescribe a classification for items of ex-
26 pense of school districts;

27 (9) acquire and transfer personal property, acquire
28 real property, and transfer real property to federal agencies,
29 state agencies, or to political subdivisions;

1 (10) enter into contractual agreements with school
2 districts to provide more efficient or economical education
3 services.

4 Sec. 14.07.040. SUPPLIES AND EQUIPMENT FOR STATE-
5 OPERATED SCHOOLS. (a) The department may

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

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

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

15 Sec. 14.07.050. SELECTION, ADOPTION, AND USE OF TEXT-
16 BOOKS. (a) The department shall select and adopt uniform
17 sets of textbooks for use in all the branches of study pre-
18 sented in the elementary schools, and shall select and adopt
19 an approved list of textbooks for use in each of the subjects
20 presented in the high schools. It is unlawful for a school
21 to use textbooks other than those adopted by the department
22 except for purposes of supplementary study. However, if it
23 is impractical for a school to secure approved textbooks,
24 other textbooks may be substituted with the approval of the
25 commissioner.

26 (b) Textbook adoptions shall be made for a minimum
27 period of four years. No more than one-third of the list of
28 books may be changed at any one time. However, textbooks
29 that are out of print or otherwise not available may be

1 changed without regard to the one-third restriction.

2 (c) The department shall forward to each school board
3 in the state a report of the textbooks adopted for use in
4 elementary and high schools, together with the names of the
5 publishers.

6 Sec. 14.07.060. PROMULGATION OF REGULATIONS. (a) The
7 department shall promulgate regulations which are necessary
8 to carry out the provisions of this title. All regulations
9 promulgated by the department shall be initiated by the
10 commissioner. However, a regulation does not become effective
11 until the procedure involved in the adoption of the regulation
12 has satisfied the requirements of the Administrative Procedure
13 Act (AS 44.62) and the adopted regulation has been approved
14 by a majority of the board. The approval may be granted by
15 mail or at a meeting of the board.

16 (b) If the board fails to approve a regulation, public
17 hearings shall be held concerning the issues in question. If,
18 after public hearings, the board and the commissioner con-
19 tinue to disagree, the issues shall be presented in writing
20 to the governor. The governor shall decide the issue. His
21 decision is final.

22 Sec. 14.07.070. WITHHOLDING STATE FUNDS. No state
23 funds may be paid to a school district or teacher who fails
24 to comply with the school laws of the state or with the
25 regulations promulgated by the department.

26 ARTICLE 2. STATE BOARD OF EDUCATION.

27 Sec. 14.07.080. CREATION AND TERM OF OFFICE. There is
28 created a state Board of Education within the department
29 consisting of six members appointed for overlapping three-

1 year terms.

2 Sec. 14.07.090. APPOINTMENT OF MEMBERS. The governor
3 shall appoint the board members without regard to political
4 affiliation, subject to confirmation by a majority of the
5 members of the legislature in joint session. In appointing
6 board members, the governor shall consider recommendations
7 made by recognized educational associations in the state.

8 Sec. 14.07.100. EXECUTIVE OFFICER. The principal
9 executive officer of the board is the commissioner when the
10 board sits as the state Board of Education or the state
11 Board for vocational education. The director of the division
12 of vocational rehabilitation is the principal executive
13 officer of the board when it sits as the Board of Vocational
14 Rehabilitation. The principal executive officer is the ex
15 officio secretary of a board and has no vote except that he
16 shall cast a tie-breaking vote when necessary.

17 ARTICLE 3. COMMISSIONER OF EDUCATION

18 Sec. 14.07.110. APPOINTMENT OF COMMISSIONER. The
19 governor shall appoint the commissioner of education from a
20 list of qualified persons nominated by the board. The
21 governor may request additional nominations. The appointment
22 is subject to confirmation by a majority of the members of
23 the legislature in joint session.

24 Sec. 14.07.120. TERM OF OFFICE AND VACANCY. (a) The
25 commissioner serves at the pleasure of the governor.

26 (b) If the office of commissioner becomes vacant, a
27 successor shall be appointed in the manner provided for the
28 regular appointment.

29 Sec. 14.07.130. REMOVAL OF COMMISSIONER. The board may

1 submit a resolution to the governor requesting him to remove
2 the commissioner. The resolution shall contain the grounds
3 for the request. The governor shall afford the commissioner
4 and the board an opportunity to be heard. If the governor
5 finds the grounds to be sufficient and true, he may remove
6 the commissioner from office.

7 Sec. 14.07.140. COMMISSIONER ADMINISTERS DEPARTMENT.
8 The commissioner shall administer the department.

9 Sec. 14.07.150. BUDGET AND FISCAL AUTHORITY. The com-
10 missioner has sole responsibility and authority for the
11 preparation and execution of a budget and for the other
12 fiscal affairs of the department.

13 Sec. 14.07.160. PRESCRIPTION OF BYLAWS. (a) The com-
14 missioner or his designee may adopt bylaws for the internal
15 management of the state-operated schools to the same extent
16 that a school board may adopt bylaws for the management of
17 the district.

18 (b) The bylaws shall be written and distributed in a
19 manner so as to be readily available to personnel of state-
20 operated schools.

21 (c) This section shall not be construed to allow the
22 use of a bylaw rather than a regulation where the subject is
23 of statewide importance or interest.

24 Sec. 14.07.170. ADDITIONAL POWERS OF COMMISSIONER. The
25 commissioner may

26 (1) appoint unpaid advisory commissions;

27 (2) require school boards or school personnel to
28 submit to the department, in the form the commissioner may
29 require, the district budget or any information or reports

1 which are reasonably necessary to assist the department in
2 carrying out its functions.

3 CHAPTER 9. TRANSPORTATION OF PUPILS.

4 Sec. 14.09.010. TRANSPORTATION OF PUPILS. (a) The
5 department may provide for the transportation of pupils who
6 reside a distance from established schools, and in order to
7 accomplish that purpose may

8 (1) require school districts to enter into con-
9 tracts with the department for the administration, super-
10 vision, operation or subcontracting of the operation of
11 transportation systems for students to and from the schools
12 within their service area;

13 (2) require all school districts, transportation
14 contractors and other recipients of state transportation
15 funds to submit to the department an annual report, which
16 includes a financial statement and other operational data
17 required by the department;

18 (3) permit school districts to (A) establish
19 supplementary systems of student transportation for students
20 ineligible to utilize transportation facilities paid for by
21 the state, (B) charge fares or fees for the supplementary
22 transportation systems, and (C) use local tax funds to pay,
23 in whole or in part, the cost of the supplementary systems.

24 (b) Each school district mentioned in (a)(1) of this
25 section is entitled to receive reimbursement from the state
26 for the operation of the transportation system on a unit
27 cost basis determined by the department.

28 CHAPTER 12. ORGANIZATION AND GOVERNMENT OF SCHOOL SYSTEM.

29 ARTICLE 1. DISTRICTS.

1 Sec. 14.12.010. DISTRICTS OF STATE PUBLIC SCHOOL
2 SYSTEM. The districts of the state public school system are
3 as follows:

4 (1) each first, second, and third class city in
5 the unorganized borough is a city school district;

6 (2) each organized borough is a borough school
7 district;

8 (3) the area outside organized boroughs and out-
9 side first, second, and third class cities is the state-
10 operated school district.

11 Sec. 14.12.020. SUPPORT, MANAGEMENT, AND CONTROL. (a)
12 Operation of the state-operated school district is under the
13 management and control of the department.

14 (b) Each borough or city school district shall be oper-
15 ated on a district-wide basis under the management and
16 control of a school board.

17 (c) The department shall provide the state money neces-
18 sary to maintain and operate the state-operated school
19 district. The borough assembly for a borough school district,
20 and the city council for a city school district, shall pro-
21 vide the money which must be raised from local sources to
22 maintain and operate the district.

23 ARTICLE 2. SCHOOL BOARDS.

24 Sec. 14.12.030. SCHOOL BOARDS. (a) Each borough and
25 city school district with an average daily membership of
26 5,000 or less has a school board of five members.

27 (b) Each borough and city school district with an
28 average daily membership exceeding 5,000 has a school board
29 of seven members.

1 Sec. 14.12.040. TRANSITION. The transition from a five-
2 man to a seven-man school board shall be made at the regular
3 election following, or being held within 90 days preceding,
4 the completion of the second regular school term during which
5 the district maintains an average daily membership exceeding
6 5,000. Once a district has a seven-man school board, the
7 number of members shall not be changed regardless of the
8 average daily membership.

9 Sec. 14.12.050. SCHOOL BOARD TERMS. (a) The term of
10 office of a member of a borough or city school board is five
11 years and until a successor takes office. However, the mem-
12 bers of a newly created five-man school board hold office
13 for initial terms as follows: one for a term of five years,
14 one for a term of four years, one for a term of three years,
15 one for a term of two years, and one for a term of one year,
16 the terms being assigned to the members by lot. The members
17 of a newly created seven-man school board hold office for
18 initial terms as follows: one for a term of five years, one
19 for a term of four years, two for terms of three years, one
20 for a term of two years, and two for terms of one year, the
21 terms being assigned to the members by lot.

22 (b) When a transition is made from a five-man school
23 board to a seven-man school board new members shall be
24 elected as follows: at the first regular school election
25 after the district becomes eligible for a seven-man school
26 board there shall be elected, in addition to the successor
27 or successors to be elected for a regular term, a new member
28 for an initial term of two years and until a successor takes
29 office, and a new member for an initial term of four years

1 and until a successor takes office.

2 (c) Nothing in this section prevents a school board
3 member from succeeding himself.

4 (d) The department shall prescribe by regulation the
5 method of transition from three-year terms being served on
6 the effective date of this Act to the five-year terms pre-
7 scribed by (a) of this section.

8 Sec. 14.12.070. VACANCIES. If a vacancy occurs on the
9 school board, the remaining members shall within 30 days fill
10 the vacancy. The person selected shall serve until the next
11 regular election when a successor shall be elected to serve
12 the balance of the term.

13 Sec. 14.12.080. QUALIFICATION OF MEMBERS. To be
14 eligible to be a member of a school board, a person must have
15 the same qualifications as are necessary to be a municipal
16 voter in the school district.

17 Sec. 14.12.090. OATH. School board members, before
18 taking office, shall affirm in writing that they will
19 honestly, faithfully, and impartially perform their duties.
20 The oath is filed with the secretary of the school board.

21 Sec. 14.12.100. APPLICATION. Secs. 10 - 100 of this
22 chapter apply to home rule and general law municipalities.

23 CHAPTER 14. LOCAL ADMINISTRATION OF SCHOOLS.

24 ARTICLE 1. OPERATION OF DISTRICTS.

25 Sec. 14.14.020. BOND REQUIRED. Before the officer
26 responsible for custody of, investment, or management of
27 school district money enters upon the duties of the office,
28 the district, or the municipality if the treasury is cen-
29 tralized, shall obtain a bond with sufficient sureties in an

1 amount equal to the money that may come into the officer's
2 official custody, but not to exceed \$50,000. The bond shall
3 be conditioned on the officer's honest and faithful disburse-
4 ment and accounting of all money that may come into his
5 official custody. The bond shall be filed with the clerk of
6 the school board. This section does not apply to an officer
7 who has been bonded under AS 07.25.060.

8 Sec. 14.14.050. ANNUAL AUDIT. (a) The school board in
9 each school district shall, before October 1, of each year,
10 provide for an audit of all school accounts for the school
11 year ending the preceding June 30. To make the audit the
12 school board shall contract with a public accountant who has
13 no personal interest, direct or indirect, in the fiscal affairs
14 of the district. One certified copy of the audit shall be
15 filed with the commissioner and one certified copy shall be
16 posted in a public place at the principal administrative
17 office of the district.

18 (b) The audit shall conform in form to requirements
19 established by the commissioner. The commissioner shall with-
20 hold all payments of state funds after November 15 to a
21 school district which fails to file a certified copy of the
22 audit with the department.

23 (c) The commissioner may provide for a reaudit or an
24 audit check in a school district if in his judgment it is
25 necessary to substantiate the reported expenditures.

26 (d) The school board shall not make the audit if an
27 audit which satisfies the requirements of this section and
28 which is filed and posted as required by this section, is
29 made according to AS 07.20.150.

1 Sec. 14.14.065. RELATIONSHIP BETWEEN CITY SCHOOL
2 DISTRICT AND CITY. The relationships between the school
3 board of a city school district and the city council and
4 executive are governed in the same manner as provided in
5 AS 07.15.330 for the school board of a borough school
6 district and the borough assembly and executive.

7 Sec. 14.14.070. ORGANIZATION OF SCHOOL BOARD. Within
8 seven days after the certification of the results of each
9 regular school election, the school board shall meet and
10 elect one of its members as president, one as clerk, and,
11 if necessary, one as treasurer.

12 Sec. 14.14.080. DECLARING A SCHOOL BOARD VACANCY.
13 When a member of a school board has notice of and is absent
14 from three consecutive regular school board meetings and
15 is not excused by the president of the school board, the
16 other members of the school board may declare the position
17 vacant and shall notify the ex-member by registered mail.
18 The vacancy shall be filled as provided by AS 14.12.070.

19 Sec. 14.14.090. ADDITIONAL DUTIES. In addition to
20 other duties, a school board shall

21 (1) determine and disburse the total amount to be
22 made available for compensation of all school employees and
23 administrative officers;

24 (2) provide for, during the school term of each
25 year, an educational program for each school age child who is
26 a resident of the district;

27 (3) withhold the salary for the last month of
28 service of a teacher or administrator until the teacher or
29 administrator has submitted all summaries, statistics, and

1 reports which the school board may require by bylaw;

2 (4) transmit, when required by the assembly or
3 council but not more often than once a month, a summary report
4 and statement of money expended;

5 (5) keep the minutes of meetings and a record of
6 all proceedings of the school board in a pertinent form;

7 (6) keep the records and files of the school board
8 open to inspection by the public at the principal administra-
9 tive office of the district during reasonable business hours;

10 Sec. 14.14.100. BYLAWS AND ADMINISTRATIVE RULES. (a)
11 The school board policies relating to management and control
12 of the district shall be expressed in written bylaws formally
13 adopted at regular school board meetings.

14 (b) Administrative rules which do not embody school
15 district policy need not be promulgated as bylaws; however,
16 the rules shall be in written form and readily available to
17 all school personnel.

18 Sec. 14.14.110. COOPERATION WITH OTHER DISTRICTS.
19 When necessary to provide more efficient or more economical
20 educational services, a district may cooperate with other
21 districts, state-operated schools, or the Bureau of Indian
22 Affairs in providing educational services or in establishing
23 boarding and tuition arrangements, arrangements for the ex-
24 change of pupils or teachers, or other similar arrangements.
25 However, if an arrangement requires pupils to live away from
26 their usual homes, the school board shall provide classes
27 within the district for any grade represented by more than
28 three elementary pupils or five secondary pupils.

29 Sec. 14.14.120. INOPERATIVE DISTRICT. (a) When there

1 are fewer than eight children eligible to attend elementary
2 and secondary school in a district, the school board may
3 declare the district inoperative for that school year.

4 (b) During the school year in which a district is
5 inoperative, the school board shall perform those functions
6 necessary to preserve the financial integrity of the district
7 to preserve the property and assets of the district, and to
8 otherwise insure against disruption of the continuity of the
9 district business.

10 (c) An inoperative school board shall, if practicable,
11 pay the tuition and boarding costs necessary to enable the
12 school age children within the district to attend school in
13 another district. If a child in an inoperative school district
14 is not attending school in another district, the department
15 shall provide correspondence courses and other materials and
16 charge the school board of the inoperative district an amount
17 equal to the actual cost to the department.

18 (d) The terms of office of a school board are not
19 affected by a declaration that the district is inoperative.
20 However, new board members shall not be elected during the
21 time a district is inoperative. In the event more than three
22 terms expire during the time a district is inoperative the
23 functions of the school board shall be assumed by the assembly
24 or council until the district becomes operative. When the
25 district becomes operative an expired school board term shall
26 be filled by the assembly or council until the next regular
27 school election when a school board member shall be elected
28 to serve the balance of the term.

29 Sec. 14.14.130. SUPERINTENDENT OF SCHOOLS. (a) Each

1 school board shall select and employ a qualified person as
2 the superintendent of schools for the district.

3 (b) The superintendent of schools is the chief adminis-
4 trative officer of the district and shall administer the
5 district in accordance with the policies which the school
6 board prescribes by bylaw.

7 (c) The superintendent of schools shall select, appoint,
8 and otherwise control all school employees and administrative
9 officers serving under him subject to the approval of the
10 school board.

11 Sec. 14.14.140. RESTRICTION ON EMPLOYMENT. (a) School
12 board members, or members of their immediate families, may not
13 be employed by the school board except upon approval of the
14 commissioner.

15 (b) Members of the immediate family of a superintendent
16 may not be employed by the superintendent except upon approval
17 of the commissioner.

18 Sec. 14.14.150. ASSOCIATION OF ALASKA SCHOOL BOARDS THE
19 REPRESENTATIVE AGENCY OF BOARD MEMBERS. The association of
20 Alaska School Boards is recognized as the organization and
21 representative agency of the members of the school boards of
22 the state.

23 Sec. 14.14.160. COOPERATION AND SUPPORT OF CERTAIN
24 ASSOCIATION FUNCTIONS. (a) The department and local dis-
25 tricts may cooperate with the Association of Alaska School
26 Boards in its inservice training program for school board mem-
27 bers and in encouraging and fostering cooperation among the
28 school boards affiliated with the Association of Alaska School
29 Boards.

1 (b) School districts may expend district money to carry
2 out the provisions of (a) of this section.

3 Sec. 14.14.170. ADVISORY SCHOOL BOARDS. (a) There is
4 established an advisory school board in each community served
5 by a rural school operated by the department. If the state-
6 operated school has an average daily enrollment of less than
7 251 pupils, the advisory school board consists of three mem-
8 bers. If the average daily enrollment is more than 250 pupils,
9 the advisory school board consists of five members.

10 (b) Voters qualified under sec. 180 of this chapter,
11 at an election, may create an on-base advisory school board.

12 Sec. 14.14.180. QUALIFICATIONS OF ADVISORY SCHOOL BOARD
13 MEMBERS AND VOTERS. (a) A person may vote at an election
14 for advisory school board members and may be elected to mem-
15 bership on an advisory school board who

16 (1) is a citizen of the United States;

17 (2) has passed his 19th birthday;

18 (3) is an inhabitant of the area served by the
19 school for at least 30 days preceding the election; and

20 (4) if the school is an on-base school, is re-
21 siding with a spouse or dependent in the area served.

22 (b) Election to an advisory school board is not an
23 election to a civil office of this state.

24 Sec. 14.14.190. TERMS OF OFFICE AND VACANCY. (a) The
25 terms of the initial members of a three-member advisory school
26 board are one, two, and three years, respectively, and each
27 until a successor takes office. Thereafter, members shall be
28 elected to terms of three years and until a successor takes
29 office.

1 (b) Of the initial members of an advisory school board
2 which consists of five members, one member is elected for a
3 one-year term, two members for a two-year term, and two mem-
4 bers for a three-year term, and each until a successor takes
5 office. Thereafter, all members are elected to terms of
6 three years and until a successor takes office.

7 (c) If a three-member advisory school board is increased
8 to a five-member advisory school board because of increased
9 enrollment, the two additional members are elected for terms
10 of two years and three years respectively. Thereafter, all
11 members are elected to three-year terms.

12 (d) Vacancies on advisory school boards will be filled
13 by the remaining members until the next regular election. At
14 that time an election will be held for the remaining portion
15 of the term.

16 Sec. 14.14.200. DUTIES. An advisory school board shall
17 advise and assist the department through the local official
18 administering the school, and shall do so in the manner the
19 department prescribes by regulation.

20 * Sec. 2. AS 14.17.050(f) is amended to read:

21 (f) If a school district has an average daily member-
22 ship of 600 or more students, it is entitled to teacher units,
23 as an allowance for superintendents and assistants, in addi-
24 tion to those otherwise allowed in (c) - (h) of this section.
25 The district is entitled to the number of teacher units which
26 corresponds to the total elementary and secondary average
27 daily membership in the following schedule:

28 Total Average Daily	Allowable No. of
29 Membership	Teacher Units

1	601 - 3000	1
2	3001 - 5999	2
3	<u>6000</u> [OVER 6000]	3 plus 1 for each
4		<u>6000 pupils over 6000</u>

5 * Sec. 3. AS 14.17.050(h) is amended to read:

6 (h) This schedule of allowable number of teacher units
7 is only for use in determining allotments under the public
8 school foundation program, and does not prohibit a district
9 from hiring a greater number of teachers to be paid from its
10 own funds. If a district operates any school with less than
11 301 pupils in a remote and isolated area, the commissioner
12 [STATE BOARD OF EDUCATION] may authorize the school board to
13 treat [ORDER] that school [TO BE TREATED] as a separate
14 district for the purpose of determining the allowable number
15 of teacher units the district is entitled to for that school
16 under (d) of this section.

17 * Sec. 4. AS 14.17.070(b) is amended to read:

18 (b) In this section, "attendance center" means each
19 elementary or secondary school which functions as a distinct
20 administrative unit and is allocated a principal by the
21 [DISTRICT] school board. The commissioner [STATE BOARD OF
22 EDUCATION] may designate as attendance centers, in addition
23 to those which qualify under this definition, those schools
24 which he [IT] determines should be considered as attendance
25 centers because of remote location or other special circum-
26 stances.

27 * Sec. 5. AS 14.17.140 is repealed and re-enacted to read:

28 Sec. 14.17.140. DETERMINATION OF FULL VALUE BY LOCAL
29 AFFAIRS AGENCY. (a) The Local Affairs Agency shall in con-

1 sultation with the local assessors determine the full value of
2 the taxable real and personal property in each district.
3 Exemptions granted according to the Alaska Industrial Incen-
4 tive Act (AS 43.25) shall be honored.

5 (b) In order to determine the full value of the taxable
6 property the Local Affairs Agency may require a person to
7 submit to the Local Affairs Agency a description of the
8 property owned by him, or in which he has an interest, or
9 property held or controlled by him in a representative
10 capacity. The description shall show the nature, quantity,
11 description, amount and value of the property, and the place
12 where it is located. The description shall be in the form
13 the Local Affairs Agency prescribes and shall include any
14 additional information which the Local Affairs Agency re-
15 quires. The Local Affairs Agency may, after receiving the
16 description, require any supplemental information or particu-
17 lars relating to the description.

18 (c) The Local Affairs Agency is not bound by the in-
19 formation in the description, but may make an independent in-
20 vestigation and determination as to the full value of the
21 taxable property.

22 (d) In order to carry out its duty under this section,
23 the Local Affairs Agency may appoint an investigator. He has
24 the right of access to the premises and may examine property
25 on the premises. For this purpose he has the right of access
26 to and may examine all property records involved. Each person
27 shall, upon request, furnish to the investigator every facility
28 and assistance for the purpose of the investigation.

29 (e) In making the determination, the Local Affairs

1 Agency shall be guided by AS 29.10.396. The determination
2 of full value shall be made before September 16 and sent by
3 registered mail before that date to the school board in care
4 of the superintendent of schools in each city and borough
5 district and to the chief executive of the city or borough.
6 Duplicate copies shall be sent to the commissioner. The
7 municipality may obtain judicial review of the determination
8 by filing a motion in the superior court of the judicial
9 district in which the district is located within 30 days
10 after receipt of the determination. The superior court may
11 modify the determination of the Local Affairs Agency only
12 upon a finding of abuse of discretion or upon a finding that
13 there is no substantial evidence to support the determination.

14 * Sec. 6. AS 14.17.190 is amended to read:

15 Sec. 14.17.190. RESTRICTIONS GOVERNING RECEIPT AND
16 EXPENDITURE OF MONEY FROM PUBLIC SCHOOL FOUNDATION ACCOUNT.

17 (a) The public school foundation money distributed to a
18 district during a year, together with the money acquired from
19 local effort, shall be received, held, and expended by the
20 district [SCHOOL BOARD] subject to the provisions of law and
21 regulations promulgated by the department [OF THE STATE BOARD
22 OF EDUCATION].

23 (b) Each district shall maintain financial records of
24 the receipt and disbursement of public school foundation money
25 and money acquired from local effort. The records must be in
26 the form required by the commissioner [WHICH THE STATE BOARD OF
27 EDUCATION PRESCRIBES BY REGULATION] and are subject to audit by
28 the commissioner or the board[STATE BOARD OF EDUCATION] at any
29 time.

1 * Sec. 7. AS 14.17.200 is amended to read:

2 Sec. 14.17.200. REGULATIONS. The department shall
3 promulgate [COMMISSIONER MAY ADOPT] regulations [UNDER THE
4 ADMINISTRATIVE PROCEDURE ACT (AS 44.62)] to implement this
5 chapter.

6 * Sec. 8. AS 14.17.250(1) is amended to read:

7 (1) "average daily membership" means the aggregate
8 days of membership of pupils divided by the actual number of
9 days [THE SCHOOL IS] in session for the school term [YEAR];

10 * Sec. 9. AS 14.17.250(3) is amended to read:

11 (3) "district" means any [INDEPENDENT, INCORPORATED]
12 city or borough school district, but does not include schools
13 in the state-operated school district [STATE RURAL SCHOOLS];

14 * Sec. 10. AS 14.20.010 is repealed and re-enacted to read:

15 ARTICLE 1. TEACHER CERTIFICATION.

16 Sec. 14.20.010. TEACHER'S CERTIFICATE REQUIRED. A person
17 may not be employed as a teacher in the public schools of the
18 state unless he possesses a valid teacher's certificate.

19 * Sec. 11. AS 14.20.020 is repealed and re-enacted to read:

20 Sec. 14.20.020. REQUIREMENTS FOR ISSUANCE OF CERTIFICATE.

21 (a) The department shall issue a teacher's certificate to every
22 person who meets the requirements in (b) and (c) of this
23 section.

24 (b) A person is not eligible for a teacher's certificate
25 unless he has received at least a baccalaureate degree from
26 an institution of higher education accredited by a recognized
27 regional accrediting association. However, this subsection
28 is not applicable to

29 (1) persons employed in the state public school

1 system on September 1, 1962;

2 (2) persons issued an emergency certificate during
3 a situation which, in the judgment of the commissioner, re-
4 quires the temporary issuance of a certificate to a person
5 not otherwise qualified.

6 (c) The department shall establish by regulation
7 additional requirements for the issuance of certificates.

8 (d) The department may by regulation establish various
9 classes of certificates.

10 * Sec. 12. AS 14.20 is amended by adding a new section to read:

11 Sec. 14.20.025. CERTIFICATION BOARD. (a) The governor
12 shall appoint a Teachers' Certification Board of three members
13 for staggered three-year terms. One member shall be a school
14 administrator, one member shall be a secondary teacher, and
15 one member shall be an elementary teacher, each serving in a
16 district or state-operated school. The board shall select one
17 of its members to be chairman. Two members constitute a quorum
18 to conduct business. The board shall meet at least once a year
19 at a place to be determined by the chairman. Members are not
20 entitled to compensation but are entitled to per diem and
21 travel allowances prescribed by law.

22 (b) The board shall

23 (1) review the regulations of the department as
24 they relate to teacher certification;

25 (2) at its discretion recommend changes in the
26 regulations;

27 (3) review the decisions of the department regard-
28 ing issuance or denial of certificates;

29 (4) at its discretion recommend reversal of

1 decisions of the department regarding the issuance or denial
2 of a certificate.

3 * Sec. 13. AS 14.20 is amended by adding a new section to read:
4 Sec. 14.20.030. CAUSES FOR REVOCATION. The department
5 may revoke a certificate only for the following causes:

6 (1) incompetency, which is defined as the inability
7 or the unintentional or intentional failure to perform the
8 teacher's customary duties in a satisfactory manner;

9 (2) immorality, which is defined as the commission
10 of an act which, under the laws of the state, constitutes a
11 crime involving moral turpitude; or

12 (3) substantial noncompliance with the school
13 laws of the state or the regulations of the department.

14 * Sec. 14. AS 14.20 is amended by adding a new section to read:

15 Sec. 14.20.040. PROCEDURE AND HEARING. (a) The com-
16 missioner shall notify, in writing, a teacher whose certifi-
17 cate is to be revoked. The written notification shall specify
18 the cause for revocation and include a complete bill of
19 particulars. The teacher may, within 10 days immediately
20 following receipt of the notification from the commissioner,
21 notify the commissioner in writing that he requests a hearing.
22 The teacher may require in the notification that

23 (1) the hearing be either public or private,

24 (2) the hearing be under oath or affirmation,

25 (3) he have the right to cross-examination,

26 (4) he be represented by counsel,

27 (5) he have the right to subpoena any person who

28 has made allegations which are used as a basis for the revoca-
29 tion of this certificate.

1 (b) Upon receipt of a notification requesting a hearing,
2 the commissioner shall immediately arrange for a hearing and
3 shall notify the teacher in writing of the date, time, and
4 place of the hearing. In determining the place of hearing,
5 the commissioner shall attempt to minimize the costs and
6 inconvenience to parties and witnesses expected to be heard.
7 A member of the board, an attorney of the Department of Law,
8 and a member of the teaching profession in Alaska shall con-
9 stitute the hearing board. A written transcript, tape, or
10 similar recording of the proceedings shall be kept. A trans-
11 cribed copy shall be furnished to the teacher for cost, upon
12 his request. A final decision of the hearing board requires
13 a majority vote. The hearing board shall vote by roll call,
14 and the vote shall be recorded in the record of the hearing.
15 A final decision of the hearing board shall be written and
16 contain specific findings of fact and conclusions of law. A
17 written notification of the decision of the hearing board
18 shall be furnished to the teacher within 10 days.

19 * Sec. 15. AS 14.20.095 is amended to read:

20 Sec. 14.20.095. RIGHT TO COMMENT AND CRITICIZE NOT TO
21 BE RESTRICTED. No bylaw [RULE] or regulation of the commis-
22 sioner of education, a [LOCAL] school board, or local school
23 administrator may restrict or modify the right of a teacher
24 to engage in comment and criticism outside school hours,
25 regarding [RELATIVE TO] school personnel [ADMINISTRATORS],
26 members of the governing body of any school or school district,
27 any other public official, or any school employee, to the same
28 extent that any private individual may exercise the right.

29 * Sec. 16. AS 14.20.130 is repealed and re-enacted to read:

Sec. 14.20.130. EMPLOYMENT OF TEACHERS AND ADMINISTRATORS. An employer may, after January 1, issue contracts for the following school year to employees regularly qualified in accordance with the regulations of the department. The contract for a superintendent may be for more than one school year but may not exceed three consecutive school years.

* Sec. 17. AS 14.20.140 is repealed and re-enacted to read:

Sec. 14.20.140. NOTIFICATION OF NONRETENTION. (a) If a teacher who has acquired tenure rights is not to be retained for the following school year, the employer shall notify the teacher of the nonretention by writing, delivered before March 16, or by registered mail postmarked before March 16.

(b) If a teacher who has not acquired tenure rights is not to be retained for the following school year the employer shall notify the teacher of the nonretention by writing delivered on or before the last day of the school term or by registered mail postmarked on or before the last day of the school term.

* Sec. 18. AS 14.20 is amended by adding a new section to read:

Sec. 14.20.145. AUTOMATIC RE-EMPLOYMENT. If notification of nonretention is not given according to sec. 140 of this chapter a teacher is entitled to be re-employed in the same district for the following school year on the contract terms the teacher and the employer may agree upon, or if no terms are agreed upon, the provisions of the previous contract are continued for the following school year, subject to sec. 158 of this chapter. The right to be re-employed according to this section expires if the teacher does not accept re-employment within 30 days after the date on which the teacher

1 became entitled to re-employment.

2 * Sec. 19. AS 14.20.150 is repealed and re-enacted to read:

3 Sec. 14.20.150. ACQUISITION OF TENURE RIGHTS. (a) A

4 teacher acquires tenure rights in a district when he

5 (1) possesses a standard teaching certificate;

6 (2) has been employed as a teacher in the same

7 district continuously for two full school years and is re-

8 employed for the school year immediately following the two

9 full school years.

10 (b) The tenure rights acquired under (a) of this section

11 become effective on the first day the teacher performs

12 teaching services in the district during the school year

13 immediately following the two full school years.

14 * Sec. 20. AS 14.20 is amended by adding a new section to read

15 Sec. 14.20.155. EFFECT OF TENURE RIGHTS. (a) A teacher

16 who has acquired tenure rights has the right to employment

17 within the district during continuous service.

18 (b) A teacher who has acquired tenure rights may agree

19 to a new contract at any time. However, if the teacher fails

20 to agree to a new contract, the provisions of the previous

21 contract are continued subject to sec. 158 of this chapter.

22 * Sec. 21. AS 14.20 is amended by adding a new section to read

23 Sec. 14.20.158. CONTINUED CONTRACT PROVISIONS. Con-

24 tinuation of the provisions of a teacher's contract according

25 to secs. 145 or 155 of this chapter does not

26 (1) affect the alteration of the teacher's salary

27 in accordance with the salary schedule prescribed by state

28 law, or in accordance with a local salary schedule applicable

29 to all teachers in the district and adopted by bylaw;

1 (2) limit the right of the employer to assign the
2 teacher to any teaching, administrative, or counseling
3 position for which the teacher is qualified; or

4 (3) limit the right of the employer to assign the
5 teacher, as is reasonably necessary, to any school in the
6 district.

7 * Sec. 22. AS 14.20.160 is repealed and re-enacted to read:

8 Sec. 14.20.160. LOSS OF TENURE RIGHTS. Tenure rights
9 are lost when the teacher's employment in the district is
10 interrupted or terminated, or when the teacher reaches the
11 age of 65.

12 * Sec. 23. AS 14.20.170 is repealed and re-enacted to read:

13 Sec. 14.20.170. DISMISSAL. (a) A teacher, including
14 a teacher who has acquired tenure rights, may be dismissed at
15 any time only for the following causes:

16 (1) incompetency, which is defined as the inability
17 or the unintentional or intentional failure to perform the
18 teacher's customary duties in a satisfactory manner;

19 (2) immorality, which is defined as the commission
20 of an act which, under the laws of the state, constitutes a
21 crime involving moral turpitude; or

22 (3) substantial noncompliance with the school laws
23 of the state, the regulations or bylaws of the department,
24 the bylaws of the district, or the written rules of the
25 superintendent.

26 (b) A teacher may be suspended temporarily with regular
27 compensation during a period of investigation to determine
28 whether or not cause exists for the issuance of a notification
29 of dismissal according to secs. 180 or 190 of this chapter.

1 * Sec. 24. AS 14.20 is amended by adding a new section to read:

2 Sec. 14.20.175. NONRETENTION. (a) A teacher who has
3 not acquired tenure rights is subject to nonretention for the
4 school year following the expiration of his contract for any
5 cause which the employer determines to be adequate. However,
6 at his request, the teacher is entitled to a written state-
7 ment of the cause for his nonretention.

8 (b) A teacher who has acquired tenure rights is subject
9 to nonretention for the following school year only for the
10 following causes:

11 (1) incompetency, which is defined as the inability
12 or the unintentional or intentional failure to perform the
13 teacher's customary duties in a satisfactory manner;

14 (2) immorality, which is defined as the commission
15 of an act which, under the laws of the state, constitutes a
16 crime involving moral turpitude;

17 (3) substantial noncompliance with the school laws
18 of the state, the regulations or bylaws of the department,
19 the bylaws of the district, or the written rules of the
20 superintendent; or

21 (4) a necessary reduction of staff occasioned by
22 a decrease in school attendance.

23 * Sec. 25. AS 14.20.180 is repealed and re-enacted to read:

24 Sec. 14.20.180. PROCEDURE AND HEARING UPON NOTICE OF
25 DISMISSAL OR NONRETENTION BY A SCHOOL DISTRICT. (a) A
26 borough or city school district employer shall include in a
27 notification of dismissal of a teacher who has not acquired
28 tenure rights, or nonretention or dismissal of a tenure teacher
29 a statement of cause and a complete bill of particulars.

1 (b) The teacher may, within 15 days immediately following
2 receipt of the notification, notify the employer in writing
3 that he requests a hearing before the school board. The
4 teacher may require in the notification that

- 5 (1) the hearing be either public or private,
- 6 (2) the hearing be under oath or affirmation,
- 7 (3) he have the right of cross-examination,
- 8 (4) he be represented by counsel,
- 9 (5) he have the right and privilege to subpoena

10 any person who has made allegations which are used as a basis
11 for the decision of the employer.

12 (c) Upon receipt of the notification requesting a hear-
13 ing, the employer shall immediately arrange for a hearing, and
14 shall notify the teacher or administrator in writing of the
15 date, time, and place of the hearing. A written transcript,
16 tape, or similar recording of the proceedings shall be kept.
17 Transcribed copies shall be furnished to the teacher for
18 cost upon his request. A final decision of the school board
19 requires a majority vote of the membership. The school board
20 shall vote by roll call. A final decision of the school
21 board shall be written and contain specific findings of fact
22 and conclusions of law. A written notification of the de-
23 cision of the school board shall be furnished to the teacher
24 within 10 days of the date of the decision.

25 * Sec. 26. AS 14.20.190 is repealed and re-enacted to read:

26 Sec. 14.20.190. PROCEDURE AND HEARING UPON NOTICE OF
27 DISMISSAL OR NONRETENTION BY THE DEPARTMENT. (a) The com-
28 missioner or his designee shall include in a notification of
29 dismissal of a teacher in the state-operated school district,

1 who has not acquired tenure rights, or nonretention or dis-
2 missal of a tenure teacher in the state-operated school
3 district an accusation initiating a hearing under the Adminis-
4 trative Procedure Act (AS 44.62).

5 (b) If the teacher files a notice of defense to the
6 accusation, it shall be addressed to the commissioner. The
7 commissioner and two members of the board shall hear all
8 contested cases involving the nonretention or dismissal of a
9 teacher employed by the department and may not delegate the
10 function to a hearing officer.

11 * Sec. 27. AS 14.20 is amended by adding a new section to read:

12 Sec. 14.20.205. JUDICIAL REVIEW: (a) If a school
13 board reaches a decision unfavorable to a teacher, the teacher
14 is entitled to a de novo trial in the superior court.

15 (b) If the board of appeals reaches a decision un-
16 favorable to a teacher, the teacher is entitled to judicial
17 review according to AS 44.62.

18 * Sec. 28. AS 14.20 is amended by adding a new section to read:

19 Sec. 14.20.207. DEFINITIONS. In secs 10 - 210 of this
20 chapter

21 (1) "teacher" means a person serving in a teaching,
22 counseling, or administrative capacity and required to be
23 certificated in order to hold the position;

24 (2) "employer" means the school board or superin-
25 tendent which appoints the teacher or, in the case of a
26 teacher in the state-operated schools, the department;

27 (3) "school year" includes "school term" if the
28 teacher is employed only for the period of the school term;

29 (4) "continuous employment" means employment which

1 is without interruption except for temporary absences approved
2 by the employer or its designee, or by the interval between
3 consecutive school terms if the teacher is employed only for
4 the months of the school term;

5 (5) "nonretention" means the election by an employer
6 not to re-employ a teacher for the school year or school term
7 immediately following the expiration of the teacher's current
8 contract; and

9 (6) "dismissal" means termination by the employer,
10 during the time a teacher's contract is in force, of the
11 contract services of the teacher and of the right to the
12 balance of the compensation due the teacher under his contract.

13 * Sec. 29. AS 14.20.210 is repealed and re-enacted to read:

14 Sec. 14.20.210. AUTHORITY OF SCHOOL BOARD OR DEPARTMENT
15 TO ADOPT BYLAWS. A school board or the department may adopt
16 teacher tenure bylaws not in conflict with the regulations
17 of the department or state law.

18 * Sec. 30. AS 14.20.280 is amended to read:

19 Sec. 14.20.280. BASIS OF LEAVE. A teacher who has
20 rendered active service for seven or more years in a district
21 [PUBLIC SCHOOL SYSTEM IN THE STATE] is entitled to sabbatical
22 leave [, SUBJECT TO THE RESTRICTIONS OF SECS. 280 -350 OF
23 THIS CHAPTER]. Sabbatical leave may be taken for educational
24 purposes only, and for not more than one school year.

25 * Sec. 31. AS 14.20.290 is amended to read:

26 Sec. 14.20.290. APPLICATION. A teacher who wishes to
27 take sabbatical leave must apply [, IF EMPLOYED IN AN
28 ORGANIZED SCHOOL DISTRICT,] to the governing body of the
29 school district [SUPERINTENDENT OF SCHOOLS, AND, IF EMPLOYED

1 IN A NONDISTRICT SCHOOL, TO THE COMMISSIONER OF EDUCATION].

2 The teacher must submit information showing his qualifications
3 for sabbatical leave and a plan for his education during the
4 leave.

5 * Sec. 32. AS 14.20.300 is repealed and re-enacted to read:

6 Sec. 14.20.300. SELECTION OF TEACHERS. (a) The
7 governing body of the school district has the responsibility
8 for selection of the teachers to be granted sabbatical leave.

9 (b) In selecting teachers for sabbatical leave, the
10 governing body shall consider the benefit which the school
11 district will derive from the proposed plan of the teacher
12 for educational purposes, the field of study of the teacher,
13 the contributions of the teacher to education in Alaska, and
14 the seniority of the teacher.

15 * Sec. 33. AS 14.20.310 is amended to read:

16 Sec. 14.20.310. AMOUNT OF SABBATICAL LEAVE AND COMPEN-
17 SATION. (a) The number of teachers entitled to sabbatical
18 leave which may be allowed under secs. 280 - 350 of this
19 chapter is as follows:

20 (1) not more than one-fourth of one per cent of the
21 total number of[EIGHT] teachers from all borough and city
22 school districts and the state-operated school district [BOTH
23 ORGANIZED DISTRICT AND NONDISTRICT SCHOOLS] may be on state-
24 supported sabbatical leave in any year;

25 (2) any number of teachers may be on sabbatical
26 leave at school district expense.

27 (b) A teacher on state-supported sabbatical leave is
28 entitled to one-half his base salary to be paid by the de-
29 partment.

1 (c) A teacher on sabbatical leave at district expense
2 is entitled to an amount of salary to be determined by the
3 school [LOCAL] board.

4 * Sec. 34. AS 14.20.320 is amended to read:

5 Sec. 14.20.320. RESPONSIBILITY OF TEACHER. Upon a
6 teacher's return to his teaching position, the teacher shall
7 make a report to the governing body [AUTHORITY WHICH APPROVED
8 HIS SABBATICAL LEAVE] concerning his educational accomplish-
9 ments. A teacher who does not serve for at least a full
10 year after his return shall refund to the district, if the
11 sabbatical leave was at district expense, or to the depart-
12 ment, if the sabbatical leave was state-supported, money paid
13 to him under sec. 310 of this chapter unless his failure
14 to serve a full year after return is attributable to sickness,
15 injury, or death.

16 * Sec. 35. AS 14.20.330 is repealed and re-enacted to read:

17 Sec. 14.20.330. POSITION, TENURE, AND RETIREMENT. (a)
18 Unless it is otherwise agreed, a teacher returning from sab-
19 batical leave shall return to the position which he occupied
20 before he left.

21 (b) A sabbatical leave is not an interruption of the
22 continuous service necessary to attain or retain tenure under
23 secs. 150, 155, or 160 of this chapter. However, the time
24 spent on sabbatical leave may not be counted in determining
25 when a teacher has sufficient service to enable him to
26 acquire tenure rights.

27 (c) A sabbatical leave is not a break in service for
28 retirement purposes. Payment into the retirement fund shall
29 be made on the basis of full salary.

1 * Sec. 36. AS 14.20.345(a) is amended to read:

2 (a) A teacher may be granted a leave of absence without
3 pay for the purposes which may be approved by the governing
4 body of the district [LOCAL SCHOOL BOARD IF THE TEACHER IS
5 EMPLOYED IN AN ORGANIZED DISTRICT, OR BY THE DEPARTMENT IF
6 THE TEACHER IS EMPLOYED IN A NONDISTRICT SCHOOL,] if

7 (1) his application is approved by the governing
8 body of the district [HIS LOCAL BOARD IF EMPLOYED IN AN
9 ORGANIZED DISTRICT, OR BY THE DEPARTMENT IF EMPLOYED IN A
10 NONDISTRICT SCHOOL]; and

11 (2) he agrees to return to employment in a public
12 school not later than the beginning of the school year fol-
13 lowing termination of the period for which the leave of
14 absence was granted.

15 * Sec. 37. AS 14.20.345(b) is repealed and re-enacted to read:

16 (b) A leave of absence is not an interruption of the
17 continuous service necessary to attain or retain tenure
18 rights according to secs. 150, 155, or 160 of this chapter.
19 However, the time spent on leave of absence may not be
20 counted in determining when a teacher has sufficient service
21 to enable him to acquire tenure rights.

22 * Sec. 38. AS 14.30.010 is repealed and re-enacted to read:

23 Sec. 14.30.010. WHEN ATTENDANCE COMPULSORY. (a)
24 Every parent, guardian, or other person having the responsi-
25 bility for or control of a child between seven and 16 years
26 of age shall take every reasonable step necessary to insure
27 that the child is not absent from attendance at the public
28 school in the district in which the child resides during
29 each school term.

1 (b) This section does not apply if a child

2 (1) is provided an academic education comparable
3 to that offered by the public schools in the area, either by
4 attendance at a private school in which the teachers are
5 certified according to AS 14.20.010 - 14.20.040 or by tutor-
6 ing by personnel certified according to AS 14.20.010 - 14.-
7 20.040;

8 (2) attends a school operated by the federal
9 government;

10 (3) has a physical or mental condition which a
11 competent medical authority determines will make attendance
12 impractical;

13 (4) is in the custody of a court or law enforce-
14 ment authorities;

15 (5) is temporarily ill or injured;

16 (6) has been suspended or denied admittance
17 according to sec. 45 of this chapter;

18 (7) resides more than two miles from either a
19 public school or a route on which transportation is provided
20 by the school authorities, except this subsection does not
21 apply if the pupil resides within two miles of a federal
22 school which he is eligible to attend;

23 (8) is excused in writing signed by a majority of
24 the members of the school board of a district, or by the
25 commissioner or his designee in state-operated schools; or

26 (9) has completed the eighth grade.

27 * Sec. 39. AS 14.30.020 is repealed and re-enacted to read:

28 Sec. 14.30.020. VIOLATION. A person violating sec. 10
29 of this chapter is guilty of a misdemeanor and upon conviction

1 is punishable by a fine of not less than \$50 nor more than
2 \$200, plus the cost of prosecution, and shall be imprisoned
3 until the fine and costs are paid or until he has served one
4 day for every \$2 of the fine and costs, at which time the
5 fine and costs are automatically discharged. Each unlawful
6 absence is a violation and if an absence is extensive there
7 is a new violation each time five consecutive days of the
8 absence elapse. The court may suspend sentence, stay or post-
9 pone enforcement of execution, or release from custody a
10 person found guilty upon the conditions which are in the best
11 interests of the child. In any event, at the expiration of
12 the school year, the person shall be released and discharged
13 from all penalties provided by this section.

14 * Sec. 40. AS 14.30.030 is repealed and re-enacted to read:

15 Sec. 14.30.030. REPORT OF VIOLATIONS AND PROCEDURES.

16 The chief administrative officer of a district or state-
17 operated school shall report all apparent violations of sec.
18 10 of this chapter to the governing body of the division.
19 The governing body shall, on receiving the report or on the
20 complaint of any person, provide for a full and impartial
21 investigation of all charges of violation. In private or
22 federal schools, the chief administrative officer shall make
23 a full and impartial investigation of all apparent violations.
24 If it reasonably appears upon investigation that a person has
25 violated sec. 10 of this chapter, the governing body of a
26 district or state-operated school, or the chief administrative
27 officer of a private or federal school, shall make and file
28 with the district magistrate court a complaint against the
29 person, charging the violation. The magistrate may issue

1 a warrant for the arrest of the person and may act upon the
2 complaint.

3 * Sec. 41. AS 14.30 is amended by adding a new section to read:

4 Sec. 14.30.045. GROUNDS FOR SUSPENSION OR DENIAL OF
5 ADMISSION. (a) A school age child may be suspended from or
6 denied admission to the public school which he is otherwise
7 entitled to attend only for the following causes:

8 (1) continued wilful disobedience or open and
9 persistent defiance of reasonable school authority;

10 (2) behavior which is inimicable to the welfare,
11 safety, or morals of other pupils;

12 (3) a physical or mental condition which in the
13 opinion of a competent medical authority will render the
14 child unable to reasonably benefit from the programs available;

15 (4) a physical or mental condition which in the
16 opinion of a competent medical authority will cause the
17 attendance of the child suffering from the conditions to be
18 inimicable to the welfare of other pupils;

19 (5) conviction of a felony which the governing
20 body of the district determines will cause the attendance of
21 the child to be inimicable to the welfare or education of
22 other pupils.

23 (b) A child may be suspended from or denied admission
24 to the public school which he is otherwise entitled to attend
25 only in accordance with this section.

26 * Sec. 42. AS 14.30 is amended by adding a new section to read:

27 Sec. 14.30.047. ADMISSION OR READMISSION, WHEN CAUSE NO
28 LONGER EXISTS. (a) A child who has been suspended from or
29 denied admittance to a school according to sec. 45(a)(3) or

1 (4) of this chapter shall be permitted to attend school when
2 he is obviously recovered or presents to the governing body
3 a statement in writing from a competent medical authority that
4 he is no longer afflicted with, or suffering from, the
5 physical or mental condition to the extent that it is a cause
6 for suspension or denial of admission according to sec. 45(a)
7 (3) or (4) of this chapter.

8 (b) A child who has been suspended from or denied admit-
9 tance to a school for any other cause provided by sec. 45 of
10 this chapter shall be permitted to attend school when it
11 reasonably appears that the cause has been remedied.

12 * Sec. 43. AS 14.30.050 is repealed and re-enacted to read:

13 Sec. 14.30.050. TRUANT OFFICERS. (a) If it is not
14 practical for an existing law enforcement agency to enforce
15 sec. 10 of this chapter, the governing body of the school
16 district or the Bureau of Indian Affairs may appoint the
17 necessary truant officers to enforce sec. 10 of this chapter.
18 The state shall not contribute to the expenses of an officer
19 appointed by the Bureau of Indian Affairs.

20 (b) A truant officer may arrest and bring before any
21 district magistrate, a person violating sec. 10 of this chap-
22 ter upon a warrant issued by the district magistrate.

23 * Sec. 44. AS 14.30 is amended by adding a new section to read:

24 Sec. 14.30.065. SUPERVISION. The program of physical
25 examinations and vaccinations prescribed by secs. 65 - 125
26 of this chapter shall be under the general supervision and
27 in accordance with regulations of the Department of Health
28 and Welfare.

29 * Sec. 45. AS 14.30.070 is repealed and re-enacted to read:

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Sec. 14.30.070. PHYSICAL EXAMINATION REQUIRED. (a)
The governing body of each school district shall provide for and require a physical examination of every child attending school in the district. The examination shall be made when the child enters school or, in areas where no physician resides, as soon thereafter as is practicable, and thereafter at regular intervals considered advisable by the governing body of the district.

(b) The department of health and welfare may require the district to conduct additional physical examinations which it considers necessary, and may reimburse the district for the additional examinations on the basis and to the extent the commissioner of health and welfare prescribes by regulation.

(c) Examinations shall be made by a competent physician, except that if the services of a physician cannot be obtained or if authorized by the commissioner of health and welfare, examinations may be made by a nurse.

* Sec. 46. AS 14.30.120 is amended to read:

Sec. 14.30.120. CERTIFICATE OF PHYSICAL EXAMINATION.
The school board, when [PERIODIC] physical examinations are made [OF A CHILD], shall deliver to the parent, [OR] guardian or other person having the responsibility for or control of the child a report signed by the physician or nurse making the [PHYSICAL] examination [OR INSPECTION], specifying the findings with respect to the health and physical well-being of the child.

* Sec. 47. AS 14.30 is amended by adding a new section to read:

Sec. 14.30.125. VACCINATION. If in the judgment of the

1 commissioner of health and welfare it is necessary for the
2 welfare of the children or the general public in an area, the
3 governing body of the school district shall require the
4 children attending school in that area to be vaccinated
5 against the diseases the commissioner of health and welfare
6 may specify.

7 * Sec. 48. AS 14.30.186 is repealed and re-enacted to read:

8 Sec. 14.30.186. COVERAGE. (a) A borough or city
9 school district shall provide for special services for each
10 classification of exceptional children represented by not
11 less than five children residing in the district.

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

16 (c) Nothing in this section shall prevent special ser-
17 vices from being offered to classifications represented by
18 less than five children.

19 * Sec. 49. AS 14.30.250 is amended to read:

20 Sec. 14.30.250. TEACHER QUALIFICATIONS. No person shall
21 be employed to teach a class for exceptional children unless
22 he possesses a valid teacher's certificate, and, in addition,
23 such training as the department may require by regulation
24 [SUPERVISOR OF SPECIAL EDUCATION MAY REQUIRE IN RULES AND
25 REGULATIONS APPROVED BY THE COMMISSIONER].

26 * Sec. 50. AS 14.30.260 is amended to read:

27 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school
28 board for a district, or the department for a school in the
29 state-operated school district [OF A PUBLIC SCHOOL SYSTEM]

1 in which special services are provided for, [A SPECIAL CLASS
2 IS ESTABLISHED AND MAINTAINED] may waive part of the qualifi-
3 cations for teachers as set forth in sec. 250 of this chapter,
4 if necessary, during the first school year special services are
5 offered in the district or in the school in the state-operated
6 school district [THE PROGRAM IS IN OPERATION IN THE DISTRICT.
7 AFTER THE END OF THE FIRST SCHOOL YEAR NO TEACHER MAY BE
8 EMPLOYED UNLESS HE HAS THE QUALIFICATIONS AS SET OUT IN SEC.
9 250 OF THIS CHAPTER].

10 * Sec. 51. AS 14.30.270 is amended to read:

11 Sec. 14.30.270. SUBSTITUTES. Section 250 of this
12 chapter does not prohibit the employment of a person, other-
13 wise qualified to serve as a substitute teacher, to serve as
14 a teacher of a class for exceptional children [HOLDING SOME
15 OTHER VALID CREDENTIAL AUTHORIZING SUBSTITUTE TEACHING AS A
16 SUBSTITUTE TEACHER OF EACH SPECIAL DAY CLASS] for not more
17 than 20 school days in the same class in a school year.

18 * Sec. 52. AS 14.30.280 is amended to read:

19 Sec. 14.30.280. PSYCHOLOGIST QUALIFICATIONS. The mini-
20 mum standards for a psychologist are the minimum standards
21 set out in the state classification plan for a psychologist,
22 and such additional requirements as the department [COMMIS-
23 SIONER OR BOARD OF EDUCATION] prescribes by regulation.

24 * Sec. 53. AS 14.30.330 is amended to read:

25 Sec. 14.30.330. APPLICATION FOR ENROLLMENT. (a) The
26 parent or guardian of an exceptional child [RESIDING IN THE
27 PUBLIC SCHOOL SYSTEM], or the school administrator, for ex-
28 ceptional children residing in the district or area in which
29 the administrator is employed, shall make [INITIATE] applica-

1 tion [UPON PRESCRIBED FORMS] for the enrollment of the child
2 [, THROUGH THE SYSTEM TO THE STATE DEPARTMENT OF EDUCATION].
3 if the administrator makes [INITIATES] the application
4 [PLACEMENT], it shall be with the full knowledge and consent
5 of the parent or guardian.

6 (b) The application shall be on forms provided by the
7 department and shall be submitted to the governing body of
8 the district in which the child resides. When an application
9 is submitted to a school board, it shall be forwarded to the
10 commissioner.

11 (c) Final certification of a student for special ser-
12 vices [TO THE PROGRAM] is the responsibility of the commis-
13 sioner [OF EDUCATION]. The child shall undergo physical and
14 psychological examination by qualified [ACCREDITED] personnel
15 for the purpose of determining whether or not the child is
16 capable of receiving benefit from attending classes for
17 exceptional children [PARTICIPATION IN A SPECIAL EDUCATION
18 PROGRAM]. If determined eligible and capable of receiving
19 benefit [THE INDICATED BENEFITS], and upon approval of the
20 application by the commissioner [OF EDUCATION], the child
21 shall be recommended for enrollment.

22 * Sec. 54. AS 14.30.345 is amended to read:

23 Sec. 14.30.345. REGULATIONS. The department [COMMIS-
24 SIONER OF EDUCATION] shall promulgate regulations to carry
25 out the purposes of this chapter.

26 * Sec. 55. AS 14.33.010 is amended to read:

27 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS.
28 The department, for the benefit of schools in the state-
29 operated school district [SCHOOLS], or the school board of a

1 borough or city school district, or a private or denomina-
2 tional school may require that school safety patrols be
3 established to assist pupils to cross streets and highways
4 adjacent to schools in safety.

5 * Sec. 56. AS 14.35.020 is repealed and re-enacted to read:

6 Sec. 14.35.020. DUTIES OF STATE BOARD OF EDUCATION. (a)
7 The State Board of Education serves as the state board for
8 the purposes of any of the Acts described in sec. 10 of this
9 chapter.

10 (b) When required by any of the Acts described in sec.
11 10 of this chapter the board shall

12 (1) prepare, submit, and supervise the administra-
13 tion of the plans for vocational education and vocational
14 rehabilitation;

15 (2) select a state director of vocational educa-
16 tion;

17 (3) establish the minimum qualifications for
18 teachers, supervisors, or directors; and

19 (4) determine the prorated basis on which money
20 shall be available for the salary and necessary travel ex-
21 penses of the state director of vocational education.

22 (c) Nothing in this section shall be construed to
23 repeal or modify any existing statute.

24 * Sec. 57. AS 14.35 is amended by adding a new section to read:

25 Sec. 14.35.025. DUTIES OF THE DEPARTMENT OF EDUCATION.
26 When required by any of the Acts described in sec. 10 of
27 this chapter the department shall

28 (1) cooperate with the United States Department
29 of Health, Education, and Welfare in the administration of

1 the Act;

2 (2) do everything necessary to entitled the state
3 to receive money available according to the Act;

4 (3) represent the state in all matters related to
5 the administration of the Act;

6 (4) expend and disburse money received according
7 to the Act; and

8 (5) designate the districts, schools, departments,
9 or classes to participate in the benefits of money received
10 according to the Act.

11 * Sec. 58. AS 14.35.040 is amended to read:

12 Sec. 14.35.040. COMMISSIONER OF ADMINISTRATION
13 [REVENUE] AS CUSTODIAN OF FEDERAL FUNDS. The commissioner of
14 administration [REVENUE] is designated custodian of appropri-
15 ations made under any of the Acts [ACT REFERRED TO] described
16 in sec. 10 of this chapter. He shall receive and provide for
17 the proper custody and disbursement of all money paid to the
18 state according to any [FROM APPROPRIATIONS] of the Acts
19 [ACT].

20 * Sec. 59. AS 14 is amended by adding a new chapter to read:

21 CHAPTER 56. THE STATE LIBRARY, MUSEUM AND
22 HISTORICAL LIBRARY

23 Sec. 14.56.010. DEPARTMENT OF EDUCATION TO GOVERN
24 LIBRARY AND MUSEUM. The department of education shall manage
25 and have complete charge of all of the property contained in
26 the institutions known as the state library, the state museum
27 and the state historical library.

28 Sec. 14.56.020. POWERS OF DEPARTMENT OF EDUCATION.

29 The department shall

1 (1) stimulate and encourage citizens participation
2 in the development and improvement of library facilities; and

3 (2) establish policies, plans, and procedures of
4 the department, and promulgate reasonable regulations and
5 orders, with penalties, as may be required.

6 Sec. 14.56.030. STATE LIBRARY DUTIES. The department
7 shall undertake state library functions which will benefit the
8 state and its citizens, including:

9 (1) coordinate library services of the state with
10 other educational services and agencies to increase effective-
11 ness and eliminate duplication;

12 (2) provide reference library service to state and
13 other public officials;

14 (3) provide library services and administer state
15 and other grants-in-aid to public libraries to supplement and
16 improve their services, the grants to be paid from funds
17 appropriated for that purpose, or from other funds available
18 for that purpose;

19 (4) provide library service directly to areas in
20 which there is not sufficient population or local revenue to
21 support independent library units;

22 (5) distribute financial aid to public libraries
23 for extension of library service to surrounding areas and to
24 improve inadequate local library service under regulations
25 promulgated by the department;

26 (6) offer consultant service on library matters
27 to state and municipal libraries, community libraries, school
28 libraries, and libraries in unincorporated communities;

29 (7) serve as a depository for state and federal

1 publications concerning Alaska;

2 (8) apply for, receive, and spend federal, state,
3 or private funds available for library purposes.

4 Sec. 14.56.040. APPLICATION FOR GRANT-IN-AID. An
5 association desiring to receive the benefits of secs. 20 - 60
6 of this chapter shall file a copy of its articles of incorpora-
7 tion and bylaws with the department, and shall file an annual
8 report with the department listing the members of its library
9 board and an accurate record of money spent on the purchase of
10 books and periodicals. A copy of these records shall be sent
11 to the department at the close of each fiscal year.

12 Sec. 14.56.050. PAYMENT OF GRANT-IN-AID. An associa-
13 tion that, during a fiscal year, has complied with secs. 20 -
14 60 of this chapter and the regulations promulgated by the
15 department under it, is entitled to receive the authorized
16 amount of aid. Payment of the grant-in-aid is on a reim-
17 bursement basis upon the presentation by the association of
18 paid invoices listing the authors and titles of books and
19 periodicals purchased. No payment made for the purchase of
20 any books of a religious or sectarian nature, or for other
21 property except books and periodicals shall be counted as
22 part of the sums for which reimbursement may be claimed
23 under secs. 20 - 60 of this chapter.

24 Sec. 14.56.060. LIMITATION ON GRANT-IN-AID. The state
25 shall provide assistance to any association incorporated
26 under the laws of the state, for the purpose of maintaining
27 public libraries, to the extent of paying to the association
28 a sum equal to the sum which the association spends in
29 purchasing books and periodicals for public libraries in the

1 state, not exceeding \$250 in one year to each association, in
2 accordance with the rules of the department.

3 Sec. 14.56.070. STATE MUSEUM DUTIES. The department
4 shall

5 (1) acquire artifacts, natural history specimens,
6 art objects, etc., that pertain to the human and natural
7 history of Alaska by purchase and by gift;

8 (2) identify, catalog, preserve, and display these
9 acquisitions;

10 (3) acquire and catalog Alaskan photographs and
11 maintain a card catalog of this collection;

12 (4) accept endowments, grants, and gifts in
13 accordance with established state policy;

14 (5) collect and maintain books, periodicals,
15 pamphlets, and other materials pertinent to museum adminis-
16 tration, techniques and collections;

17 (6) assist and advise in the development of local
18 museums;

19 (7) collect and keep current information concerning
20 museum activities throughout the state;

21 (8) coordinate the museum activites of the state
22 with those of other agencies in order to increase effective-
23 ness and to avoid duplication;

24 (9) keep the museum open at reasonable hours for
25 the convenience of visitors.

26 Sec. 14.56.080. HISTORICAL LIBRARY DUTIES. The depart-
27 ment shall

28 (1) collect, catalog, and preserve an Alaska
29 collection consisting of books, laws, pamphlets, periodicals,

1 manuscripts, microreproductions, audiovisual material, etc.;

2 (2) serve as a depository for state and federal
3 historical publications concerning Alaska;

4 (3) acquire, catalog, and maintain archives rela-
5 tive to Alaska such as the records or correspondence of any
6 public or private institution or individual which are ad-
7 judged worthy of preservation for reference and research
8 purposes;

9 (4) perform other functions necessary to the opera-
10 tion of a historical library.

11 * Sec. 60. AS 14.60.010 is amended by adding new subsections
12 to read:

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

16 (6) "school board" means the school board of a
17 borough or city school district.

18 * Sec. 61. The following laws are repealed: AS 14.05;
19 AS 14.10; AS 14.15; AS 14.20.090; AS 14.20.185; AS 14.20.200;
20 AS 14.30.040; AS 14.30.060; AS 14.30.080 - 14.30.110;
21 AS 14.30.130 - 14.30.170; AS 14.30.185; AS 14.30.345;
22 AS 14.35.040; AS 14.45.010; AS 14.55

23 * Sec. 62. AS 07.15.330(1) is amended to read:

24 (1) The terms of office and membership of the borough
25 school board shall be as provided by law [FOR AN INDEPENDENT
26 SCHOOL DISTRICT]. All borough school board members shall
27 be elected at large, but school board zones for the repre-
28 sentation of separate and distinct areas may be established,
29 altered or abolished as provided by AS 07.30.110.

1 * Sec. 63. This Act takes effect July 1, 1966.

2 Passed by the House April 12 1966

3

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Speaker of the House

5

6 ATTEST:

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Chief Clerk of the House

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10 Passed by the Senate April 9, 1966

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President of the Senate

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14 ATTEST:

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Secretary of the Senate

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LAWS OF ALASKA

1966

Source:

CSHB 12 am by Senate

Chapter No.:

98

AN ACT

Revising AS 14, Education; 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 new chapters to read:

CHAPTER 3. PUBLIC SCHOOLS GENERALLY

Sec. 14.03.010. ESTABLISHMENT OF SCHOOL SYSTEM. There is established in the state a system of public schools to be administered and maintained as provided in this title.

Sec. 14.03.020. SCHOOL YEAR. The school year begins on the first day of July and ends on the 30th day of June.

Sec. 14.03.030. SCHOOL TERM. The school term begins and ends on the dates fixed by the governing body of the school district. However, the term shall include not less than 180 days in session.

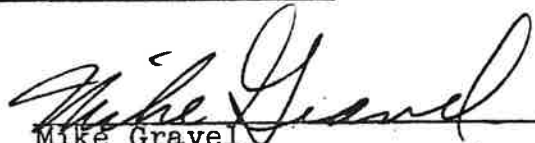
Sec. 14.03.040. DAY IN SESSION. Each day within the school term is a day in session except Saturdays, Sundays, and days designated as holidays by or according to sec. 50 of this chapter. The day in session in every school shall be at least four hours long, exclusive of intermissions, for

* Sec. 63. This Act takes effect July 1, 1966.

Authentication

The following officers of the Legislature certify that the attached enrolled bill, CSHB 12 am by Senate, consisting of 53 pages, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.


Passed by the House, April 12, 1966


Mike Gravel
Speaker of the House

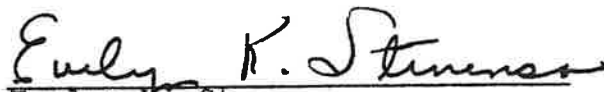
ATTEST:


Nadine Williams
Chief Clerk of the House

Passed by the Senate, April 9, 1966



Robert J. McNealy
President of the Senate

ATTEST:


Evelyn K. Stevenson
Secretary of the Senate

ACTION BY GOVERNOR

Approved by the Governor April 14, 1966


Governor of Alaska

Certified Senate Amendments to Committee Substitute for House
Bill No. 12, am

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 AMENDMENTS TO

3 CS FOR HOUSE BILL NO. 12, am

4 1. Page 2, lines 15 and 16: delete the last sentence and add
5 a new subsection (c) to read:

6 "(c) The governing body of the school district may
7 declare additional holidays."

8 2. Page 3, lines 9 - 10: delete the commas; line 11, insert
9 the following sentence after the word "resident." "This
10 subsection shall not be construed to waive the compulsory
11 attendance requirements of AS 14.30.010."

12 3. Page 3, line 20 - 24: delete all material in subsection (c)
13 after the word "district" on line 20 and insert in lieu
14 thereof the following:

15 "if the child meets minimum standards prescribed by the
16 board evidencing that the child has the mental, physical
17 and emotional capacity to perform satisfactorily for the
18 educational program being offered."

19 4. Page 4, line 15 - 19: delete sec. 110 in its entirety.

20 5. Page 4, line 20 - 23: delete sec. 120 in its entirety.

21 6. Page 6, line 14, 15 and 18: change the word "high" to read
22 "secondary"

23 7. Page 7, line 15 - 29 and page 8, lines 1 - 5: delete entire
24 sec. 50 and substitute in lieu thereof the following:

25 "Sec. 14.07.050. SELECTION OF TEXTBOOKS. Textbooks
26 for use in the public schools of the state shall be selected
27 by the State Textbook Commission for schools operated by
28 the department and by the school board for each district.
29 However, a district may elect to adopt the selections of

1 the commission.

2 Sec. 14.07.052. STATE TEXTBOOK COMMISSION. (a) The
3 State Textbook Commission shall consist of the following:

4 (1) two representatives from on-base schools,
5 to be selected by the commissioner;

6 (2) one elementary and one secondary teacher to
7 represent state-operated rural schools, to be selected by
8 the commissioner;

9 (3) one elementary and one secondary teacher to
10 represent small districts, to be selected by the commissioner;

11 (4) one representative for each school board
12 electing to send a representative to sit on the State Text-
13 book Commission, each to be selected by the school board
14 sending the representative;

15 (5) one representative to be selected by and to
16 represent the State School Board Association.

17 (6) the commissioner or his designee serves as
18 chairman of the commission.

19 Sec. 14.07.055. EXPENSES AND PER DIEM. Expenses and
20 per diem shall be paid by the department for those members
21 appointed by the commissioner.

22 Sec. 14.07.057. TRANSMITTAL SELECTIONS. A school
23 board which selects its own books shall forward a list of
24 the selections to the department.

25 8. Page 9, line 8 - 16: delete sec. 100 in its entirety and
26 in lieu thereof insert the following:

27 "Sec. 14.07.100. EXECUTIVE OFFICER. The executive
28 officer of the board is the commissioner when the board
29 sits as the state Board of Education or as the state

1 Board for Vocational Education. The director of the divi-
2 sion of vocational rehabilitation is the executive officer
3 of the board when it sits as the Board of Vocational Re-
4 habilitation. The executive officer is the ex officio
5 secretary of the board and has no vote except that he shall
6 cast a tie-breaking vote when necessary."

- 7 9. Page 13, line 9 - 21: delete subsection (a) and in lieu
8 thereof insert the following:

9 "(a) The term of office of a member of a borough or
10 city school board is three years and until a successor takes
11 office. However, the members of a newly created five-man
12 school board hold office for initial terms as follows:
13 two for a term of three years, two for a term of two years
14 and one for a term of one year, the terms being assigned to
15 the members by lot. The members of a newly created seven-
16 man school board hold office for initial terms as follows:
17 three for a term of three years, two for a term of two years
18 and two for a term of one year, the terms being assigned to
19 the members by lot.

- 20 10. Page 13, line 29: change "four" to "three"

- 21 11. Page 14, line 17: delete sec. 90 and substitute in lieu
22 thereof the following:

23 "Sec. 14.12.090. OATH. School board members, before
24 taking office, shall take and sign the following oath or
25 affirmation: "I do solemnly swear (or affirm) that I will
26 support and defend the Constitution of the United States and
27 the Constitution of the State of Alaska and that I will
28 honestly, faithfully, and impartially discharge my duties
29 as a school board member to the best of my ability."

- 1 12. Page 17, line 25: delete the word "an" and insert in lieu
2 thereof "a cooperative"
- 3 13. Page 19, line 19: The word "association" should be corrected
4 to read "Association"
- 5 14. Page 20, line 5: delete the word "rural"
- 6 15. Page 22, line 27 through page 24, line 13: delete
7 entire sec. 5 commencing on line 27 on page 22 and ending
8 on line 13 on page 24 and renumber accordingly.
- 9 16. Page 25, line 16: change "TEACHER'S" to read "TEACHER"
- 10 17. Page 25, line 18, 21 and 24: change "teacher's" to read
11 "teacher"
- 12 18. Page 25, line 27: after "associatdon" add "or approved by
13 the commissioner"
- 14 19. Page 26, line 6: change the word "shall" to "may"
- 15 20. Page 26, line 10 to page 27, line 2: delete all of sec. 12.
- 16 21. Page 27, line 8: after the word "customary" insert the
17 word "teaching"
- 18 22. Page 27, line 19: change "10" to "15"
- 19 23. Page 30, line 1: delete "became entitled to" and insert in
20 lieu thereof "receives his contract of"
- 21 24. Page 31, line 18: after the word "customary" insert the
22 word "teaching"
- 23 25. Page 32, line 7: drop the period after "nonretention" and
24 add "and is further entitled to a hearing as set forth
25 in sec. 14.20.180."
- 26 26. Page 32, line 13: after the word "customary" insert
27 "teaching"
- 28 27. Page 32, line 24 through page 34, line 10: delete all mate-
29 rial, substitute the following, and renumber subsequent sections

1 "Sec. 14.20.180. PROCEDURE AND HEARING UPON NOTICE OF
2 DISMISSAL OR NONRETENTION. (a) An employer shall include
3 in a notification of dismissal of a teacher who has not
4 acquired tenure rights, or of nonretention or dismissal of
5 a tenure teacher, a statement of cause and a complete bill
6 of particulars.

7 (b) The teacher may, within 15 days immediately follow-
8 ing receipt of the notification, notify the employer in
9 writing that he requests a hearing before the school board,
10 or if the teacher is employed by the department, before an
11 appeal panel consisting of the commissioner and two members
12 of the board. The teacher may require in the notification
13 that

- 14 (1) the hearing be either public or private,
15 (2) the hearing be under oath or affirmation,
16 (3) he have the right of cross-examination,
17 (4) he be represented by counsel,
18 (5) he have the right and privilege to subpoena
19 any person who has made allegations which are used as a
20 basis for the decision of the employer.

21 (c) Upon receipt of the notification requesting a
22 hearing, the employer shall immediately arrange for a
23 hearing, and shall notify the teacher or administrator in
24 writing of the date, time, and place of the hearing. A
25 written transcript, tape, or similar recording of the
26 proceedings shall be kept. Transcribed copies shall be
27 furnished to the teacher for cost upon his request. A
28 final decision of the school board or the appeal panel re-
29 quires a majority vote of the membership. The vote shall be

- 1 by roll call. The final decision shall be written and
2 contain specific findings of fact and conclusions of law.
3 A written notification of the decision shall be furnished
4 to the teacher within 10 days of the date of the decision.
- 5 28. Page 34, line 12: delete "(a)"
- 6 29. Page 34, line 13: before the word "reaches" insert the words
7 "or appeal panel"
- 8 30. Page 34, lines 15 - 17: delete all of subsection (b)
- 9 31. Page 35, line 2: after the word "designee," delete the
10 words "or by" and insert in lieu thereof the words "or
11 except for"
- 12 32. Page 35, lines 9 - 12: delete all material and substitute
13 the following:
- 14 "(6) 'dismissal' means termination by the employer
15 of the contract services of the teacher during the time a
16 teacher's contract is in force, and termination of the right
17 to the balance of the compensation due the teacher under his
18 contract."
- 19 33. Page 36, line 20: change "one-fourth" to read "one-half"
- 20 34. Page 36, line 26: after the word "district" insert the
21 words "or personal"
- 22 35. Page 37, lines 5 - 6: delete "Upon a teacher's return" and
23 insert in lieu thereof "Upon the return of a teacher"
- 24 36. Page 38, line 17 and line 21: before the word "tenure"
25 insert the words "retirement or"
- 26 37. Page 38, line 22: insert a new article to chapter 20 to
27 read as follows:

28 "ARTICLE 5.

29 Sec. 14.20.370. TEACHING PROFESSION. Teachers required

1 by Alaska law to be certificated, instructors in institutions
2 of higher learning, school administrators, school program
3 administrators, and school counselors are declared to be
4 within the teaching profession.

5 Sec. 14.20.380. CREATION OF A COMMISSION. There is a
6 commission of professional educators known as the Professional
7 Teaching Practices Commission.

8 Sec. 14.20.390. APPOINTMENT AND QUALIFICATIONS. The com-
9 mission consists of nine members appointed by the governor
10 and confirmed by a majority of the members of the legislature
11 in joint session. Each member, in addition to having been
12 actively engaged in the teaching profession for at least five
13 years immediately preceding his appointment, shall be a
14 citizen of the United States and a resident of the state.

15 Sec. 14.20.400. COMPOSITION OF THE COMMISSION. The
16 commission consists of the following members:

- 17 (1) five classroom teachers;
18 (2) one principal;
19 (3) one superintendent;
20 (4) one representative of the office of the com-
21 missioner of education;
22 (5) one representative of an Alaska institution
23 of higher learning.

24 Sec. 14.20.410. SELECTION OF MEMBERS. (a) Members
25 of the commission shall be selected as follows:

- 26 (1) the five classroom teachers from lists of
27 names submitted by recognized Alaska teachers organizations,
28 each list not to exceed 12 names; however, in lieu of one
29 of the five, one classroom teacher may be selected from a

1 list of not more than four names signed and submitted by
2 not less than 25 teachers who have no affiliation with any
3 organization qualified to submit nomination lists, with the
4 limitation that no teacher may sign more than one list in
5 any year;

6 (2) the principal from a list of three names sub-
7 mitted by the Alaska Principals Association;

8 (3) the superintendent from a list of three names
9 submitted by the Superintendents Advisory Commission;

10 (4) the representative of the office of the com-
11 missioner of education from a list of three names submitted
12 by the commissioner:

13 (5) the representative of an Alaska institution
14 of higher learning from lists of names submitted by Alaska
15 institutions of higher learning, each list not to exceed
16 three names.

17 (b) The lists shall be submitted to the commissioner
18 who shall submit them as a group to the governor's office.

19 (c) At least 30 days before a position on the commis-
20 sion is due to become vacant, the chairman shall cause notice
21 of the impending vacancy to be published and to be conveyed
22 to each organized group eligible to submit a list of nominees.

23 Sec. 14.20.420. TERM OF OFFICE. (a) The term of
24 office for each member of the commission is three years and
25 until a successor is appointed, except that members of the
26 first commission shall be appointed as follows: three
27 members for one year, three members for two years, and three
28 members for three years. Members of the first commission
29 shall draw by lot for the initial term of appointment.

1 (b) Vacancies shall be filled by appointment by the
2 governor for the unexpired term.

3 (c) No individual may serve more than a total of two
4 3-year terms.

5 (d) The commission shall select a chairman from among
6 its members.

7 Sec. 14.20.430. DISMISSAL. Any member may be removed
8 by the governor for misconduct, malfeasance or nonfeasance
9 in office, or incapacity.

10 Sec. 14.20.440. REIMBURSEMENT. Members of the commis-
11 sion shall receive per diem according to law, but shall
12 not receive compensation for services as a member.

13 Sec. 14.20.450. RESPONSIBILITIES OF COMMISSION. (a)
14 The commission shall have the initial responsibility of
15 developing, through the teaching profession, criteria of
16 professional practices in areas including, but not limited
17 to:

- 18 (1) ethical and professional performance;
19 (2) preparation for and continuance in professional
20 services; and
21 (3) contractual obligations.

22 Sec. 14.20.460. DUTIES OF COMMISSION. The commission
23 shall

- 24 (1) establish procedures, and adopt rules to
25 implement the purposes of secs. 370 - 510 of this chapter;
26 (2) conduct investigations and hearings on alleged
27 violations of ethical or professional teaching performance,
28 contractual obligations, and professional teaching misconduct;
29 (3) review the regulations of the department as

1 they relate to teacher certification and recommend necessary
2 changes;

3 (4) review the decisions of the department re-
4 garding the issuance or denial of certificates and in its
5 discretion recommend reversal of decisions.

6 Sec. 14.20.470. POWERS OF COMMISSION. The commission
7 may

8 (1) study proposals developed by regular committees
9 of any existing professional organization whose members are
10 within the teaching profession;

11 (2) subpoena witnesses, place them under oath, and
12 maintain written records;

13 (3) warn or reprimand members of the teaching
14 profession, if in the judgment of the commission such action
15 is warranted;

16 (4) recommend to the department suspension or
17 revocation of the certificate of a member of the teaching
18 profession;

19 (5) make any recommendation to the board or to
20 school boards which will promote an improvement in the
21 teaching profession;

22 (6) request assistance through any of the investi-
23 gative processes of any existing professional teaching organi-
24 zations when analyzing charges of breach of ethical or
25 professional teaching practices.

26 Sec. 14.20.480. EFFECT OF STANDARDS. Members of the
27 teaching profession are obligated to abide by the professional
28 teaching standards adopted by the commission.

29 Sec. 14.20.500 SUPPORT. The commission shall be

1 financed by members of the profession in accordance with
2 regulations promulgated by the department including, if
3 necessary, an increase in the fees for certificates.

4 Sec. 14.20.510. SHORT TITLE. Secs. 370 - 510 of this
5 chapter shall be known as the Professional Teaching Practices
6 Act."

7 38. Page 38, line 23: delete sec. 10(a) and substitute the
8 following:

9 "(a) Every child between seven and 16 years of age
10 shall attend school at the public school in the district in
11 which the child resides during each school term. Every
12 parent, guardian or other person having the responsibility
13 for or control of a child between seven and 16 years of age
14 shall insure that the child is not absent from attendance."

15 39. Page 39, line 5, 6 and 7: on line 5 delete "AS 14.20.010 -
16 14.20.040" and insert in lieu thereof "AS 14.20.020" and
17 the same correction on lines 6 and 7.

18 40. Page 39, line 20: after the word "except" insert the word
19 "that"

20 41. Page 39, line 21: after the word "federal" insert the
21 words "or private"

22 42. Page 39, line 22: after the word "eligible" insert the
23 words "and able"

24 43. Page 39, line 26: delete the word "eighth" and insert the
25 word "twelfth"

26 44. Page 40, line 2: change word "shall" to "may"

27 45. Page 40, line 18: change word "division" to "district"

28 46. Page 40, line 28: delete word "magistrate"

29 47. Page 40, line 29: before the word "magistrate" insert the

- 1 words "judge or"
- 2 48. Page 41, line 5: delete "(a)"
- 3 49. Page 41, line 17: delete "suffering from the conditions"
- 4 50. Page 41, lines 23 - 25: delete entire subsection (b).
- 5 51. Page 41, line 29: delete "Sec. 45(a)(3)" and insert "Sec.
- 6 45(3)"
- 7 52. Page 42, lines 6 - 7: delete "sec. 45(a)(3)" and insert
- 8 "sec. 45(3)"
- 9 53. Page 42, line 21: after word "district" insert "court judge
- 10 or"
- 11 54. Page 42, line 22: after "district" insert "court judge or"
- 12 55. Page 45, line 14: put a period after children. and delete
- 13 the rest of the section.
- 14 56. Page 48, lines 21 and 22: Delete comma on line 21 and the
- 15 remainder of the chapter title and insert in lieu thereof:
- 16 "AND HISTORICAL LIBRARY AND MUSEUM"
- 17 57. Page 48, lines 26 and 27: Delete comma on line 26 and the
- 18 remainder of the sentence and insert in lieu thereof: "and
- 19 the historical library and museum."
- 20 58. Page 48, line 27: after the period insert a new sentence to
- 21 read as follows: "The state library and historical library
- 22 and museum shall be maintained in the state capital.
- 23 59. Page 49, line 1: add apostrophe after "s" in citizens
- 24 60. Page 51, lines 22 and 23: Insert period after the word
- 25 "agencies" on line 22 and delete the remainder of the sentence.
- 26 61. Page 52, line 19: after "AS 14.20.185" insert "AS 14.20.190"
- 27 62. Page 52, line 22: add "; AS 07.15.330(1)"
- 28 63. Page 52, line 23 - 29: delete all material, (has the effect
- 29 of not concurring with the House amendment)

1 64. Page 53, line 1: preceding the effective date section,
2 insert a new bill section to be renumbered in proper sequence
3 with previous sections, to read as follows:

4 * Sec. 63. AS 44.62.330(a) is amended to read:

5 (a) The procedure of the state boards, commissions, and
6 officers listed in this subsection or of their successors by
7 reorganization under the constitution shall be conducted under
8 the provisions of secs. 330 - 630 of this chapter.

9 This procedure, including, but not limited to, accusations
10 and statements of issues, service, notice and time and place
11 of hearing, subpoenas, depositions, matters concerning evi-
12 dence and decisions, conduct of hearing, judicial review
13 and scope of judicial review, continuances, reconsideration,
14 reinstatement or reduction of penalty, contempt, mail vote,
15 oaths, impartiality, and similar matters shall be governed
16 by this chapter, notwithstanding similar provisions in the
17 statutes dealing with the state boards, commissions, and
18 officers listed. Where indicated, the procedure that shall
19 be conducted under secs. 330 - 630 of this chapter is limited
20 to named functions of the agency.

21 Board of Barber Examiners

22 Board of Chiropractic Examiners

23 Board of Dental Examiners

24 Board of Engineers and Architects Examiners

25 Board of Examiners in Basic Sciences

26 Board of Examiners in Optometry

27 Board of Hairdressing and Beauty Culture Examiners

28 State Medical Board

29 Division of Lands under Alaska Land Act where
applicable

1 Board of Nursing
2 Board of Pharmacy
3 Board of Public Accountancy
4 Department of Labor as to functions relating to
5 employment security only as provided in (c) of this section
6 Alaska Real Estate Examining Board
7 Alaska Workmen's Compensation Board, where pro-
8 cedures are not otherwise expressly provided by the Alaska
9 Workmen's Compensation Act
10 Department of Public Works, as to functions
11 relating to aeronautics and communications
12 Alcoholic Beverage Control Board
13 Department of Natural Resources, as to functions
14 relating to the conservation of oil and gas
15 Department of Commerce, under Alaska Small Loans
16 Act
17 Department of Revenue, under Cigarette Tax Act
18 Department of Commerce, as to functions under
19 Alaska Banking Code
20 Board of Governors of the Alaska Bar
21 Department of Public Safety, as to suspension, etc.,
22 of driver's licenses
23 Department of Health and Welfare, under AS 47.35.-
24 010 - 47.35.080, relating to boarding and foster homes for
25 children
26 [DEPARTMENT OF EDUCATION, AS TO NONRETENTION OF
27 TEACHERS, AS 14.20.130 - 14.20.210]
28 Department of Health and Welfare, under Radiation
29 Protection Act (AS 18.60.470 - 18.60.570)

1 Department of Health and Welfare under Alaska Food,
2 Drug, and Cosmetic Act (AS 17.20), and in connection with
3 the licensing of embalmers under AS 08.44.010

4 Department of Health and Welfare and the Hospital
5 Advisory Council, under AS 18.20.010 - 18.20.130

6 Department of Health and Welfare, under Alaska
7 Water Pollution Control Act (AS 46.05)

8 Department of Health and Welfare, under AS 18.35.-
9 010 - 18.35.090, concerning the regulation of tourist and
10 trailer camps, motor courts, and motels

11 Department of Commerce, in relation to insurance
12 companies under AS 21.05.010 - 21.05.040, except as to
13 procedure in respect to the filing of rates, and the approval
14 or disapproval and administrative and judicial review of the
15 rates, as provided in AS 21.10.745 - 21.10.780, 21.10.785
16 (a) - (c), 21.10.790, 21.10.800, and 21.10.850

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