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1 IN THE SENATE

2 SENATE BILL NO. 229

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for a representative board of  
7 directors for state-operated schools; and providing  
8 for an effective date."

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

10 \* Section 14.07 AS 14.07 is amended by adding new sections to read:

11 ARTICLE 4. BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS.

12 Sec. 14.07.190. PURPOSE. (a) It is the purpose of secs. 190 -  
13 300 of this chapter, in creating the Board of Directors for State-  
14 operated Schools, to enable the department to concentrate exclusively  
15 on educational objectives of general applicability to the entire state  
16 public school system, including leadership, research, certification,  
17 planning, coordination, and resources, and to relieve the department of  
18 the responsibility of the administration of state-operated schools.

19 (b) Secs. 190 - 300 of this chapter do not prohibit an organized  
20 borough, city, or village, or a settlement in an unorganized area of  
21 the state from becoming part of or being formed into an organized sub-  
22 division authorized by law.

23 Sec. 14.07.200. APPOINTMENT OF THE BOARD. There is created the Board  
24 of Directors for State-operated Schools consisting of seven members to  
25 be appointed by the governor, subject to confirmation by the legislature.

26 Sec. 14.07.210. TERM OF OFFICE. The term of office of board  
27 members is three years.

28 Sec. 14.07.220. AUTHORITY OF THE BOARD OF DIRECTORS. (a) The  
29 board of directors shall have exclusive management and control of all

1 state-operated school matters associated with the state's program of  
2 education at the elementary and secondary levels, including corres-  
3 pondence courses, subject to the state laws and regulations promulgated  
4 by the commissioner of education and the state Board of Education.

5 (b) The board of directors is responsible for the submission of  
6 applications for federal assistance for the unorganized areas through  
7 the commissioner of education who, after reviewing the applications,  
8 shall transmit them to the appropriate federal agency.

9 (c) Federal funds and assistance allocated to unorganized areas  
10 shall be transmitted to the board of directors or deposited in the  
11 school fund of the board, and may not be transferred to any other fund  
12 unless authorized by the board and state law.

13 Sec. 14.07.230. MEETINGS OF THE BOARD OF DIRECTORS. (a) Regular  
14 meetings of the board of directors will be held monthly, but

15 (1) a special meeting may be called at the written request of  
16 the majority of the members of the board, at a place in the state  
17 designated in the call for the meeting;

18 (2) written or telegraphic notice of all regular and special  
19 meetings of the board shall be given each member at least 30 days and  
20 10 days, respectively, before the date of the meetings.

21 (b) Four members constitute a quorum but a smaller number may  
22 adjourn from day to day for a period of not exceeding 10 days.

23 (c) A regular meeting of the board of directors may not exceed  
24 15 days, and a special meeting may not exceed five days.

25 Sec. 14.07.240. DISQUALIFICATION FOR VOTING. A board member  
26 having direct or indirect pecuniary interest in a contract for erection  
27 of buildings, heating, ventilation, furnishing, or repairing the  
28 buildings, or in a contract for the furnishing of supplies, shall be  
29 disqualified from voting.

1           Sec. 14.07.250. ELECTION OF A BOARD CHAIRMAN. The board of  
2 directors shall, during its regular January meeting, elect a chairman.  
3 The chairman or his designee shall preside over all meetings of the  
4 board of directors and perform the duties provided for in secs. 190-300  
5 of this chapter.

6           Sec. 14.07.260. DUTIES OF THE BOARD OF DIRECTORS. The board of  
7 directors shall

8                   (1) select and employ the director of education for state-  
9 operated schools;

10                   (2) approve the employment of the professional administrators,  
11 teachers, and nonprofessional administrative personnel necessary to the  
12 operation of the state-operated schools;

13                   (3) establish the salaries to be paid the director of  
14 education and its regularly employed, certificated staff members;

15                   (4) promulgate rules and regulations covering organization,  
16 policies, and procedures, and have printed copies available to all  
17 personnel;

18                   (5) initiate questions of policy for consideration and report  
19 by the director of education and pass upon the recommendations of the  
20 director in matters of policy, appointment or dismissal of employees,  
21 salary schedules or personnel regulations, and other matters pertaining  
22 to the welfare of the schools;

23                   (6) require reports from the director concerning conditions  
24 of efficiency and needs of schools, and take steps to appraise the  
25 effectiveness with which the schools are achieving the educational  
26 purposes of the school system as determined by it;

27                   (7) submit an annual operational budget to the governor  
28 for inclusion in the regular state budget;

29                   (8) before October 1 of each year, cause the school accounts

1 for the year ending the preceding June to be audited by a certified  
2 accountant, and immediately afterwards file a certified copy of the  
3 audit report with the commissioner;

4 (9) designate the administrative employees authorized to  
5 direct disbursements from the school funds of the board of directors;

6 (10) submit such reports as the commissioner may prescribe  
7 for all school districts.

8 Sec. 14.07.270. STATE PAYMENTS. All funds appropriated by the  
9 legislature for the operation of state-operated schools shall be paid  
10 by the Department of Administration upon requisition by the director of  
11 state-operated schools. These funds shall be made payable to the board  
12 of directors and shall be deposited in the school fund of the board of  
13 directors. The amount received may not be transferred to any other  
14 fund unless authorized by the board of directors and state law.

15 Sec. 14.07.280. COMPENSATION AND EXPENSES OF BOARD MEMBERS. (a)  
16 Each member of the board of directors shall receive traveling expenses  
17 and the same per diem allowed by law to a member of a state commission.

18 (b) Per diem and travel expenses of the members shall be paid  
19 from funds appropriated for the operation of the schools.

20 Sec. 14.07.290. ADMINISTRATION OF STATE-OPERATED SCHOOLS. (a)  
21 The administrative staff of state-operated schools consist of a director  
22 assistant directors, supervisors, professional and nonprofessional staff

23 (b) The principal offices for the administration of state-operated  
24 schools shall be located in Anchorage, Alaska.

25 Sec. 14.07.300. ADMINISTRATIVE DUTIES. The director is the  
26 executive officer of the board of directors. He shall insure that the  
27 programs and policies of the board of directors are faithfully dis-  
28 charged.

29 \* Sec. 2. AS 14.07.050 is amended to read:

1           Sec. 14.07.050. SELECTION OF TEXTBOOKS. Textbooks for use in  
2 the public schools of the state shall be selected by the State Text-  
3 book Commission for schools operated by the state [DEPARTMENT] and by  
4 the school board for each district. However, a district may elect to  
5 adopt the selections of the commission.

6 \* Sec. 3. AS 14.07.052(1) is amended to read:

7           (1) two representatives from on-base schools to be selected  
8 by the board of the state-operated schools;

9 \* Sec. 4. AS 14.07.052(2) is amended to read:

10           (2) one elementary and one secondary teacher to represent  
11 state-operated rural schools, to be selected by the board of the state-  
12 operated schools;

13 \* Sec. 5. AS 14.07.160(a) is amended to read:

14           (a) The board may adopt bylaws for the [INTERNAL] management of  
15 the department [STATE-OPERATED SCHOOLS TO THE SAME EXTENT THAT A  
16 SCHOOL BOARD MAY ADOPT BYLAWS FOR THE MANAGEMENT OF THE DISTRICT].

17 \* Sec. 6. AS 14.07.160(b) is amended to read:

18           (b) the bylaws shall be written and distributed in a manner so  
19 as to be readily available to personnel of the district schools and the  
20 department [STATE-OPERATED SCHOOLS].

21 \* Sec. 7. AS 14.12.020(a) is amended to read:

22           (a) Operation of the state-operated school district is under the  
23 management and control of the board of the state-operated schools  
24 [DEPARTMENT].

25 \* Sec. 8. AS 14.12.020(c) is amended to read:

26           (c) The legislature [DEPARTMENT] shall provide the state money  
27 necessary to maintain and operate the state-operated school district.  
28 The borough assembly for a borough school district, and the city  
29 council for a city school district, shall provide the money which must

1 be raised from local sources to maintain and operate the district.

2 \* Sec. 9. AS 14.14.170(a) is amended to read:

3 (a) There is established an advisory school board in each  
4 community served by a school and operated by the state [DEPARTMENT].  
5 If the state-operated school has an average daily enrollment of less  
6 than 251 pupils, the advisory school board consists of three members.  
7 If the average daily enrollment is more than 250 pupils, the advisory  
8 school board consists of five members.

9 \* Sec. 10. AS 14.14.200 is amended to read:

10 Sec. 14.14.200. DUTIES. An advisory school board shall advise  
11 and assist the board of directors for the state-operated schools  
12 [DEPARTMENT] through the local official administering the school, and  
13 shall do so in the manner the board of directors [DEPARTMENT] prescribe  
14 by regulation.

15 \* Sec. 11. AS 14.20.120 is amended to read:

16 Sec. 14.20.120. STATEMENT OF QUALIFICATIONS. A statement of the  
17 qualifications of each teacher and superintendent employed by the  
18 state [DEPARTMENT] or a school district shall be filed with the com-  
19 missioner. The statement shall contain the credits earned in college,  
20 normal school, or university, and the number of years of teaching  
21 experience both in the state and elsewhere in the form and manner  
22 prescribed by the commissioner.

23 \* Sec. 12. AS 14.20.175(a) is amended to read:

24 (a) A teacher who has not acquired tenure rights is subject to  
25 nonretention for the school year following the expiration of his  
26 contract for any cause which the employer determines to be adequate.  
27 However, at his request, the teacher is entitled to a written state-  
28 ment of the cause for his nonretention. The board of directors  
29 [DEPARTMENT] for state schools, and the districts for district schools,

1 shall provide by regulation or bylaw a procedure under which a non-  
2 retained teacher may, at his request, be heard informally by a panel  
3 consisting of the commissioner and two or more board members in the  
4 case of state schools, and by the local school board in the case of a  
5 district school.

6 \* Sec. 13. AS 14.20.180(b) is amended to read:

7 (b) The [TENURE] teacher may, within 15 days immediately  
8 following [OF] receipt of the notification, notify the employer in  
9 writing that he requests a hearing before the school board, or if the  
10 [TENURE] teacher is employed by the state [DEPARTMENT], before an  
11 appeal panel consisting of the commissioner and two members of the  
12 board. The tenure teacher may require in the notification that

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

19 \* Sec. 14. AS 14.20.207(2) is amended to read:

20 (2) "employer" means the school board or superintendent which  
21 appoints the teacher or, in the case of a teacher in the state-operated  
22 schools, the board of directors for the state-operated schools  
23 [DEPARTMENT];

24 \* Sec. 15. AS 14.20.220(d) is amended to read:

25 (d) The board of the state-operated schools [DEPARTMENT], as the  
26 operating agency of schools outside school districts, shall pay a  
27 regularly qualified teacher employed by the state a salary of not less  
28 than \$1,100 above the salary established by (a), (b), (c), (f) or (g)  
29 of this section, with an increment of \$300 for a bachelor's degree plus

1 18 hours training, and an equal increment of \$300 for a master's degree  
2 plus 18 hours training. However, in the state-operated schools, for  
3 teachers with bachelor's degrees or higher instead of augmenting the  
4 base salary by .04, each salary shall be augmented by .05 times the  
5 base for each year of public school experience in the state up to and  
6 including eight years for teachers with a bachelor's degree, 10 years  
7 for teachers with a bachelor's degree plus 18 hours of training, 12  
8 years for teachers with a master's degree, and 14 years for teachers  
9 with a master's degree plus 18 hours of training. The base salary  
10 used in this subsection is the actual beginning salary, for a teacher  
11 with a bachelor's degree and no experience, in the area where the  
12 teacher will teach.

13 \* Sec. 16. AS 14.20.230 is amended to read:

14 Sec. 14.20.230. SUPERINTENDENTS' SALARIES. The school boards of  
15 school districts and the board of the state-operated schools [DEPART-  
16 MENT] as the operating agency for schools outside school districts  
17 shall pay a regularly qualified superintendent a salary not less than  
18 the allowable base for his position on the teacher's scale provided  
19 in sec. 220(a) - (g) of this chapter, plus

20 (1) 20 per cent of the base for a superintendent of a  
21 district or state school with an average daily membership of less than  
22 500;

23 (2) 25 per cent of the base for a superintendent of a dis-  
24 trict or state school with an average daily membership of 500 or more.

25 \* Sec. 17. AS 14.20.240 is amended to read:

26 Sec. 14.20.240. SALARIES OF PRINCIPALS AND VICE PRINCIPALS. The  
27 school boards of school districts and the board of the state-operated  
28 schools [DEPARTMENT] as the operating agency for schools outside dis-  
29 tricts shall pay each regularly qualified principal and vice principal

1 a salary not less than the allowable base for his position on the  
2 teachers' scale provided in sec. 220(a) - (g) of this chapter, plus

3 (1) 15 per cent of the base for a principal;

4 (2) 10 per cent of the base for a vice principal.

5 \* Sec. 18. AS 14.20.245 is amended to read:

6 Sec. 14.20.245. SALARIES OF OTHER ADMINISTRATORS. The school  
7 boards of school districts and the board of state-operated schools  
8 [DEPARTMENT] as the operating agency for schools outside districts  
9 shall pay a regularly qualified administrator for whom certification  
10 is required, other than a superintendent, assistant superintendent,  
11 principal, or vice principal, a salary not less than the allowable  
12 base for his position on the teachers' scale provided in sec. 220(a) -  
13 (g) of this chapter plus 15 per cent of the base.

14 \* Sec. 19. AS 14.20.320 is amended to read:

15 Sec. 14.20.320. RESPONSIBILITY OF TEACHER. Upon the return of  
16 a teacher to his teaching position, the teacher shall make a report  
17 to the governing body concerning his educational accomplishments. A  
18 teacher who does not serve for at least a full year after his return  
19 shall refund to the district, if the sabbatical leave was at district  
20 expense, or to the state-operated schools [DEPARTMENT], if the  
21 sabbatical leave was state-supported, money paid to him under sec. 310  
22 of this chapter unless his failure to serve a full year after return  
23 is attributable to sickness, injury or death.

24 \* Sec. 20. AS 14.30.186(b) is amended to read:

25 (b) The board of state-operated schools [DEPARTMENT] shall provide  
26 for special services in a school in the state-operated school district  
27 for each classification of exceptional children represented by not less  
28 than five children residing in the area served by the school.

29 \* Sec. 21. AS 14.20.260 is amended to read:

1           Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board  
2 for a district, or the board of directors [DEPARTMENT] for a school  
3 in the state-operated school district in which special services are  
4 provided for, may waive part of the qualifications for teachers as set  
5 forth in sec. 250 of this chapter, if necessary, during the first school  
6 year special services are offered in the district or in the school in  
7 the state-operated school district.

8 \* Sec. 22. AS 14.30.295(b) is amended to read:

9           (b) If a school district or the state director [COMMISSIONER], if  
10 a state-operated school, approves the enrollment of an exceptional  
11 child in an out-of-state institution approved by the commissioner, and  
12 the child is enrolled in the institution, the child's education ex-  
13 penses shall be paid as follows:

14           (1) the school district or the board of the state-operated  
15 schools [DEPARTMENT OF EDUCATION], if a state-operated school, shall  
16 pay an amount equal to the local contribution toward the cost of educa-  
17 tion per pupil;

18           (2) the board of the state-operated schools [DEPARTMENT OF  
19 EDUCATION] shall pay whichever of the following amounts is less, but  
20 not to exceed \$3,000:

21           (A) 75 per cent of the annual cost of the child's  
22 education; or

23           (B) an amount which, when added to the contribution in  
24 (b)(1) of this section, equals the total cost of the child's  
25 education;

26           (3) the parent or guardian shall pay the remainder of the  
27 cost unless the school board or the state director [COMMISSIONER], if  
28 a state-operated school, determines upon the basis of standards set  
29 by the commissioner of education in cooperation with the Department of

1 Health and Welfare, that the parent or guardian is unable to pay all or  
2 part of the remainder of the cost. The school district or the board of  
3 the state-operated schools [DEPARTMENT OF EDUCATION], if a state-operate  
4 school, shall pay the remainder of the cost which the parent or guardian  
5 is unable to pay.

6 \* Sec. 23. AS 14.33.010 is amended to read:

7 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The board  
8 of the state-operated schools [DEPARTMENT], for the benefit of schools  
9 in the state-operated school district, or the school board of a borough  
10 or city school district, or a private or denominational school may  
11 require that school safety patrols be established to assist pupils to  
12 cross streets and highways adjacent to schools in safety.

13 \* Sec. 24. AS 14.33.020(a) is amended to read:

14 (a) If the state director [DEPARTMENT], a school board, or a  
15 private or denominational school determines that a safety patrol should  
16 be established for a school, the principal of the school shall appoint  
17 pupils in the school to serve as members of the patrol.

18 \* Sec. 25. AS 14.60.010(5) is amended to read:

19 (5) "governing body" means the school board of a borough or  
20 city school district or the board of directors [DEPARTMENT] for the  
21 state-operated school district;

22 \* Sec. 26. AS 14.60.010 is amended by adding new paragraphs to read:

23 (7) "board of directors" means the Board of Directors for  
24 State-operated Schools;

25 (8) "director" or "state director" means the director of  
26 education for state-operated schools.

27 \* Sec. 27. AS 14.07.030(1) - (4), 14.07.040, and 14.07.055 are repealed.

28 \* Sec. 28. AS 39.05.060 is amended to read:

29 Sec. 39.05.060. APPOINTMENT, QUALIFICATIONS, AND TERMS OF OFFICE

1 OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS, OR COMMISSIONS. Each  
2 member of the Local Boundary Commission, Alcoholic Beverage Control  
3 Board, Employment Security Advisory Council, Alaska State Housing  
4 Authority, Board of Fish and Game, Board of Tourism, [AND THE] Commission  
5 for Northern Operations of Rail Transportation and Highways and the  
6 Board of Directors for State-operated Schools, shall be a citizen of the  
7 United States. The governor shall appoint each member on the basis of  
8 interest in public affairs, good judgment, knowledge and ability in the  
9 field of action of the department for which appointed, and with a view  
10 to providing diversity of interest and points of view in the membership.  
11 Appointments are subject to confirmation by a majority of the members  
12 of the legislature in joint session. Initial appointments of members  
13 are as follows: (1) in the case of three-member boards, for one, two  
14 and three years; (2) in the case of five-member boards, for one, two,  
15 three, four and five years; (3) in the case of six-member boards, two  
16 members serve for one year, two for two years, and two for three years;  
17 (4) and in the case of eight-member boards, two members serve for one  
18 year, two for two years, two for three years, and two for four years;  
19 (5) and in the case of 10-member boards, two members serve for one  
20 year, two for two years, two for three years, two for four years and two  
21 for five years. Initial terms date from February 1 before appointment.  
22 A vacancy occurring during a term of office is filled in the same manner  
23 as the original appointment is made and for the balance of the unexpired  
24 term. Each member holds office at the pleasure of the governor notwith-  
25 standing the member's term.

26 \* Sec. 29. AS 39.25.110(8) is amended to read:

27 (8) certificated teachers employed by the state to teach in  
28 schools operated by the state [DEPARTMENT OF EDUCATION];

29 \* Sec. 30. AS 44.27.020(1) is amended to read:

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(1) administer the state's [PROGRAM OF EDUCATION AT THE  
ELEMENTARY AND SECONDARY LEVELS, INCLUDING] programs of vocational  
education, vocational rehabilitation, and Library services [,AND  
CORRESPONDENCE COURSES];

\* Sec. 31. This Act takes effect July 1, 1969.