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Referred: Rules

Original sponsors: Begich, B. Phillips,  
Blodgett, et al

BY THE HEALTH, WELFARE  
AND EDUCATION COMMITTEE

1 IN THE SENATE

2 CS FOR SPONSOR SUBSTITUTE FOR 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 1. AS 14 is amended by adding a new chapter to read:

11 CHAPTER 8. ALASKA STATE-OPERATED SCHOOL SYSTEM.

12 Sec. 14.08.010. PURPOSE. (a) It is the purpose of secs. 10 - 140  
13 of this chapter, in creating the Alaska state-operated school system to  
14 provide for public education in the unorganized borough.

15 (b) Secs. 10 - 140 of this chapter do not prohibit an organized  
16 borough, city, or village, or a settlement in an unorganized area of  
17 the state from becoming part of or being formed into an organized sub-  
18 division authorized by law.

19 Sec. 14.08.020. APPOINTMENT OF THE BOARD. There is created within  
20 the Department of Education the Board of Directors for State-Operated  
21 Schools consisting of seven members to be appointed by the governor,  
22 subject to confirmation by the legislature.

23 Sec. 14.08.030. TERM OF OFFICE. The term of office of board  
24 members is three years.

25 Sec. 14.08.040. AUTHORITY OF THE BOARD OF DIRECTORS. (a) The  
26 exclusive management and control of all state-operated school matters  
27 associated with the state's program of education at the elementary and  
28 secondary levels, previously vested in the state board of education,  
29 is delegated to the board of directors, subject to state laws and the

1 regulations promulgated by the commissioner of education and the state  
2 board of education, and subject further to execution by the board of  
3 directors and the state board of education of an agreement indefinite  
4 in duration but terminable by the state board of education upon one  
5 year's notice.

6 (b) The commissioner of education shall submit applications for  
7 federal assistance for the unorganized areas on behalf of the board of  
8 directors.

9 Sec. 14.08.050. MEETINGS OF THE BOARD OF DIRECTORS. (a) Regular  
10 meetings of the board of directors will be held monthly, unless other-  
11 wise determined by the board, but

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

15 (2) written or telegraphic notice of all regular and special  
16 meetings of the board shall be given each member at least 30 days and  
17 10 days, respectively, before the date of the meetings.

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

20 (c) A regular meeting of the board of directors may not exceed  
21 15 days, and a special meeting may not exceed five days.

22 Sec. 14.08.060. DISQUALIFICATION FOR VOTING. A board member  
23 having direct or indirect pecuniary interest in a contract for erection  
24 of buildings, heating, ventilation, furnishing, or repairing the  
25 buildings, or in a contract for the furnishing of supplies, shall be  
26 disqualified from voting on any question involving his pecuniary  
27 interest.

28 Sec. 14.08.070. ELECTION OF A BOARD CHAIRMAN. The board of  
29 directors shall, during its regular January meeting, elect a chairman.

1 The chairman or his designee shall preside over all meetings of the  
2 board of directors and perform the duties provided for in secs. 10 - 140  
3 of this chapter.

4 Sec. 14.08.080. POWERS AND DUTIES OF THE BOARD OF DIRECTORS. The  
5 agreement made under sec. 40(a) of this chapter shall require the board  
6 of directors to

7 (1) develop a philosophy of education, principles, and goals  
8 for the state-operated school system;

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

11 (3) approve the employment of the professional administra-  
12 tors, teachers, and nonprofessional administrative personnel necessary  
13 to the operation of the state-operated schools;

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

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

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

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

28 (8) submit an annual operational budget to the department  
29 for inclusion in the regular state budget, and to participate in the

1 presentation of the operational budget;

2 (9) before October 1 of each year, cause the school accounts  
3 for the year ending the preceding June to be audited by a certified  
4 accountant, and immediately afterwards file a certified copy of the  
5 audit report with the commissioner;

6 (10) designate the administrative employees authorized to  
7 direct disbursements from the school funds of the board of directors;

8 (11) submit such reports as the commissioner may prescribe  
9 for all school **districts**;

10 (12) establish, maintain, operate, discontinue, and combine  
11 state-operated schools where it considers necessary;

12 (13) provide for the construction, purchase, rental, mainten-  
13 ance, and equipment of the necessary school buildings or classrooms  
14 for state-operated schools;

15 (14) pay tuition and boarding or transportation costs of  
16 secondary school students in cases where the establishment of state-  
17 operated secondary schools is unsound for economic or educational  
18 reasons.

19 Sec. 14.08.090. SUBMISSION OF PLANS. The board of directors  
20 shall submit all plans relating to the establishment, discontinuance,  
21 or combining of schools to the department, and may not execute these  
22 plans until they are approved. The plans shall be considered approved  
23 unless they are disapproved by the department within 120 days of submis-  
24 sion.

25 Sec. 14.08.100. SUPPLIES AND EQUIPMENT FOR STATE-OPERATED SCHOOLS

26 (a) The board of directors may

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

29 (2) obligate the funds required for these purchases in advance

1 of the fiscal year for which appropriated or authorized.

2 (b) Nothing in this section may be construed to permit the board  
3 of directors to obligate over 50 per cent of the amount requested to  
4 be appropriated or authorized by the legislature.

5 Sec. 14.08.110. STATE PAYMENTS. All funds appropriated by the  
6 legislature for the operation of state-operated schools shall be paid  
7 by the Department of Administration upon requisition by the director of  
8 state-operated schools. These funds shall be made payable to the board  
9 of directors and shall be deposited in the school fund of the board of  
10 directors. The amount received may not be transferred to any other fund  
11 unless authorized by the board of directors and state law.

12 Sec. 14.08.120. COMPENSATION AND EXPENSES OF BOARD MEMBERS. (a)  
13 Each member of the board of directors shall receive traveling expenses  
14 and the same per diem allowed by law to a member of a state commission.

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

17 Sec. 14.08.130. ADMINISTRATION OF STATE-OPERATED SCHOOLS. (a)  
18 The administrative staff of state-operated schools consists of a  
19 director, assistant directors, supervisors, professional and nonprofes-  
20 sional staff.

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

23 Sec. 14.08.140. ADMINISTRATIVE DUTIES. The director is the execu-  
24 tive officer of the board of directors. He shall insure that the  
25 programs and policies of the board of directors are faithfully dis-  
26 charged.

27 \* Sec. 2. AS 14.07.030(1) is amended to read:

28 (1) establish, maintain, govern, [AND] operate, discontinue,  
29 and combine area, regional, and special [STATE-OPERATED] schools;

1 \* Sec. 3. AS 14.07.030 is amended by adding a new paragraph to read:

2 (12) exercise disapproval power under AS 14.08.100.

3 \* Sec. 4. AS 14.07.050 is amended to read:

4 Sec. 14.07.050. SELECTION OF TEXTBOOKS. Lists of textbooks recom-  
5 mended [TEXTBOOKS] for use in the public schools of the state shall be  
6 selected by the State Textbook Commission. A [FOR SCHOOLS OPERATED BY THE  
7 DEPARTMENT AND BY THE SCHOOL BOARD FOR EACH DISTRICT. HOWEVER, A]  
8 district may [ELECT TO] adopt or reject the selections of the commission.

9 \* Sec. 5. AS 14.07.052(1) is amended to read:

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

12 \* Sec. 6. AS 14.07.052(2) is amended to read:

13 (2) one elementary and one secondary teacher to represent  
14 state-operated rural schools, to be selected by the board of the  
15 state-operated schools;

16 \* Sec. 7. AS 14.07.160(a) is amended to read:

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

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

21 (c) The legislature [DEPARTMENT] shall provide the state money  
22 necessary to maintain and operate the state-operated school district.  
23 The borough assembly for a borough school district, and the city  
24 council for a city school district, shall provide the money which must  
25 be raised from local sources to maintain and operate the district.

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

27 (a) There is established an advisory school board in each  
28 community served by a school and operated by the state [DEPARTMENT].  
29 If the state-operated school has an average daily enrollment of less

1 than 250 pupils, the advisory school board consists of three members.  
2 If the average daily enrollment is more than 250 pupils, the advisory  
3 school board consists of five members.

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

5       Sec. 14.14.200. DUTIES. An advisory school board shall advise  
6 and assist the Board of Directors for the State-Operated Schools  
7 [DEPARTMENT] through the local official administering the school, and  
8 shall do so in the manner the board of directors [DEPARTMENT] prescribe  
9 by regulation.

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

11       Sec. 14.20.120. STATEMENT OF QUALIFICATIONS. A statement of the  
12 qualifications of each teacher and superintendent employed by the  
13 state [DEPARTMENT] or a school district shall be filed with the commis-  
14 sioner. The statement shall contain the credits earned in college,  
15 normal school, or university, and the number of years of teaching  
16 experience both in the state and elsewhere in the form and manner  
17 prescribed by the commissioner.

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

19       (a) A teacher who has not acquired tenure rights is subject to  
20 nonretention for the school year following the expiration of his  
21 contract for any cause which the employer determines to be adequate.  
22 However, at his request, the teacher is entitled to a written statement  
23 of the cause for his nonretention. The board of directors [DEPARTMENT]  
24 for state schools, and the districts for district schools, shall pro-  
25 vide by regulation or bylaw a procedure under which a nonretained  
26 teacher may, at his request, be heard informally by a panel consisting  
27 of the commissioner and two or more board members in the case of state  
28 schools, and by the local school board in the case of a district  
29 school.

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

2 (b) The tenure teacher may, within 15 days immediately following  
3 [OF] receipt of the notification, notify the employer in writing that  
4 he requests a hearing before the school board, or if the tenure teacher  
5 is employed by the state [DEPARTMENT], before an appeal panel consisting  
6 of the director [COMMISSIONER] and two members of the board. The  
7 tenure teacher may require in the notification that

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

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

10 (3) he have the right of cross-examination,

11 (4) he be represented by counsel,

12 (5) he have the right to subpoena a person who has made  
13 allegations which are used as a basis for the decision of the employer.

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

15 (2) "employer" means the school board or superintendent  
16 which appoints the teacher or, in the case of a teacher in the state-  
17 operated schools, the Board of Directors for the State-Operated Schools  
18 [DEPARTMENT];

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

20 (d) The board of the state-operated schools [DEPARTMENT, AS THE  
21 OPERATING AGENCY OF SCHOOLS OUTSIDE SCHOOL DISTRICTS,] shall pay a  
22 regularly qualified teacher employed by the state a salary of not less  
23 than \$1,100 above the salary established by (a), (b), (c), (f) or (g)  
24 of this section, with an increment of \$300 for a bachelor's degree plus  
25 18 hours training, and an equal increment of \$300 for a master's degree  
26 plus 18 hours training. However, in the state-operated schools, for  
27 teachers with bachelor's degrees or higher instead of augmenting the  
28 base salary by .04, each salary shall be augmented by .05 times the  
29 base for each year of public school experience in the state up to and

1 including eight years for teachers with a bachelor's degree, 10 years  
2 for teachers with a bachelor's degree plus 18 hours of training, 12  
3 years for teachers with a master's degree, and 14 years for teachers  
4 with a master's degree plus 18 hours of training. The base salary  
5 used in this subsection is the actual beginning salary, for a teacher  
6 with a bachelor's degree and no experience, in the area where the  
7 teacher will teach.

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

9 Sec. 14.20.230. SUPERINTENDENTS' SALARIES. The school boards of  
10 school districts and the board of the state-operated schools [DEPART-  
11 MENT AS THE OPERATING AGENCY FOR SCHOOLS OUTSIDE SCHOOL DISTRICTS] shall  
12 pay a regularly qualified superintendent a salary not less than the  
13 allowable base for his position on the teacher's scale provided in  
14 sec. 220(a) - (g) of this chapter, plus

15 (1) 20 per cent of the base for a superintendent of a  
16 district or state school with an average daily membership of less than  
17 500;

18 (2) 25 per cent of the base for a superintendent of a dis-  
19 trict or state school with an average daily membership of 500 or more.

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

21 Sec. 14.20.240. SALARIES OF PRINCIPALS AND VICE PRINCIPALS. The  
22 school boards of school districts and the board of the state-operated  
23 schools [DEPARTMENT AS THE OPERATING AGENCY FOR SCHOOLS OUTSIDE  
24 DISTRICTS] shall pay each regularly qualified principal and vice  
25 principal a salary not less than the allowable base for his position  
26 on the teachers' scale provided in sec. 220(a) - (g) of this chapter,  
27 plus

28 (1) 15 per cent of the base for a principal;

29 (2) 10 per cent of the base for a vice principal.

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

2       Sec. 14.20.245. SALARIES OF OTHER ADMINISTRATORS. The school  
3 boards of school districts and the board of state-operated schools  
4 [DEPARTMENT AS THE OPERATING AGENCY FOR SCHOOLS OUTSIDE DISTRICTS]  
5 shall pay a regularly qualified administrator for whom certification  
6 is required, other than a superintendent, assistant superintendent,  
7 principal, or vice principal, a salary not less than the allowable base  
8 for his position on the teachers' scale provided in sec. 220(a) - (g)  
9 of this chapter plus 15 per cent of the base.

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

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

20 \* Sec. 20. AS 14.25.220(4) is amended to read:

21       (4) "employer" means a borough school district, a city  
22 school district, incorporated school district, independent school  
23 district, state-operated school district, the Board of Regents of the  
24 University of Alaska, or the Department of Education;

25 \* Sec. 21. AS 14.30.186(b) is amended to read:

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

1 \* Sec. 22. AS 14.30.260 is amended to read:

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

9 \* Sec. 23. AS 14.30.295(b) is amended to read:

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

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

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

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

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

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

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

7 \* Sec. 24. AS 14.33.010 is amended to read:

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

14 \* Sec. 25. AS 14.33.020(a) is amended to read:

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

19 \* Sec. 26. AS 14.60.010(5) is amended to read:

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

23 \* Sec. 27. AS 14.60.010(6) is amended to read:

24       (6) "school board" means the school board of a borough or  
25 city school district or the Board of Directors of the State-Operated  
26 School District.

27 \* Sec. 28. AS 14.60.010 is amended by adding new paragraphs to read:

28       (7) "board of directors" means the Board of Directors for  
29 State-Operated Schools;

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

3 \* Sec. 29. AS 39.05.060 is amended to read:

4 Sec. 39.05.060. APPOINTMENT, QUALIFICATIONS, AND TERMS OF OFFICE  
5 OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS, OR COMMISSIONS. Each  
6 member of the Local Boundary Commission, Alcoholic Beverage Control  
7 Board, Employment Security Advisory Council, Alaska State Housing  
8 Authority, Board of Fish and Game, Board of Tourism, [AND THE] Commis-  
9 sion for Northern Operations of Rail Transportation and Highways  
10 and the Board of Directors for State-Operated Schools, shall be a  
11 citizen of the United States. The governor shall appoint each member  
12 on the basis of interest in public affairs, good judgment, knowledge  
13 and ability in the field of action of the department for which appointed,  
14 and with a view to providing diversity of interest and points of view  
15 in the membership. Appointments are subject to confirmation by a  
16 majority of the members of the legislature in joint session. Initial  
17 appointments of members are as follows: (1) in the case of three-  
18 member boards, for one, two and three years; (2) in the case of five-  
19 member boards, for one, two, three, four and five years; (3) in the  
20 case of six-member boards, two members serve for one year, two for two  
21 years, and two for three years; (4) and in the case of eight-member  
22 boards, two members serve for one year, two for two years, two for  
23 three years, and two for four years; (5) and in the case of 10-member  
24 boards, two members serve for one year, two for two years, two for three  
25 years, two for four years and two for five years. Initial terms date  
26 from February 1 before appointment. A vacancy occurring during a term  
27 of office is filled in the same manner as the original appointment is  
28 made and for the balance of the unexpired term. Each member holds  
29 office at the pleasure of the governor notwithstanding the member's term.

1 \* Sec. 30. AS 39.25.110(8) is amended to read:

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

4 \* Sec. 31. The status of the noncertificated employees of state-operated  
5 schools is not changed by the provisions of this Act, and they shall continue  
6 to be subject to the State Personnel Act.

7 \* Sec. 32. The ownership of land and buildings used in relation to state-  
8 operated schools shall remain vested in the state, and use permits shall be  
9 given to the Alaska State-Operated School System. Construction required by  
10 the Alaska State-Operated School System shall be performed by the Department  
11 of Public Works.

12 \* Sec. 33. AS 14.07.030(2) - (4), 14.07.040 and 14.07.160 are repealed.

13 \* Sec. 34. AS 14.20.220(d) is repealed effective July 1, 1970.

14 \* Sec. 35. Sec. 29 of this Act, and the following parts of sec. 1 of  
15 this Act take effect July 1, 1969: AS 14.08.020, 14.03.030, 14.08.050 -  
16 14.08.070, 14.08.120, and 14.08.140.

17 \* Sec. 36. Secs. 2 - 28 and 30 - 32 of this Act and the following parts  
18 of sec. 1 of this Act take effect July 1, 1970: AS 14.08.010, 14.08.040,  
19 14.08.080 - 14.08.100, and 14.08.130.