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SSSB 229 am

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1 IN THE SENATE

2 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 - 150
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 - 150 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. GENERAL POWERS OF THE SYSTEM. There is created
20 and established a state corporation to be called the Alaska State-Oper-
21 ated School System. It may in that name

- 22 (1) sue and be sued;
23 (2) receive and hold real and personal property;
24 (3) contract and be contracted with;
25 (4) adopt, use and alter a corporate seal;
26 (5) adopt bylaws and administrative rules for the management
27 and operation of the state-operated schools;
28 (6) accept grants or loans from and contract with the
29 federal government, the state, or its political subdivisions, and to

1 that end comply with the provisions of federal, state, or local programs
2 when necessary;

3 (7) do and have done all matters necessary for the purpose
4 of any function set out in this chapter.

5 Sec. 14.08.030. APPOINTMENT OF THE BOARD. There is created the
6 Board of Directors for State-Operated Schools consisting of seven
7 members to be appointed by the governor from the areas served, subject
8 to confirmation by the legislature.

9 Sec. 14.08.040. TERM OF OFFICE. The term of office of board
10 members is three years.

11 Sec. 14.08.050. AUTHORITY OF THE BOARD OF DIRECTORS. (a) The
12 board of directors shall have exclusive management and control of all
13 state-operated school matters associated with the state's program of
14 education at the elementary and secondary levels subject to the state
15 laws and the regulations promulgated by the commissioner of education
16 and the state Board of Education.

17 (b) The board of directors is responsible for the submission of
18 applications for federal assistance for the unorganized areas through
19 the commissioner of education who, after reviewing the applications,
20 shall transmit them to the appropriate federal agency.

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

25 Sec. 14.08.060. MEETINGS OF THE BOARD OF DIRECTORS. (a) Regular
26 meetings of the board of directors will be held monthly, unless other-
27 wise determined by the board, but

28 (1) a special meeting may be called at the written request of
29 the majority of the members of the board, at a place in the state

1 designated in the call for the meeting;

2 (2) written or telegraphic notice of all regular and special
3 meetings of the board shall be given each member at least 30 days and
4 10 days, respectively, before the date of the meetings.

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

7 (c) A regular meeting of the board of directors may not exceed
8 15 days, and a special meeting may not exceed five days.

9 Sec. 14.08.070. DISQUALIFICATION FOR VOTING. A board member
10 having direct or indirect pecuniary interest in a contract for erection
11 of buildings, heating, ventilation, furnishing, or repairing the
12 buildings, or in a contract for the furnishing of supplies, shall be
13 disqualified from voting on any question involving his pecuniary
14 interest.

15 Sec. 14.08.080. ELECTION OF A BOARD CHAIRMAN. The board of
16 directors shall, during its regular January meeting, elect a chairman.
17 The chairman or his designee shall preside over all meetings of the
18 board of directors and perform the duties provided for in secs. 10 - 150
19 of this chapter.

20 Sec. 14.08.090. POWERS AND DUTIES OF THE BOARD OF DIRECTORS. The
21 board of directors shall

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

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

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

29 (4) establish the salaries to be paid the director of

1 education and its regularly employed, certificated staff members;

2 (5) promulgate rules and regulations covering organization,
3 policies, and procedures, and have printed copies available to all
4 personnel;

5 (6) initiate questions of policy for consideration and report
6 by the director of education, and pass upon the recommendations of the
7 director in matters of policy, appointment or dismissal of employees,
8 salary schedules or personnel regulations, and other matters pertaining
9 to the welfare of the schools;

10 (7) require reports from the director concerning conditions
11 of efficiency and needs of the schools, and take steps to appraise the
12 effectiveness with which the schools are achieving the educational
13 purposes of the school system;

14 (8) submit an annual operational budget to the governor
15 for inclusion in the regular state budget;

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

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

22 (11) submit such reports as the commissioner may prescribe
23 for all school districts;

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

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

29 (14) pay tuition and boarding or transportation costs of

1 secondary school students in cases where the establishment of state-
2 operated secondary schools is unsound for economic or educational
3 reasons.

4 Sec. 14.08.100. SUBMISSION OF PLANS. The board of directors
5 shall submit all plans relating to the establishment, discontinuance,
6 or combining of schools to the department, and may not execute these
7 plans until they are approved. The plans shall be considered approved
8 unless they are disapproved by the department within 120 days of submis-
9 sion.

10 Sec. 14.08.110. SUPPLIES AND EQUIPMENT FOR STATE-OPERATED SCHOOLS.

11 (a) The board of directors may

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

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

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

19 Sec. 14.08.120. STATE PAYMENTS. All funds appropriated by the
20 legislature for the operation of state-operated schools shall be paid
21 by the Department of Administration upon requisition by the director of
22 state-operated schools. These funds shall be made payable to the board
23 of directors and shall be deposited in the school fund of the board of
24 directors. The amount received may not be transferred to any other fund
25 unless authorized by the board of directors and state law.

26 Sec. 14.08.130. COMPENSATION AND EXPENSES OF BOARD MEMBERS. (a)
27 Each member of the board of directors shall receive traveling expenses
28 and the same per diem allowed by law to a member of a state commission.

29 (b) Per diem and travel expenses of the members shall be paid

1 from funds appropriated for the operation of the schools.

2 Sec. 14.08.140. ADMINISTRATION OF STATE-OPERATED SCHOOLS. (a)
3 The administrative staff of state-operated schools consists of a
4 director, assistant directors, supervisors, professional and nonprofes-
5 sional staff.

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

8 Sec. 14.08.150. ADMINISTRATIVE DUTIES. The director is the execu-
9 tive officer of the board of directors. He shall insure that the
10 programs and policies of the board of directors are faithfully discharged.

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

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

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

15 (12) exercise disapproval power under AS 14.08.100.

16 * Sec. 4. AS 14.07.050 is amended to read:

17 Sec. 14.07.050. SELECTION OF TEXTBOOKS. Lists of
18 textbooks recommended [TEXTBOOKS] for use in the public schools
19 of the state shall be selected by the State Textbook Commission.
20 A [FOR SCHOOLS OPERATED BY THE DEPARTMENT AND BY THE SCHOOL
21 BOARD FOR EACH DISTRICT. HOWEVER, A] district may [ELECT
22 TO] adopt or reject the selections of the commission.

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

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

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

27 (2) one elementary and one secondary teacher to repre-
28 sent state-operated rural schools, to be selected by the board
29 of the state-operated schools;

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

2 (a) The board may adopt bylaws for the [INTERNAL] manage-
3 ment of the department [STATE-OPERATED SCHOOLS TO THE SAME EXTENT
4 THAT A SCHOOL BOARD MAY ADOPT BYLAWS FOR THE MANAGEMENT OF THE
5 DISTRICT].

6 * Sec. 8. AS 14.12.020(a) is amended to read:

7 (a) Operation of the state-operated school district is under
8 the management and control of the board of the state-operated
9 schools [DEPARTMENT].

10 * Sec. 9. AS 14.12.020(c) is amended to read:

11 (c) The legislature [DEPARTMENT] shall provide the state
12 money necessary to maintain and operate the state-operated school
13 district. The borough assembly for a borough school district, and
14 the city council for a city school district, shall provide the
15 money which must be raised from local sources to maintain and
16 operate the district.

17 * Sec. 10. AS 14.14.170(a) is amended to read:

18 (a) There is established an advisory school board in each
19 community served by a school and operated by the state [DEPART-
20 MENT]. If the state-operated school has an average daily
21 enrollment of less than 251 pupils, the advisory school board
22 consists of three members. If the average daily enrollment
23 is more than 250 pupils, the advisory school board consists of
24 five members.

25 * Sec. 11. AS 14.14.200 is amended to read:

26 Sec. 14.14.200. DUTIES. An advisory school board shall advise
27 and assist the Board of Directors for the State-Operated Schools [DE-
28 PARTMENT] through the local official administering the school, and shall
29 do so in the manner the board of directors [DEPARTMENT] prescribe

1 by regulation.

2 * Sec. 12. AS 14.20.120 is amended to read:

3 Sec. 14.20.120. STATEMENT OF QUALIFICATIONS. A statement of the
4 qualifications of each teacher and superintendent employed by the
5 state [DEPARTMENT] or a school district shall be filed with the commis-
6 sioner. The statement shall contain the credits earned in college,
7 normal school, or university, and the number of years of teaching
8 experience both in the state and elsewhere in the form and manner
9 prescribed by the commissioner.

10 * Sec. 13. AS 14.20.175(a) is amended to read:

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

22 * Sec. 14. AS 14.20.180(b) is amended to read:

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

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

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

6 * Sec. 15. AS 14.20.207(2) is amended to read:

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

11 * Sec. 16. AS 14.20.220(d) is amended to read:

12 (d) The board of the state-operated schools [DEPARTMENT, AS THE
13 OPERATING AGENCY OF SCHOOLS OUTSIDE SCHOOL DISTRICTS,] shall pay a
14 regularly qualified teacher employed by the state a salary of not less
15 than \$1,100 above the salary established by (a), (b), (c), (f) or (g)
16 of this section, with an increment of \$300 for a bachelor's degree plus
17 18 hours training, and an equal increment of \$300 for a master's degree
18 plus 18 hours training. However, in the state-operated schools, for
19 teachers with bachelor's degrees or higher instead of augmenting the
20 base salary by .04, each salary shall be augmented by .05 times the
21 base for each year of public school experience in the state up to and
22 including eight years for teachers with a bachelor's degree, 10 years
23 for teachers with a bachelor's degree plus 18 hours of training, 12
24 years for teachers with a master's degree, and 14 years for teachers
25 with a master's degree plus 18 hours of training. The base salary
26 used in this subsection is the actual beginning salary, for a teacher
27 with a bachelor's degree and no experience, in the area where the
28 teacher will teach.

29 * Sec. 17. AS 14.20.230 is amended to read:

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

7 (1) 20 per cent of the base for a superintendent of a
8 district or state school with an average daily membership of less than
9 500;

10 (2) 25 per cent of the base for a superintendent of a dis-
11 trict or state school with an average daily membership of 500 or more.

12 * Sec. 18. AS 14.20.240 is amended to read:

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

20 (1) 15 per cent of the base for a principal;

21 (2) 10 per cent of the base for a vice principal.

22 * Sec. 19. AS 14.20.245 is amended to read:

23 Sec. 14.20.245. SALARIES OF OTHER ADMINISTRATORS. The school
24 boards of school districts and the board of state-operated schools
25 [DEPARTMENT AS THE OPERATING AGENCY FOR SCHOOLS OUTSIDE DISTRICTS]
26 shall pay a regularly qualified administrator for whom certification
27 is required, other than a superintendent, assistant superintendent,
28 principal, or vice principal, a salary not less than the allowable base
29 for his position on the teachers' scale provided in sec. 220(a) - (g)

1 of this chapter plus 15 per cent of the base.

2 * Sec. 20. AS 14.20.320 is amended to read:

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

12 * Sec. 21. AS 14.25.220(4) is amended to read:

13 (4) "employer" means a borough school district, a city
14 school district, incorporated school district, independent school
15 district, state-operated school district, the Board of Regents of the
16 University of Alaska, or the Department of Education;

17 * Sec. 22. AS 14.30.186(b) is amended to read:

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

22 * Sec. 23. AS 14.30.260 is amended to read:

23 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board
24 for a district, or the board of directors [DEPARTMENT] for a school in
25 the state-operated school district in which special services are
26 provided for, may waive part of the qualifications for teachers as set
27 forth in sec. 250 of this chapter, if necessary, during the first
28 school year special services are offered in the district or in the
29 school in the state-operated school district.

1 * Sec. 24. AS 14.30.295(b) is amended to read:

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

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

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

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

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

19 (3) the parent or guardian shall pay the remainder of the
20 cost unless the school board or the state director [COMMISSIONER], if
21 a state-operated school, determines upon the basis of standards set
22 by the commissioner of education in cooperation with the Department of
23 Health and Welfare, that the parent or guardian is unable to pay all or
24 part of the remainder of the cost. The school district or the board of
25 the state-operated schools [DEPARTMENT OF EDUCATION], if a state-operated
26 school, shall pay the remainder of the cost which the parent or guardian
27 is unable to pay.

28 * Sec. 25. AS 14.33.010 is amended to read:

29 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The

1 board of the state-operated schools [DEPARTMENT], for the benefit of
2 schools in the state-operated school district, or the school board of
3 a borough or city school district, or a private or denominational school
4 may require that school safety patrols be established to assist pupils
5 to cross streets and highways adjacent to schools in safety.

6 * Sec. 26. AS 14.33.020(a) is amended to read:

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

11 * Sec. 27. AS 14.60.010(5) is amended to read:

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

15 * Sec. 28. AS 14.60.010(6) is amended to read:

16 (6) "school board" means the school board of a borough or
17 city school district or the Board of Directors of the State-Operated
18 School District.

19 * Sec. 29. AS 14.60.010 is amended by adding new paragraphs to read:

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

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

24 * Sec. 30. AS 39.05.060 is amended to read:

25 Sec. 39.05.060. APPOINTMENT, QUALIFICATIONS, AND TERMS OF OFFICE
26 OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS, OR COMMISSIONS. Each
27 member of the Local Boundary Commission, Alcoholic Beverage Control
28 Board, Employment Security Advisory Council, Alaska State Housing
29 Authority, Board of Fish and Game, Board of Tourism, [AND THE]

1 Commission for Northern Operations of Rail Transportation and Highways
2 and the Board of Directors for State-Operated Schools, shall be a
3 citizen of the United States. The governor shall appoint each member
4 on the basis of interest in public affairs, good judgment, knowledge
5 and ability in the field of action of the department for which ap-
6 pointed, and with a view to providing diversity of interest and points
7 of view in the membership. Appointments are subject to confirmation by
8 a majority of the members of the legislature in joint session. Initial
9 appointments of members are as follows: (1) in the case of three-
10 member boards, for one, two and three years; (2) in the case of five-
11 member boards, for one, two, three, four and five years; (3) in the
12 case of six-member boards, two members serve for one year, two for two
13 years, and two for three years; (4) and in the case of eight-member
14 boards, two members serve for one year, two for two years, two for
15 three years, and two for four years; (5) and in the case of 10-member
16 boards, two members serve for one year, two for two years, two for three
17 years, two for four years and two for five years. Initial terms date
18 from February 1 before appointment. A vacancy occurring during a term
19 of office is filled in the same manner as the original appointment is
20 made and for the balance of the unexpired term. Each member holds office
21 at the pleasure of the governor notwithstanding the member's term.

22 * Sec. 31. AS 39.25.110(8) is amended to read:

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

25 * Sec. 32. The status of the noncertificated employees of state-operated
26 schools is not changed by the provisions of this Act, and they shall continue
27 to be subject to the State Personnel Act.

28 * Sec. 33. The ownership of land and buildings used in relation to state-
29 operated schools shall remain vested in the state, and use permits shall be

1 given to the Alaska State-Operated School System. Construction required by
2 the Alaska State-Operated School System shall be performed by the Department
3 of Public Works.

4 * Sec. 34. AS 14.07.030(2)-(4), 14.07.040 and 14.07.160 are repealed.

5 * Sec. 35. AS 14.20.220(d) is repealed effective July 1, 1971.

6 * Sec. 36. Sec. 30 of this Act, and the following parts of sec. 1 of
7 this Act takes effect July 1, 1970: AS 14.08.030, 14.08.040, 14.08.060-
8 14.08.080, 14.08.130, and 14.08.150.

9 * Sec. 37. Secs. 2 - 29 and 31 - 33 of this Act and the following parts
10 of sec. 1 of this Act take effect July 1, 1971: AS 14.08.010, 14.08.020,
11 14.08.050, 14.08.090 - 14.08.110, and 14.08.140.