

Introduced: 2/7/73  
Referred: Health, Welfare &  
Education and Finance

1 IN THE HOUSE

BY THE HEALTH, WELFARE AND  
EDUCATION COMMITTEE

2 **CS** HOUSE BILL NO. 192  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public education in the unorganized  
7 borough; and providing for an effective date."

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

9 \* Section 1. AS 14 is amended by adding a new chapter to read:

10 CHAPTER 11. EDUCATIONAL SERVICE AREAS IN THE UNORGANIZED BOROUGH.

11 Sec. 14.11.005. PURPOSE. (a) It is the purpose of this chapter  
12 in establishing educational service areas to provide for public educa-  
13 tion in the unorganized borough thus encouraging maximum public parti-  
14 cipation in the state's public education system and ensuring that the  
15 system as it operates in rural Alaska will be responsive and account-  
16 able to the constituency it serves.

17 (b) Nothing in this chapter prohibits an organized borough, or a  
18 city or village or settlement in an unorganized area of the state from  
19 becoming part of or being formed into an organized unit of local  
20 government authorized by law.

21 Sec. 14.11.010. ESTABLISHMENT OF EDUCATIONAL SERVICE AREAS. The  
22 unorganized borough shall be divided into educational service areas by  
23 the state Board of Education on recommendation of the department.  
24 Consideration of the boundaries of an educational service area by the  
25 board shall follow a hearing held before one or more of its members  
26 as designated by the chairman. In establishing the boundaries of  
27 educational services areas, the board shall consider the location of  
28 existing administrative centers as well as other factors designed to  
29 ensure the creation of effective educational units and sound educa-

1 tional administration in rural Alaska.

2 Sec. 14.11.020. EDUCATIONAL SERVICE AREA BOARDS. Each educa-  
3 tional service area shall have an area school board which shall consist  
4 of five, seven, or nine members. The initial size of the area school  
5 board shall be determined by the department at the time that the educa-  
6 tional service area is established. However, the qualified voters in  
7 an educational service area may increase or decrease the number of area  
8 board members by placing the question on the ballot at a regular  
9 election or a special election at least 90 days prior to a regular  
10 election in the manner prescribed by law.

11 Sec. 14.11.030. EDUCATIONAL SERVICE AREA SCHOOL BOARD TERMS.

12 (a) The term of office of an educational service area school board  
13 member is three years and until a successor takes office. However,  
14 members of a newly created five member educational service area school  
15 board hold office for initial terms as follows: two for a term of  
16 three years, two for a term of two years, and one for a term of one  
17 year. The members of a newly created seven member educational service  
18 area school board hold office for initial terms as follows: three for a  
19 term of three years, two for a term of two years, and two for a term of  
20 one year. The members of a newly created nine member educational  
21 service area school board hold office for initial terms as follows:  
22 three members each for terms of three, two, and one years. Terms are  
23 assigned to new members by lot.

24 (b) When a transition occurs increasing the size of an educational  
25 service area school board, the length of terms of office of the new  
26 members shall be assigned by lot so as to create a seven or nine man  
27 board constituted as provided in subsection (a) of this section.

28 (c) When a transition occurs decreasing the size of an educational  
29 service area school board to five or seven, all terms of office end as

1 of the next educational service area school board election and the newly  
2 elected board shall constitute itself as provided in subsection (a) of  
3 this section.

4 (d) Nothing in this section prevents an educational service area  
5 school board member from succeeding himself.

6 Sec. 14.11.040. TRANSITION. The transition from one size  
7 educational service area school board to another size shall be made at  
8 the regular election following the vote to alter the size of the  
9 educational service area school board.

10 Sec. 14.11.050. QUALIFICATIONS, OATH, VACANCIES, ETC. The  
11 eligibility to be an educational service area school board member, oath  
12 of office, method of filling vacancies, and limitation of liability of  
13 a member are all governed by the provisions of AS 14.20.070 - 14.20.090  
14 and AS 14.12.120.

15 Sec. 14.11.060. POWERS AND DUTIES. An educational service area  
16 board has the same powers and duties as a city or borough district  
17 school board under AS 14.14.020, 14.14.050, 14.14.070 - 14.14.160 and  
18 14.14.250 - 14.14.300 except as provided otherwise by this chapter or  
19 other provisions of state law.

20 Sec. 14.11.070. CONTRACTS WITH SCHOOL DISTRICTS. (a) Where the  
21 department determines that it is not feasible for an educational  
22 service area to operate schools, including schools on military reserva-  
23 tions, the schools shall be operated by contract with an existing city  
24 or borough school district.

25 (b) No schools in an educational service area may be operated  
26 by contract with a school district which is more than 300 miles from  
27 any school in the educational service area.

28 (c) When the schools in an educational service area are operated  
29 by contract with a city or borough school district, the educational

1 service area school board shall serve as an advisory board to the school  
2 board of the operating district.

3 (d) An educational service area school board for an educational  
4 service area in which one or more schools are operated by contract as  
5 provided in this section shall be elected and constituted in the same  
6 manner as provided for other educational service area boards by this  
7 chapter. The powers and duties of an educational service area school  
8 board as to schools operated by contract under this section shall be  
9 provided for in the operations contract, but shall in no event exceed  
10 the powers and duties provided for in AS 14.11.060.

11 Sec. 14.11.080. COMMUNITY EDUCATION COMMITTEES. Any community  
12 in an educational service area may form a community education committee  
13 to advise the educational service area school board on educational  
14 concerns of the community.

15 Sec. 14.11.090. SUPPLIES AND EQUIPMENT. (a) An educational  
16 service area board may

17 (1) order, in advance of the school year for which required,  
18 necessary supplies and equipment for the educational service area;

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

21 (b) Nothing in this section may be construed to permit an  
22 educational service area board to obligate over 50 per cent of the  
23 amount requested by the department to be appropriated or authorized  
24 by the legislature for use by the educational service area board.

25 Sec. 14.11.100. BILINGUAL EDUCATION. A school in an educational  
26 service area which is attended by at least 15 pupils whose primary  
27 language is other than English shall have at least one teacher who  
28 is fluent in the native language of the area where the school is  
29 located. Written and other educational material, when language is a

1 factor, shall be presented in the language native to the area.

2 \* Sec. 2. AS 14.07.085(b) is amended to read:

3 (b) One member shall be appointed from each of the four judicial  
4 districts and three from the state at large with at least one member  
5 representing educational service area [STATE-OPERATED RURAL] schools.

6 \* Sec. 3. AS 14.12.010 is amended to read:

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

9 (1) each first [, SECOND, AND THIRD] class city in the  
10 unorganized borough is a city school district;

11 (2) each organized borough is a borough school district;

12 (3) the area outside organized boroughs and city school  
13 districts is made up of educational service areas established under  
14 AS 14.11 [OUTSIDE FIRST, SECOND, AND THIRD CLASS CITIES IS THE STATE-  
15 OPERATED SCHOOL DISTRICT].

16 \* Sec. 4. 14.12.020(a) is amended to read:

17 (a) Operation of educational service areas [THE STATE-OPERATED  
18 SCHOOL DISTRICT] is under the management and control of the department  
19 through the educational service area boards [BOARD OF THE STATE-OPERATED  
20 SCHOOLS].

21 \* Sec. 5. AS 14.12.020(c) is amended to read:

22 (c) The legislature shall provide to the Department of Education  
23 the state money necessary to maintain and operate each educational  
24 service area [THE STATE-OPERATED SCHOOL DISTRICT]. The borough  
25 assembly for a borough school district, and the city council for a city  
26 school district, shall provide the money which must be raised from  
27 local sources to maintain and operate the district.

28 \* Sec. 6. AS 14.14.090(4) is amended to read:

29 (4) transmit, when required by the assembly or council for

1 school districts or by the department for educational service areas  
2 but not more often than once a month, a summary report and statement of  
3 money expended;

4 \* Sec. 7. AS 14.14.105 is amended to read:

5 Sec. 14.14.105. SICK LEAVE BANK. A local school [DISTRICT]  
6 board, or the school board of an educational service area [DIRECTORS OF  
7 THE STATE-OPERATED SCHOOL SYSTEM] may establish a sick leave bank to  
8 enable a teacher, because of unusual circumstances, to draw not more  
9 than twice the number of days of sick leave the teacher has accumulated.  
10 The board may establish and administer the sick leave bank independently  
11 or jointly with teachers.

12 \*Sec. 8. AS 14.14.110 is amended to read:

13 Sec. 14.14.110. COOPERATION WITH OTHER DISTRICTS. When necessary  
14 to provide more efficient or more economical educational services,  
15 a district or educational service area may cooperate or the department  
16 may require a district or educational service area to cooperate with  
17 other districts, educational service areas [STATE-OPERATED SCHOOLS], or  
18 the Bureau of Indian Affairs in providing educational services or in  
19 establishing boarding and tuition arrangements, arrangements for the  
20 exchange of pupils or teachers, or other similar arrangements. However,  
21 if a cooperative arrangement requires pupils to live away from their  
22 usual homes, the school board or educational service area board shall  
23 provide classes within the attendance area when there are at least eight  
24 children eligible to attend elementary and secondary school in the  
25 attendance area.

26 \* Sec. 9. AS 14.17.210(a) is amended to read:

27 (a) An educational service area [A STATE] school which becomes a  
28 district school is considered an educational service area [A STATE]  
29 school for purposes of financial support until the expiration of a

1 complete fiscal year after the date on which the school becomes a  
2 district school. This subsection does not prevent a local government  
3 from spending money to contribute to the financial support of an  
4 educational service area [A STATE] school which becomes a district  
5 school.

6 \* Sec. 10. AS 14.17.210(c) is amended to read:

7 (c) In this section

8 (1) "educational service area [STATE] school" means a public  
9 school in an educational service area [OPERATED BY THE DEPARTMENT OF  
10 EDUCATION] and entirely financed by state money; and

11 (2) "district school" means a school which comes under the  
12 jurisdiction of a city or borough district.

13 \* Sec. 11. AS 14.17.250(3) is amended to read:

14 (3) "district" means any city or borough school district,  
15 but does not include schools in educational service areas [THE STATE-  
16 OPERATED SCHOOL DISTRICT];

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

18 (a) A teacher who has not acquired tenure rights is subject to  
19 nonretention for the school year following the expiration of his  
20 contract for any cause which the employer determines to be adequate.  
21 However, at his request, the teacher is entitled to a written statement  
22 of the cause for his nonretention. Each school [THE] board or  
23 educational service area board [OF DIRECTORS FOR STATE SCHOOLS, AND THE  
24 DISTRICTS FOR DISTRICT SCHOOLS,] shall provide by regulation or bylaw  
25 a procedure under which a nonretained teacher may, at his request, be  
26 heard informally by [A PANEL CONSISTING OF THE COMMISSIONER AND TWO OR  
27 MORE BOARD MEMBERS IN THE CASE OF STATE SCHOOLS, AND BY] the local  
28 school board or educational service area board [IN THE CASE OF A  
29 DISTRICT 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 receipt of the notification, notify the employer in writing that he  
4 requests a hearing before the school board [,] or educational service  
5 area board [IF THE TENURE TEACHER IS EMPLOYED BY THE STATE, BEFORE AN  
6 APPEAL PANEL CONSISTING OF THE DIRECTOR AND TWO MEMBERS OF THE BOARD].

7 The 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 14.20.180(c) is amended to read:

15 (c) Upon receipt of the notification requesting a hearing, the  
16 employer shall immediately arrange for a hearing, and shall notify the  
17 tenure teacher or administrator in writing of the date, time, and place  
18 of the hearing. A written transcript, tape, or similar recording of  
19 the proceedings shall be kept. Transcribed copies shall be furnished  
20 to the tenure teacher for cost upon his request. A final decision of  
21 the school board or educational service area board [OR THE APPEAL  
22 PANEL] requires a majority vote of the membership. The vote shall be  
23 by roll call. The final decision shall be written and contain specific  
24 findings of fact and conclusions of law. A written notification of the  
25 decision shall be furnished to the tenure teacher within 10 days of the  
26 date of the decision.

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

28 (2) "employer" means the school board, or educational service  
29 area board or superintendent which appoints the teacher [OR, IN THE

1 CASE OF A TEACHER IN THE STATE-OPERATED SCHOOLS, THE BOARD OF DIRECTORS  
2 FOR THE STATE-OPERATED SCHOOLS];

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

4 Sec. 14.20.230. ADMINISTRATORS' SALARIES. School boards or  
5 educational service area boards [OF DISTRICT SCHOOLS AND THE BOARD OF  
6 THE STATE-OPERATED SCHOOLS] shall pay a qualified school administrator  
7 a salary not less than the allowable amount for his position on the  
8 teachers' scale provided in sec. 220(a) - (c) of this chapter, plus

9 (1) 25 per cent for the chief school administrator of a  
10 district with an average daily membership of 500 or more;

11 (2) 20 per cent for the chief school administrator of a  
12 district with an ADM of less than 500;

13 (3) 15 per cent for a principal or other administrator;

14 (4) 10 per cent for an assistant principal.

15 \* Sec. 17. AS 14.20.310(a)(1) is amended to read:

16 (1) not more than one-half of one per cent of the total  
17 number of teachers from all borough and city [SCHOOL DISTRICTS] and  
18 educational service area schools [THE STATE-OPERATED SCHOOL DISTRICT]  
19 may be on state-supported sabbatical leave in any year;

20 \* Sec. 18. AS 14.20.320 is amended to read:

21 Sec. 14.20.320. RESPONSIBILITY OF TEACHER. Upon the return of  
22 a teacher to his teaching position, the teacher shall make a report to  
23 the governing body concerning his educational accomplishments. A  
24 teacher who does not serve for at least a full year after his return  
25 shall refund to the district or educational service area board, if the  
26 sabbatical leave was at district or educational service area expense,  
27 or to the department [BOARD OF STATE-OPERATED SCHOOLS], if the  
28 sabbatical leave was state-supported, money paid to him under sec. 310  
29 of this chapter unless his failure to serve a full year after return is

1       attributable to sickness, injury or death.

2       \* Sec. 19. AS 14.20.550 is amended to read:

3               Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. Each  
4 school board, and each educational service area board [THE BOARD OF  
5 DIRECTORS FOR THE STATE-OPERATED SCHOOLS], shall negotiate with its  
6 certificated employees in good faith on matters pertaining to their  
7 employment and the fulfillment of their professional duties.

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

9               (b) The board of an educational service area [STATE-OPERATED  
10 SCHOOLS] shall provide for special services in a school in the  
11 educational service area [STATE-OPERATED SCHOOL DISTRICT] for  
12 exceptional children represented by not less than five children residing  
13 in the area served by the school.

14       \* Sec. 21. AS 14.30.186(d) is amended to read:

15               (d) A school district or an educational service area [A STATE-  
16 OPERATED SCHOOL] required by secs. 10 - 305 of this chapter to provide  
17 special services for exceptional children may cooperate with one or  
18 more school districts or educational service areas [STATE-OPERATED  
19 SCHOOLS] in providing special classes. If, under the cooperative  
20 agreement, there are no special classes offered within a school district  
21 or educational service area [STATE-OPERATED SCHOOL] exceptional children  
22 may attend special classes in the cooperating school district or  
23 educational service area [STATE-OPERATED SCHOOL] providing the special  
24 classes.

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

26               Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board  
27 for a district [,] or educational service area [THE BOARD OF DIRECTORS  
28 FOR A SCHOOL IN THE STATE-OPERATED SCHOOL DISTRICT] in which special  
29 services are provided [FOR,] may waive part of the qualifications for

1 teachers as set out in sec. 250 of this chapter, if necessary, during  
2 the first school year special services are offered in the district or  
3 educational service area [IN THE SCHOOL IN THE STATE-OPERATED SCHOOL  
4 DISTRICT].

5 \* Sec. 23. AS 14.30.285(a) is amended to read:

6 (a) An exceptional child may be sent to another school district or  
7 educational service area [,] with the consent of the district [,] or  
8 educational service area board [STATE-OPERATED SCHOOL] if the child  
9 resides in a district or educational service [SCHOOL ATTENDANCE] area  
10 where there is no provision for classes or the special education class  
11 is not appropriate for the needs of the child.

12 \* Sec. 24. AS 14.30.285(b) is amended to read:

13 (b) If a school board or educational service area [DISTRICT, OR  
14 THE STATE DIRECTOR IF A STATE-OPERATED SCHOOL,] approves the enrollment  
15 of an exceptional child in another school district or educational  
16 service area [STATE-OPERATED SCHOOL APPROVED BY THE STATE DIRECTOR],  
17 and the child is enrolled in the institution, the child's education  
18 expenses shall be paid for as follows:

19 (1) the school district or educational service area [THE  
20 BOARD OF DIRECTORS FOR STATE-OPERATED SCHOOLS] shall pay the receiving  
21 district an amount of money equal to the receiving district or  
22 educational service area's [DISTRICT'S] local cost per pupil rate;

23 (2) the Department of Education [OR THE BOARD OF DIRECTORS  
24 FOR STATE-OPERATED SCHOOLS, RESPECTIVELY,] shall pay the remainder of  
25 the annual cost of the child's education, at a school within its  
26 jurisdiction, above that provided for in (b)(1) of this section.

27 \* Sec. 25. AS 14.30.295(b) is amended to read:

28 (b) If a school district or educational service area [THE  
29 STATE DIRECTOR, IF A STATE-OPERATED SCHOOL,] approves the enrollment of

1 an exceptional child in an out-of-state institution approved by the  
2 commissioner, and the child is enrolled in the institution, the child's  
3 education expenses shall be paid as follows:

4 (1) the school district or educational service area [THE  
5 BOARD OF THE STATE-OPERATED SCHOOLS, IF A STATE-OPERATED SCHOOL,] shall  
6 pay an amount equal to the local contribution toward the cost of  
7 education per pupil;

8 (2) the Department of Education [BOARD OF THE STATE-OPERATED  
9 SCHOOLS] shall pay whichever of the following amounts is less, but not  
10 to exceed \$6,000;

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

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

16 (3) the parent or guardian shall pay the remainder of the  
17 cost unless the school board or educational service area board [THE  
18 STATE DIRECTOR, IF A STATE-OPERATED SCHOOL,] determines upon the basis  
19 of standards set by the commissioner of education in cooperation with  
20 the Department of Health and Social Services, that the parent or  
21 guardian is unable to pay all or part of the remainder of the cost; the  
22 Department of Education [BOARD OF THE STATE-OPERATED SCHOOLS] shall pay  
23 the remainder of the cost which the parent or guardian is unable to pay.

24 \* Sec. 26. AS 14.33.010 is amended to read:

25 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The  
26 [BOARD OF THE STATE-OPERATED SCHOOLS, FOR THE BENEFIT OF SCHOOLS IN THE  
27 STATE-OPERATED SCHOOL DISTRICT, OR THE] school board of a borough  
28 or city school district or of an educational service area, or a private  
29 or denominational school may require that school safety patrols be

1 established to assist pupils to cross streets and highways adjacent  
2 to schools in safety.

3 \* Sec. 27. AS 14.33.020(a) is amended to read:

4 (a) If [THE STATE DIRECTOR,] a school board, or educational  
5 service area board or a private or denominational school determines that  
6 a safety patrol should be established for a school, the principal of the  
7 school shall appoint pupils in the school to serve as members of the  
8 patrol.

9 \* Sec. 28. AS 14.52.020(b) is amended to read:

10 (b) It is the intent of the legislature that insofar as the food  
11 service and nutrition education programs of city or borough school  
12 districts, or of educational service areas [THE STATE-OPERATED SCHOOLS]  
13 are affected by this chapter, the directives of this legislation are  
14 guidelines; the policies of this chapter are permissive and not  
15 mandatory.

16 \* Sec. 29. AS 14.60.010(5) is amended to read:

17 (5) "governing body" means the school board of a borough  
18 or city school district or the board of an educational service area  
19 [DIRECTORS FOR THE STATE-OPERATED SCHOOL DISTRICT];

20 \* Sec. 30. AS 14.60.010(6) is amended to read:

21 (6) "school board" means the school board of a borough or  
22 city school district or the board of an educational service area  
23 [DIRECTORS OF THE STATE-OPERATED SCHOOL DISTRICT];

24 \* Sec. 31. The ownership of land and buildings used in relation to  
25 educational service areas shall remain vested in the state, and use permits  
26 may be issued to the various educational service areas. Construction  
27 required on land and buildings used in relation to educational service  
28 areas shall be performed by the Department of Public Works.

29 \* Sec. 32. Appropriations, records, equipment, and other assets of the

1 state-operated school system are transferred to the department for redistri-  
2 bution to the educational service areas in a manner determined by the  
3 department. Appropriations and other money available and to become available  
4 to a school or area in the state-operated school district shall be available  
5 for the objects and purposes for which appropriated or otherwise made  
6 available, subject to terms, restrictions, limitations or other requirements  
7 imposed by this section or state or federal law. The financial liabilities  
8 of the state-operated school system not assumed by the department or an  
9 educational service area shall be assumed by the general fund of the state.  
10 All litigation, hearings, investigations, and other proceedings (except teach-  
11 er negotiations) which may be transferred by this Act, remain in effect and  
12 may be continued and completed notwithstanding a transfer or amendment  
13 provided for in this Act. Certificates, orders, rules or regulations issued  
14 or filed under authority of a law amended or repealed by this Act or  
15 functions which may be transferred by this Act, remain in effect for the  
16 term issued, until revoked, modified, or vacated under the provisions of  
17 this Act. All contracts or other vested obligations created by a law amended  
18 or repealed by this Act or by virtue of functions which may be transferred by  
19 this Act, and in effect on the effective date of this Act, remain in effect  
20 unless revoked, modified, or vacated under the provisions of this Act.

21 \* Sec. 33. AS 14.07.050 - 14.07.055, 14.08, 14.14.170 - 14.14.200,  
22 14.14.310, 14.60.010(7) and (8) and 39.05.060(8) are repealed.

23 \* Sec. 34. Section 1 of this Act takes effect on the day after its  
24 passage and approval or on the day it becomes law without approval.

25 \* Sec. 35. Sections 2 - 33 of this Act take effect on July 1, 1973.  
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