

Original sponsor: Health, Education and
Social Services Committee

Offered: 3/17/73
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR 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 on military bases
7 in Alaska; 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. MILITARY EDUCATIONAL SERVICE AREAS.

11 Sec. 14.11.005. PURPOSE. It is the purpose of this chapter in
12 establishing military educational service areas to provide for public
13 education on military bases in the unorganized borough and to encourage
14 maximum public participation in the state's public education system.

15 Sec. 14.11.010. ESTABLISHMENT OF MILITARY EDUCATIONAL SERVICE
16 AREAS. The military portions of the unorganized borough shall be
17 divided into military educational service areas corresponding to exist-
18 ing military base boundaries.

19 Sec. 14.11.020. MILITARY EDUCATIONAL SERVICE AREA BOARDS. Each
20 military educational service area shall have an area school board which
21 shall consist of five, seven, or nine members. The initial size of the
22 area school board shall be determined by the department at the time that
23 the educational service area is established. However, the qualified
24 voters in an educational service area may increase or decrease the
25 number of area board members by placing the question on the ballot at
26 a regular election or a special election at least 90 days before a regu-
27 lar election in the manner prescribed by law.

28 Sec. 14.11.030. MILITARY EDUCATIONAL SERVICE AREA SCHOOL BOARD
29 TERMS. (a) The term of office of a military educational service area

1 school board member is three years and until a successor takes office.
2 However, members of a newly created five-member military educational
3 service area school board hold office for initial terms as follows:
4 two for a term of three years, two for a term of two years, and one
5 for a term of one year. The members of a newly created seven-member
6 military educational service area school board hold office for initial
7 terms as follows: three for a term of three years, two for a term of
8 two years, and two for a term of one year. The members of a newly
9 created nine-member military educational service area school board hold
10 office for initial terms as follows: three members each for terms of
11 three, two, and one years. Terms are assigned to new members by lot.

12 (b) When a transition occurs increasing the size of a military
13 educational service area school board, the length of terms of office of
14 the new members shall be assigned by lot so as to create a seven or
15 nine man board constituted as provided in (a) of this section.

16 (c) When a transition occurs decreasing the size of a military
17 educational service area school board to five or seven, all terms of
18 office end as of the next military educational service area school
19 board election and the newly elected board shall constitute itself as
20 provided in (a) of this section.

21 (d) Nothing in this section prevents a military educational service
22 area school board member from succeeding himself.

23 Sec. 14.11.040. TRANSITION. The transition from one size mili-
24 tary educational service area school board to another size shall be
25 made at the regular election following the vote to alter the size of
26 the military educational service area school board.

27 Sec. 14.11.050. QUALIFICATIONS, OATH, VACANCIES, ETC. The
28 eligibility to be a military educational service area school board
29 member, oath of office, method of filling vacancies, and limitation

1 of liability of a member are all governed by the provisions of AS 14.-
2 20.070 - 14.20.090 and AS 14.12.120. Membership on the military
3 educational service area school board does not constitute a civil
4 office.

5 Sec. 14.11.060. POWERS AND DUTIES. A military educational service
6 area board has the same powers and duties as a city or borough district
7 school board under AS 14.14.020, 14.14.050, 14.14.070 - 14.14.160 and
8 14.14.250 - 14.14.300 except as provided otherwise by this chapter or
9 other provisions of state law. The military educational service area
10 board may operate schools itself or may choose to contract for the
11 operation of its schools with an adjacent city or borough school dis-
12 trict.

13 Sec. 14.11.080. SUPPLIES AND EQUIPMENT. (a) A military educa-
14 tional service area board may

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

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

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

24 * Sec. 2. AS 14.12.010 is repealed and re-enacted to read:

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

27 (1) each first class city in the unorganized borough is a
28 city school district;

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

1 (3) each military base is a military educational service
2 area;

3 (4) the area outside organized boroughs, city school dis-
4 tricts and military educational service areas is the rural state-
5 operated school district.

6 * Sec. 3. AS 14.12.020(a) is amended to read:

7 (a) Operation of military educational service areas [THE STATE-
8 OPERATED SCHOOL DISTRICT] is under the management and control of the
9 department through the military educational service area boards [BOARD
10 OF THE STATE-OPERATED SCHOOLS].

11 * Sec. 4. AS 14.12.020(c) is repealed and re-enacted to read:

12 (c) The legislature shall provide to the Department of Education
13 the state money necessary to maintain and operate each military educa-
14 tional service area. The legislature shall provide the money necessary
15 to maintain and operate the rural state-operated school district. The
16 borough assembly for a borough school district, and the city council
17 for a city school district, shall provide the money which must be raised
18 from local sources to maintain and operate the district.

19 * Sec. 5. AS 14.14.090(4) is amended to read:

20 (4) transmit, when required by the assembly or council for
21 school districts or by the department for military educational service
22 areas but not more often than once a month, a summary report and state-
23 ment of money expended;

24 * Sec. 6. AS 14.14.105 is amended to read:

25 Sec. 14.14.105. SICK LEAVE BANK. A local school [DISTRICT]
26 board, or the school board of a military educational service area or the
27 directors of the rural state-operated school system may establish a
28 sick leave bank to enable a teacher, because of unusual circumstances,
29 to draw not more than twice the number of days of sick leave the teacher

1 has accumulated. The board may establish and administer the sick
2 leave bank independently or jointly with teachers.

3 * Sec. 7. AS 14.14.110 is amended to read:

4 Sec. 14.14.110. COOPERATION WITH OTHER DISTRICTS. When necessary
5 to provide more efficient or more economical educational services,
6 a district or military educational service area may cooperate or the
7 department may require a district or military educational service area
8 to cooperate with other districts, military educational service areas,
9 the rural state-operated schools, or the Bureau of Indian Affairs in
10 providing educational services or in establishing boarding and tuition
11 arrangements, arrangements for the exchange of pupils or teachers, or
12 other similar arrangements. However, if a cooperative arrangement
13 requires pupils to live away from their usual homes, the school board
14 or military educational service area board or rural state-operated
15 school district shall provide classes within the attendance area when
16 there are at least eight children eligible to attend elementary and
17 secondary school in the attendance area.

18 * Sec. 8. AS 14.17.210(c) is amended to read:

19 (c) In this section

20 (1) "military educational service area [STATE] school" means
21 a public school in a military educational service area [OPERATED BY THE
22 DEPARTMENT OF EDUCATION AND] entirely financed by state money; and

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

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

26 (3) "district" means any city or borough school district,
27 but does not include schools in military educational service areas or
28 the rural state-operated school district [THE STATE-OPERATED SCHOOL
29 DISTRICT];

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

2 (a) A teacher who has not acquired tenure rights is subject to
3 nonretention for the school year following the expiration of his
4 contract for any cause which the employer determines to be adequate.
5 However, at his request, the teacher is entitled to a written statement
6 of the cause for his nonretention. Each school [THE] board or military
7 educational service area board or board of directors for rural state-
8 operated schools, and the districts for district schools, shall provide
9 by regulation or bylaw a procedure under which a nonretained teacher
10 may, at his request, be heard informally by [A PANEL CONSISTING OF THE
11 COMMISSIONER AND TWO OR MORE BOARD MEMBERS IN THE CASE OF STATE SCHOOLS,
12 AND BY] the local school board or military educational service area
13 board [IN THE CASE OF A DISTRICT SCHOOL].

14 * Sec. 11. AS 14.20.180(b) is amended to read:

15 (b) The tenure teacher may, within 15 days immediately following
16 receipt of the notification, notify the employer in writing that he
17 requests a hearing before the school board [,] or military educational
18 service area board [IF THE TENURE TEACHER IS EMPLOYED BY THE STATE,
19 BEFORE AN APPEAL PANEL CONSISTING OF THE DIRECTOR AND TWO MEMBERS OF THE
20 BOARD]. The tenure teacher may require in the notification that
21 (1) the hearing be either public or private,
22 (2) the hearing be under oath or affirmation,
23 (3) he have the right of cross-examination,
24 (4) he be represented by counsel,
25 (5) he have the right to subpoena a person who has made
26 allegations which are used as a basis for the decision of the employer.

27 * Sec. 12. AS 14.20.180(c) is amended to read:

28 (c) Upon receipt of the notification requesting a hearing, the
29 employer shall immediately arrange for a hearing, and shall notify the

1 tenure teacher or administrator in writing of the date, time, and place
2 of the hearing. A written transcript, tape, or similar recording of
3 the proceedings shall be kept. Transcribed copies shall be furnished
4 to the tenure teacher for cost upon his request. A final decision of
5 the school board or military educational service area board [OR THE
6 APPEAL PANEL] requires a majority vote of the membership. The vote
7 shall be by roll call. The final decision shall be written and con-
8 tain specific findings of fact and conclusions of law. A written noti-
9 fication of the decision shall be furnished to the tenure teacher within
10 10 days of the date of the decision.

11 * Sec. 13. AS 14.20.207(2) is amended to read:

12 (2) "employer" means the school board, or military educa-
13 tional service area board or superintendent which appoints the teacher
14 or, in the case of a teacher in the rural state-operated schools, the
15 board of directors for the rural state-operated schools;

16 * Sec. 14. AS 14.20.230 is amended to read:

17 Sec. 14.20.230. ADMINISTRATORS' SALARIES. Schools boards or
18 military educational service area boards [OF DISTRICT SCHOOLS] and the
19 board of the rural state-operated schools shall pay a qualified school
20 administrator a salary not less than the allowable amount for his posi-
21 tion on the teachers' scale provided in sec. 220(a) - (c) of this
22 chapter, plus

23 (1) 25 per cent for the chief school administrator of a
24 district with an average daily membership of 500 or more;

25 (2) 20 per cent for the chief school administrator of a
26 district with an ADM of less than 500;

27 (3) 15 per cent for a principal or other administrator;

28 (4) 10 per cent for an assistant principal.

29 * Sec. 15. AS 14.20.310(a)(1) is repealed and re-enacted to read:

1 (1) not more than one-half of one per cent of the total
2 number of teachers from all borough and city, military educational
3 service area schools and the rural state-operated school district may
4 be on state-supported sabbatical leave in any year;

5 * Sec. 16. AS 14.20.320 is amended to read:

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

16 * Sec. 17. AS 14.20.550 is repealed and re-enacted to read:

17 Sec. 14.20.550. NEGOTIATION WITH CERTIFICATED EMPLOYEES. Each
18 school board, each military educational service area board and the
19 board of directors for the rural state-operated schools, shall negoti-
20 ate with its certificated employees in good faith on matters pertaining
21 to their employment and the fulfillment of their professional duties.

22 * Sec. 18. AS 14.30.186(b) is amended to read:

23 (b) The board of a military educational service area and the
24 directors of rural state-operated schools shall provide for special
25 services in a school in the military educational service area and rural
26 state-operated school district for exceptional children represented
27 by not less than five children residing in the area served by the
28 school.

29 * Sec. 19. AS 14.30.186(d) is repealed and re-enacted to read:

1 (d) A school district, military educational service area or rural
2 state-operated school required by secs. 10 - 305 of this chapter to
3 provide special services for exceptional children may cooperate with
4 one or more school districts, military educational service areas or
5 rural state-operated schools in providing special classes. If, under
6 the cooperative agreement, there are no special classes offered within
7 a school district, military educational service area or rural state-
8 operated school, exceptional children may attend special classes in the
9 cooperating school district, military educational service area or
10 rural state-operated school providing the special classes.

11 * Sec. 20. AS 14.30.260 is repealed and re-enacted to read:

12 Sec. 14.30.260. EXCEPTION TO QUALIFICATIONS. The school board
13 for a district, military educational service area or the board of direc-
14 tors for a school in the rural state-operated school district in which
15 special services are provided may waive part of the qualifications for
16 teachers as set out in sec. 250 of this chapter, if necessary, during
17 the first school year special services are offered in the district,
18 military educational service area or in the school of the rural state-
19 operated school district.

20 * Sec. 21. AS 14.30.285(a) is repealed and re-enacted to read:

21 (a) An exceptional child may be sent to another school district,
22 military educational service area or rural state-operated school with
23 the consent of the district, military educational service area board
24 or rural state-operated school if the child resides in a school atten-
25 dance area where there is no provision for classes or the special
26 education class is not appropriate for the needs of the child.

27 * Sec. 22. AS 14.30.285(b) is repealed and re-enacted to read:

28 (b) If a school board or military educational service area board
29 or the state director of rural state-operated schools approves the

1 enrollment of an exceptional child in another school district or mili-
2 tary educational service area or approved rural state-operated school,
3 and the child is enrolled in the institution, the child's education
4 expenses shall be paid for as follows:

5 (1) the school district or military educational service
6 area or board of directors for rural state-operated schools shall pay
7 the receiving district an amount of money equal to the receiving dis-
8 trict, military educational service area's or rural state-operated
9 schools' local cost per pupil rate;

10 (2) the Department of Education, the military educational
11 service area board or the board of directors for rural state-operated
12 schools, respectively, shall pay the remainder of the annual cost of
13 the child's education, at a school within its jurisdiction, above that
14 provided for in (b)(1) of this section.

15 * Sec. 23. AS 14.30.295(b) is repealed and re-enacted to read:

16 (b) If a school district, military educational service area, or
17 the state director, if a rural state-operated school, approves the
18 enrollment of an exceptional child in an out-of-state institution
19 approved by the commissioner, and the child is enrolled in the insti-
20 tution, the child's education expenses shall be paid as follows:

21 (1) the school district, military educational service area
22 or the board of the rural state-operated schools, if a rural state-
23 operated school, shall pay an amount equal to the local contribution
24 toward the cost of education per pupil;

25 (2) the Department of Education or board of the state-
26 operated schools shall pay whichever of the following amounts is less,
27 but not more than \$6,000;

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

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

4 (3) the parent or guardian shall pay the remainder of the
5 cost unless the school board or military educational service area board,
6 or the state director, if a state-operated school, determines upon the
7 basis of standards set by the commissioner of education in cooperation
8 with the Department of Health and Social Services, that the parent or
9 guardian is unable to pay all or part of the remainder of the cost; the
10 Department of Education or board of the rural state-operated schools
11 shall pay the remainder of the cost which the parent or guardian is
12 unable to pay.

13 * Sec. 24. AS 14.33.010 is amended to read:

14 Sec. 14.33.010. REQUIREMENTS FOR SCHOOL SAFETY PATROLS. The
15 board of the rural state-operated schools, for the benefit of schools
16 in the state-operated school district, or the school board of a borough
17 or city school district or of a military educational service area, or
18 a private or denominational school may require that school safety patrols
19 be established to assist pupils to cross streets and highways adjacent
20 to schools in safety.

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

22 (a) If the state, director, a school board, or military educa-
23 tional service area board or a private or denominational school deter-
24 mines that a safety patrol should be established for a school, the
25 principal of the school shall appoint pupils in the school to serve as
26 members of the patrol.

27 * Sec. 26. AS 14.52.020(b) is repealed and re-enacted to read:

28 (b) It is the intent of the legislature that insofar as the food
29 service and nutrition education programs of city or borough school

1 districts, a military educational service area or the rural state-
2 operated schools are affected by this chapter, the directives of this
3 legislation are guidelines; the policies of this chapter are permissive
4 and not mandatory.

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

6 (5) "governing body" means the school board of a borough
7 or city school district or the board of a military educational service
8 area or the directors for the rural state-operated school district;

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

10 (6) "school board" means the school board of a borough or
11 city school district or the board of a military educational service area
12 or the directors of the rural state-operated school district;

13 * Sec. 29. Appropriations, records, equipment, and other assets of the
14 state-operated school system are transferred to the department for redistri-
15 bution to the military educational service areas in which they are located.
16 Appropriations and other money available and to become available to a school
17 or area in the state-operated school district shall be available for the
18 objects and purposes for which appropriated or otherwise made available,
19 subject to terms, restrictions, limitations or other requirements imposed by
20 this section or state or federal law. The financial liabilities of the
21 state-operated school system not assumed by the department or a military
22 educational service area shall be assumed by the general fund of the state.
23 All litigation, hearings, investigations, and other proceedings (except
24 teacher negotiations) which may be transferred by this Act, remain in effect
25 and may be continued and completed notwithstanding a transfer or amendment
26 provided for in this Act. Certificates, orders, rules or regulations issued
27 or filed under authority of a law amended or repealed by this Act or functions
28 which may be transferred by this Act, remain in effect for the term issued,
29 until revoked, modified, or vacated under the provisions of this Act. All

1 contracts or other vested obligations created by a law amended or repealed
2 by this Act or by virtue of functions which may be transferred by this Act,
3 and in effect on the effective date of this Act, remain in effect unless
4 revoked, modified, or vacated under the provisions of this Act.

5 * Sec. 30. AS 14.07.050 - 14.07.055, AS 14.08, AS 14.14.170 - 14.14.200,
6 14.14.310, AS 14.60.010(7) and (8) and AS 39.05.060(8) are repealed.

7 * Sec. 31. Section 1 of this Act takes effect on the day after its passage
8 and approval or on the day it becomes law without approval.

9 * Sec. 32. Sections 2 - 30 of this Act take effect on July 1, 1973.

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